



CITY COUNCIL

Meeting Agenda

REGULAR MEETING
COUNCIL CHAMBERS

MON, SEPTEMBER 8, 2008
7:00P.M.

OPENING MATTERS

CALL TO ORDER

INVOCATION: Pastor Lee Ritz, Hampden Mennonite Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of September 8, 2008

Consent Agenda Legislation

Resolution - authorizing the City of Reading to file a funding proposal through the Department of Community and Economic Development Early Intervention Program to request funding (\$50,000.00) of the total project cost (\$100,000.00) for the City to retain consultant services to complete a User Fee Study and an Assets Sales analysis (**Man Dir**)

Award of Contract - to Morganrail, Inc., 94 Willow Creek Road, Temple, PA 19560, at a total submitted bid price of \$123,390 for guide rail replacement along Duryea Drive for the Department of Public Works. Morganrail, Inc. is the low bidder to meet the specifications (**Purchasing**)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Bill No 55-2008 – Amending the City of Reading Codified Ordinances, Chapter 7 Housing which will amend the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance as referred to as Renewal Inspection; removes the word points from the ordinance and replaces it with violations; and amends the required Addendum to Rental Agreement to remove limitation of no more than 5 persons in rooms or common areas It is amended to refer to limit to habitable space per applicable Ordinances (**Law Dept**) *Introduced at the August 25 meeting of Council*

Bill No. 56-2008 - an ordinance creating a committee to assist, guide and participate in the amendment and revision of the City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) and Official Map (**Law Dept**) *Introduced at the August 25 meeting of Council*

Bill No. 57-2008 - amending the City Of Reading Code Of Ordinances Chapter 6, Part 7, School Time Curfew, to add a new section restricting loitering at any school building while school is in pertaining to prohibited conduct of juveniles on school days as attached in Exhibit A (**Police Dept**) *Introduced at the August 11 regular meeting; referred to the 9-2 Public Safety Committee*

Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts (**Councilor Marmarou & Council Staff**) *Introduced at the March 24 regular meeting of Council*

Ordinance - to amend the City of Reading Zoning Ordinance by amending the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and correcting the requirements of Residential Care Facility as a Conditional Use (**Law Department**) *Introduced at the August 20 special meeting; pending public hearing scheduled for October 8th*

Pending – Further Review Required

Bill No. 26-2008 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

Ordinance - amending the FY 2006-2012 capital improvement plan for the City of Reading (**Finance Department**) *Introduced at the June 23 regular meeting; Referred to the Finance & Public Works Committees; Referred to the 9-2 Public Safety Committee*

INTRODUCTION OF NEW ORDINANCES

Ordinance – Requiring the POW MIA flag be flown at all City owned public buildings
(Fuhs)

Ordinance – amending the Sidewalk Vendor Ordinance by changing the location
and increasing the number of mobile food vendors (**Council Staff**)

Ordinance - amending 1-271 of the City of Reading Personnel Code (Salary
Administration) by amending the Salary Range for the Community Development
Director (**Managing Director**)

Ordinance - set the Salary of the Community Development Director at \$95,000
(**Managing Director**)

Ordinance - amending the City Of Reading 2008 Full-Time Position Ordinance by
eliminating the Community Development Manager position and creating the Community
Development Director position (**Managing Director**)

Ordinance - setting the salary of the Managing Director at \$100,000 (**Mayor**)

Ordinance - amending the City of Reading Codified Ordinances, Property
Maintenance Code by changing the time for inspection from 3 years to not less than 3
and not more than 5 years throughout the ordinance to make it comply with the newly
enacted Housing Permit Ordinance (Law Dept)

RESOLUTIONS

Resolution 70-2008 – awarding the construction and project manager contract to
Hill International/Weston Solutions/ Hazen Sawyer at a not to exceed price of
\$7,825,075 for services at the City's Wastewater Treatment Plant and also authorizing
the issuance of an Advance Notice to Proceed to allow work to begin while the final
contract is being assembled and executed. (*Initiated through Citizen Petition
submitted Monday August 18, 2008*) **Tabled at the August 25 meeting**

Resolution – appointing Aldora Horne to the Fire Diversity Board (**Admin
Oversight**)

Resolution – appointing Marty Mayes as Community Development Director (**Law
Dept**)

Resolution – appointing Ryan P. Hottenstein as Managing Director (**Mayor**)

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, September 8th

Meeting with the Mayor – Mayor’s Office at 4 pm

Committee of the Whole – Council Office at 5 pm

Regular Meeting – Council Chambers at 7 pm

Wednesday, September 10th – *Meeting with the Reading School Board Postponed*

Thursday, September 11th

District 1 Town Meeting – Calvary Baptist Church Community Center – 7 pm

Monday, September 15th

Meeting with the Mayor – Mayor’s Office – 4 pm

Public Works Committee – Council Office – 5 pm

Administrative Oversight and Land Use Committee – Council Office 5 pm

Work Session – Penn Room – 7 pm

Monday, September 22nd

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, September 8

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Charter Board – Penn Room – 7 pm

Tuesday, September 9

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

15-1 – 928 Pearl St – 6:30 pm

Planning Commission – Penn Room – 7 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, September 10

Zoning Hearing Board – 5:30 pm
Center City Community Organization – Holy Cross Church – 6 pm
Greenwich Seed – Hope Lutheran Church – 6:30 pm

Thursday, September 11

Police Pension Board – Penn Room – 10 am
Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Sunday, September 14

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, September 15

Library Board – 113 S 4th St – 4 pm

Tuesday, September 16

Park and Recreation Advisory Committee – 3rd & Spruce Rec Center – 5:30 pm
Council of Neighborhoods – 11th & Pike Rec Center – 7:30 pm
HARB – Planning Conference Room – 7:30 pm

Wednesday, September 17

Officers and Employees Pension Board – Penn Room – 1:30 pm
Redevelopment Authority – Planning Conference Room – 5:30 pm
Community of Hope of the 6th Ward – Lauer’s Park Elementary School – 6:30 pm
UNO – Mennonite Church – 7 pm
Centre Park Historic District – Member’s Homes – 7:30 pm

Thursday, September 18

Convention Center Authority – Sovereign Center CEI Lounge – 7 am
Dare 2 Care – Bethel AME Church – 5:30 pm
Southeast People’s Voice – St. John’s UCC – 6 pm
Mulberry & Green Citizens Committee – St. Luke’s Lutheran Church – 6:30 pm

Friday, September 19

Fire Pension Board – Penn Room – 10 am

Monday, September 22

DID Authority – Reading Eagle 3rd floor Conference Room – noon

BARTA – BARTA Office – 3 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

Charter Board – Penn Room – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm



AGENDA MEMO

THOMAS McMAHON, MAYOR
RYAN HOTTENSTEIN, ACTING MANAGING DIRECTOR

TO: City Council
FROM: Ryan Hottenstein, Acting Managing Director
PREPARED BY: Cindy DeGroot, Grants Coordinator
MEETING DATE: September 8, 2008
AGENDA MEMO DATE: September 3, 2008
REQUESTED ACTION: Council approve a resolution to authorize the City of Reading to file a Pennsylvania Department of Community and Economic Development Early Intervention Program Funding Proposal for the City of Reading Early Intervention Program - Phase II

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the City of Reading to file a funding proposal through the Department of Community and Economic Development Early Intervention Program to request funding (\$50,000.00) of the total project cost (\$100,000.00) for the City to retain consultant services to complete a User Fee Study and an Assets Sales analysis.

BACKGROUND

The State Department of Community and Economic Development Early Intervention Program provides funding to assist local governments in addressing financial management. In 2006 the City of Reading adopted an Early Intervention Program study that advised the City to engage in a detailed analysis of its fee structure and the benefits arising from asset sales. The Early Intervention Program requires a signed program specific resolution as part of the proposal process. The local match (\$50,000.00) of the total project cost (\$100,000.00) has been allocated through the City's General Fund.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY

Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the City of Reading to file a PA Department of Community and Economic Early Intervention Program funding proposal for the City of Reading Early Intervention Program - Phase II.

RESOLUTION NO. _____

Resolution of the City of Reading authorizing the filing of a proposal for funds with the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania for the City of Reading Early Intervention Program-Phase II

WHEREAS, the City of Reading will be undertaking a project under the Early Intervention Program to retain consultant services to conduct a complete analysis of the City's fee structure and the benefits arising from City asset sales, and

WHEREAS, the City of Reading wishes to participate in said project, and

WHEREAS, the Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Early Intervention Program

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Reading hereby authorizes the City of Reading to make application for such a grant on our behalf.

AND BE IT FURTHER RESOLVED that the City Council of the City of Reading hereby authorizes the allocation of local resources in the amount of \$50,000.00 to said project.

Adopted this _____ of _____, 2008

Vaughn D. Spencer
President of Council

ATTEST:

Linda A. Kelleher
City Clerk



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: September 8, 2008
AGENDA MEMO DATE: September 3, 2008
RECOMMENDED ACTION: Awarding of Contract for guide rail replacement along Duryea Drive for the Department of Public Works.

RECOMMENDATION

The recommendation is to award the contract to Morganrail, Inc., 94 Willow Creek Road, Temple, PA 19560, at a total submitted bid price of \$123,390 for guide rail replacement along Duryea Drive for the Department of Public Works. Morganrail, Inc. is the low bidder to meet the specifications.

BACKGROUND

Bids for guide rail replacement along Duryea Drive for the Department of Public Works were received on August 22, 2008.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed that funds sufficient for this contract have been included in Account Code 34-07-71-4800, project #34-07-71-101.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the September 8, 2008 meeting.

RECOMMENDED BY

Mayor, Acting Managing Director, Directors of Finance and Public Works and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the guide rail replacement along Duryea Drive in order that the contract may be awarded to Morganrail, Inc.

cc: File

August 22, 2008

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 8001-08 FOR THE DURYEY DRIVE GUIDERAIL REPLACEMENT FOR THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA.

<u>BIDDER</u>	<u>TOTAL BID PRICE</u>
Morganrail, Inc. 94 Willow Creek Road P.O. Box 313 Temple, PA 19560	\$123,390.00
Wm. Orr and Son's, Inc. P.O. Box 407 Jonestown, PA 17038	\$143,630.00
M.L. Ruberton Construction Co., Inc. 1512 Mayslanding Road P.O. Box 564 Folsom, NJ 08037	\$159,600.00
Collinson, Inc. 1773 Pottstown Pike Glenmoore, PA 19343	\$205,650.00

HEATHER L. DUNKLE
Purchasing Coordinator

BILL NO. _____-2008

A N O R D I N A N C E

AMENDING CHAPTER 11 HOUSING - RENTAL OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing - Rental is amended as follows:

§11-105 RENEWAL OF RENTAL PERMIT

It shall be the responsibility of the owner of the dwelling unit or rooming unit to request and submit an application for renewal of a Rental Permit. The owner of every dwelling unit or rooming unit must renew his/her Rental Permit for each such dwelling unit or rooming unit each year by the first of December. An application for renewal of Rental Permit with the requisite fees may be submitted between October 1 and November 30 of each year. All renewal applications received after the first of December of each year shall be subject to revocation of the Rental Permit and/or doubling of the fee set forth herein. In addition, failure to pay / renew a Rental Permit by February 1 of each year will result in submission of the bill and account for a Rental Permit to collections for recovery. To renew a Rental Permit the owner must complete the application on the form prepared and provided by the Codes Enforcement Division and pay the applicable fee. Except as set forth in this Ordinance, ~~on a three year basis,~~ under **Renewal Inspection**, renewal of a Rental Permit is not subject to an inspection. An application for renewal of a Rental Permit may be denied resulting in nonrenewal of the permit as set forth herein. Failure of the owner to renew a permit will be considered a surrendering and revocation of the Rental Permit and will require vacation of all occupants / tenants of the dwelling unit or rooming. To obtain a Rental Permit after its surrender and revocation, the owner will have to submit a new initial application and undergo the requirements thereof. Any waiver of such requirements is at the discretion of the Codes Enforcement Division Manager or his/her designee.

§11-109 INSPECTION

A. INITIAL APPLICATION¹

Upon receipt of a fully completed application for an initial rental permit for a dwelling unit or rooming unit and receipt of payment of the applicable fee for rental permit, the Codes Enforcement Division shall within ten (10) days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than thirty (30) days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the Codes Enforcement Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner and inform them that they may obtain their Rental Permit from the City of Reading Codes Enforcement Division. In the event the Code Official determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Codes Enforcement Division shall be instructed not to issue the Rental Permit. Additionally, the Code Official shall issue a Notice of Violation as provided for in the appropriate Code. Further, if the violation is not corrected within the time frame established on the Notice of Violation, the Code Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Codes Enforcement Division of correction, remediation and/or abatement of the violation. Within ten (10) days of receipt of said notification from the owner, the Codes Enforcement Division shall schedule a reinspection of the dwelling unit or rooming unit to determine if the violations set forth in the Notice of Violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Codes Enforcement Division and in so doing authorize issuance of the Rental Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Rental Permit is issued.

B. ~~THREE YEAR~~ RENEWAL INSPECTIONS

¹ If a dwelling unit or rooming unit has undergone an inspection within the last ~~three (3)~~ five (5) years pursuant to the City of Reading Property Maintenance Code, they are not due for an inspection per said requirements, there are no outstanding issues from such inspection and permits for said dwelling unit were obtained therefor without the necessity of commencement of legal action by the City of Reading, said dwelling units and rooming will not be required to undergo an inspection for receipt of a Rental Permit for the 2007 - 2008 renewal permit. Said dwelling units or rooming units will be placed within their appropriate rotating renewal ~~three (3)~~ year inspection group and will be required to undergo an inspection at said time for renewal of a Rental Permit in that year rather it be the first or second and not the third renewal under this Ordinance.

An inspection of the dwelling unit or rooming unit shall be performed every ~~not less than every three (3) years nor more than every five (5) years.~~

Upon receipt of a fully completed application for a renewal Rental Permit, as provided for herein, not less than three (3) years nor more than five (5) years from application for and issuance of the initial Rental Permit for a dwelling unit or rooming unit and receipt of payment of the applicable fee for rental permit, the Codes Enforcement Division shall within ten (10) days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than thirty (30) days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the Codes Enforcement Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner and inform them that they may obtain their Rental Permit from the City of Reading Codes Enforcement Division. In the event the Code Official determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Codes Enforcement Division shall be instructed not to issue the Rental Permit. Additionally, the Code Official shall issue a Notice of Violation as provided for in the appropriate Code. Further, if the violation is not corrected within the time frame established on the Notice of Violation, the Code Official shall commence the appropriate legal proceedings as permitted by the applicable Code. In addition, should the Code Official find violations s/he shall also order the owner to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a Rental Permit. The property shall remain vacated until the Codes Official determine that the violations have remedied, corrected and/or abated. The owner shall notify the Codes Enforcement Division of correction, remediation and/or abatement of the violation. Within ten (10) days of receipt of said notification from the owner, the Codes Enforcement Division shall schedule a reinspection of the dwelling unit or rooming unit to determine if the violations set forth in the Notice of Violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Codes Enforcement Division and in so doing authorize issuance of the Rental Permit.

Comment [m1]: Must have submitted to most recent 3 year inspection per the City PMC within year preceeding 3 year renewal period

F. FAILURE TO APPEAR FOR INSPECTION

If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than twenty-four (24) hour written notice to the Codes Enforcement Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of Fifty Dollars (\$ 50.00) will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of One Hundred Dollars (\$100.00) shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this Code or the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for an inspection as part of an initial application or ~~three-year~~ *renewal* inspection as required to obtain a Rental Permit and the time necessary to reschedule an inspection shall extend the time provided the City of Reading to schedule an inspection per said requirements and make a determination on an application. Additionally, failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

§11-110 PERMIT

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Chapter, the City of Reading Codes Enforcement Division shall issue a Permit thereto in a form on paper under the letterhead of the City of Reading Codes Enforcement Division prepared thereby which shall include but not be limited to the following:

1. Name, mailing address and telephone number of owner.
2. Name, mailing address and telephone numbers, business and cell of local responsible agent.
3. Number of occupants / tenants permitted to occupy said dwelling unit or rooming unit as authorized by the City of Reading Codified Ordinances, including but not limited to the Zoning Ordinance and Property Maintenance Code.
4. Date of last application inspection, e.g., initial or ~~three-year~~ *renewal*.

5. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
6. Date of issuance of permit.
7. Date of required renewal of permit.
8. Printed name of person issuing permit.

§ 11-116 FEES FOR RENTAL PERMIT

A. FEE SCHEDULE

Fees required for application of Rental Permit shall be:

1. PERMIT
 - a. Single rented dwelling unit \$50 per year
 - b. Each single room (rooming unit) \$25 per year
2. REINSPECTION

The initial and first subsequent inspection upon an application for either an initial or ~~three-year~~ renewal shall be included in the Permit Fee. A fee in the amount of \$ 25 shall be charged for any second or subsequent inspection required for approval of an initial or three year renewal application.

§11-120 DENIAL OR NONRENEWAL OF A RENTAL PERMIT FOR FAILURE TO COMPLY WITH APPLICATION, CHAPTER AND/OR FAILURE TO PASS INSPECTION

B. BASIS FOR DENIAL OR NONRENEWAL UNDER THIS SUBCHAPTER

1. A Rental Permit shall be denied and/or nonrenewed upon failure of the owner to comply with the application requirements set forth in this Chapter.
2. An application for an initial or renewed permit shall also be denied upon proof of failure of owner or local responsible agent to comply with the requirements of this Chapter including but not

limited to the posting requirements, submission of tenant listing, fail to appear for more than one (1) schedule inspection, failure to appear for a scheduled court hearing and non compliance with owner's duties.

3. A Rental Permit shall not be issued or renewed upon the failure of dwelling unit or rooming unit to pass an initial or a ~~three year~~ renewal inspection as required by subsection 11-109(A) and (B) of this Chapter.

4. A Rental Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances, including but not limited International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, Property Maintenance Code, Solid Waste and Recycling Ordinance, Health Code and Zoning Ordinance, or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared unfit for human habitation and/or condemned by appropriate authority with jurisdiction or an owner or his/her local responsible agent fails to appear in court for a hearing regarding a violation of the aforesaid Codes of the City of Reading.

B. C. NOTICE

Notification of the decision to deny or not renew an application for an initial or renewal of a Rental Permit shall be issued by the Codes Enforcement Division Manager or his/her designee within fifteen (15) working days of receipt of the application. The notification shall specify the reason for denial or refusal or renew an application for a Rental Permit citing the requirement therefor. Said notice shall be in accord with the requirements therefor of this Chapter.

C. D. RIGHT TO CURE

At the discretion of the Codes Enforcement Manager or his/her designee notification of the denial or nonrenewal of a Rental Permit may provide the owner an opportunity to cure the basis for the denial or nonrenewal. If said opportunity is provided, the notification must specify the time period provided for curing of the basis for the denial or refusal to renew a Rental Permit. Upon failure of the owner or local responsible agent to cure the basis for the denial within the time period given, the decision of the Codes Enforcement Division Manager of his/her designee to deny or not

renew a Rental Permit shall stand and the sole recourse shall be an appeal. Nothing in this section is to be interpreted to override the requirements and right to resolve failure to pass inspection as required above as part of the initial and ~~three-year~~ renewal inspection process.

D. E. APPEAL

The denial of an initial or renewal application for a Rental Permit for the reasons set forth above may be appealed to the Housing Board of Appeals by submission of such a request with payment of the appropriate fee made in writing to the Manager of the Codes Enforcement Division within ten (10) days of receipt of notification of such denial.

§11-121 SUSPENSION OR REVOCATION OF RENTAL PERMIT

C. EFFECT OF SUSPENSION

Upon the commencement of suspension or revocation, the dwelling unit or rooming unit shall be secured by the owner, and no person, firm, or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental license for such unit is suspended or revoked. The transfer of the ownership of a rental property by an owner to an entity in which such owner holds an ownership or equity interest will not void the existing ~~accumulated points~~ violations relating to such rental property or void any existing suspension or revocation relating to such rental property.

E. REINSTATEMENT OF RENTAL PERMIT

The rental unit involved shall not have its Rental Permit reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are ~~points~~ violations assessed against the owner per the provisions of this Ordinance which require suspension or revocation, a Rental Permit shall not be reinstated until compliance with the requirements therefor have occurred.

SECTION 2: The Addendum to the Rental Agreement in Chapter 11 entitled Housing - Rental is amended as follows:

ADDENDUM TO RENTAL AGREEMENT

This Addendum to Rental Agreement is made this day of _____, _____, 20__ and is incorporated into and shall be deemed and amend and supplement the Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated _____. The Rental Agreement and this Addendum pertain to the premises described in said agreement and located at _____.

This Addendum is required by the Certification of Rental Units Ordinance of the City of Reading.

ADDITIONAL COVENANTS AND OBLIGATIONS

In addition to the covenants and obligations set forth in the aforementioned Rental Agreement, Tenant and Landlord hereby covenant and agree as follows:

A. Landlord's Covenants and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable Codes and Ordinances of the City of Reading and all applicable state laws and shall keep the leased premises in good and safe condition.

2. The local responsible agent for the leased premises shall be as follows:

Name

Address

Telephone Number

3. The Landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the Tenant and which are identified as follows:

4. The Landlord shall promptly respond to reasonable complaints and inquiries from the Tenant.

5. The Landlord shall comply with all applicable provisions of the Landlord/Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable Codes and Ordinances of the City of Reading and all applicable state laws.

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time ~~shall be five~~ and the maximum number of persons permitted within the common areas of the leased premises at any time shall be five in accordance with the habitability requirements and occupancy limits provided for in the International Building Code as adopted by the City of Reading, International Existing Building Code as adopted by the City of Reading, International Fire Code as adopted by the City of Reading, International Residential Code as adopted by the City of Reading, City of Reading Property Maintenance Code, and City of Reading Zoning Ordinance.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with the City of Reading's Solid Waste and Recycling Ordinances.

4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

6. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct" which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises, such that a report is made to a Police

Officer and/or a Public Officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Public Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrence. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing."

8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Codified Ordinances of the City of Reading including but not limited to the Housing Ordinance/ Code, the Health Code, the Property Maintenance Code and the Solid Waste and Recycling Ordinances, and that the issuance by a Public Officer or Police Officer of the City of Reading of three disruptive conduct reports in any 12-month period relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:

- a. Termination of the rental agreement without prior notice; and
- b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and
- c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and
- d. Bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

SECTION 3: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing - Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 4: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 5: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

Council President

Attest:

City Clerk
(LAW)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____-2008

A N O R D I N A N C E

AN ORDINANCE CREATING A COMMITTEE TO ASSIST, GUIDE AND PARTICIPATE IN THE AMENDING, REVISING AND REWRITING OF THE CITY OF READING ZONING ORDINANCE, SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (SALDO) AND OFFICIAL MAP

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. A Committee is hereby formed to assist, guide and participate in the amending, revising and rewriting of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map.

Said committee shall consist of the following:

Two (2) representatives of the City of Reading City Council,

Two (2) representatives of the City of Reading Zoning Hearing Board,

Two (2) representatives of the City of Reading Planning Commission,

One (1) realtor whom either resides in the City of Reading, has a significant business interest in the City of Reading or a principal office in the City of Reading, and

One (1) attorney whom practice emphasizes in municipal law / solicitor work not employed or contracted with the City of Reading which either resides in the City of Reading, has a significant business interest in the City of Reading or a principal office in the City of Reading.

Representatives of City Council, Zoning Hearing Board and Planning Commission shall be appointed by their respective council, board or commission. Such council, boards or commission may appoint an alternate should one (1) of the appointed persons shall be unable to attend. The other members shall be appointed by the City of Reading City Council.

The City of Reading Engineer, Planner, Zoning Administrator, and Solicitor or their designee shall serve the Committee in an advisory non voting status.

All aforesaid persons shall work with the Consultant retained by the City of Reading, Urban Research and Development Corporation in developing, drafting, amending, and similar matters of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map.

The Committee shall act in an advisory capacity by providing guidance including undertaking of votes on issues as to direction of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map. It is anticipated that the Committee shall be meet on a regular monthly basis until completion of the draft City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map. The Committee shall be disbanded and this Ordinance repealed three (3) months after adoption of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map.

Adoption of any revision to the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO) and Official Map shall be in accordance with the Pennsylvania Municipalities Planning Code 53 P.S. §10101 et seq and the City of Reading Codified Ordinances.

SECTION 2. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2008
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 6, PART 7, SCHOOL TIME CURFEW, TO ADD A NEW SECTION PERTAINING TO PROHIBITED CONDUCT OF JUVENILES ON SCHOOL DAYS AND ADDING THIS NEW SECTION TO THE ENFORCEMENT PROCEDURE; CHANGING THE END TIMES FOR PROHIBITED CONDUCT AND DEFINING GRADE SCHOOL, AS ATTACHED IN EXHIBIT A.

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Whereas, the City of Reading has an obligation to provide for the protection of juveniles from each other and other persons; for the protection of the general public; and for the reduction of the incidents of criminal activity.

Whereas, loitering around school buildings creates safety hazards for students, City residents and visitors; and

Whereas, the City of Reading City Council enacts this legislation to further prohibit juveniles from loitering in the vicinity of school buildings to protect students, residents and visitors against crime and undue annoyance.

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6, Conduct, Part 7, School Time Curfew, to protect the public safety, health and welfare of all in our community as attached in Exhibit A.

SECTION 2. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

EXHIBIT A

PART 76
SCHOOL TIME CURFEW

§6-701. Background.

The City of Reading and community have legitimate concerns regarding the refusal or failure of juveniles to attend school as required by the Compulsory Attendance Statute of the Commonwealth, with evidence that juveniles who refuse to attend school are more likely to not complete elementary or secondary education and are more likely to engage in misconduct injurious to themselves or other persons or property.
(Ord. 13-2001, 6/11/2001, §1)

§6-702. Purpose.

The City of Reading has an obligation to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental responsibility for acts of their children, for the protection of the general public, and for the reduction of the incidents of juvenile criminal activity. The City also desires to promote the safety and good order of the community by encouraging parental responsibility and helping to eradicate or minimize the occurrences of rowdiness, vandalism, harassment, graffiti, theft, drug dealing, drug use, and other behaviors of juveniles as well as the harm done by juveniles to the community.
(Ord. 13-2001, 6/11/2001, §2)

§6-703. Definitions.

ESTABLISHMENT - any privately owned place of business operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.

GRADE SCHOOL - any elementary or secondary institution.

GUARDIAN - a person who, under court order, is the guardian of a juvenile, or a public or private agency with which a juvenile has been placed by a court of competent jurisdiction.

HOMESCHOOL - applies to children legally authorized to participate in a Home Education Program conducted in compliance with §1327.1 of the Public School Code.
(Ord. 13-2001, 6/11/2001, §3)

JUVENILE - any unmarried person over 7 years of age and under 17 years of age or a person over 17 years of age and less than 18 years of age who is enrolled in or subject to compulsory education.

LOITERING - to physically be on the property of an establishment or public place.

OPERATOR - any individual, firm, association, partnership, corporation, or other entity, operating, managing or conducting any establishment. The term "operator" includes the members, owner or partners of an association, partnership or other similar entity and the officers of a corporation.

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PARENT - a person who is the birth parent, step-parent or adoptive parent of a juvenile. As used herein, "parent" shall also include a court-appointed guardian or other person, 18 years of age or older, authorized by the parent, a court order, or by the court-appointed guardian to have the care and custody of the juvenile.

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PUBLIC PLACE - any location to which the public or a substantial group of the public has access and includes, but is not limited to streets, sidewalks, the common areas of schools, parks, hospitals, apartment houses, office buildings, transport facilities, shopping centers, malls and other such common areas.

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REMAIN - to fail to immediately leave specific premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

SCHOOL - any public, private; denominational, charter or parochial education institution that is licensed, or exempt from licensing, by the Commonwealth of Pennsylvania or any other state or government, including any alternative program of study, including a homeschool, or workstudy offered by such an institution and any degree granting institution of higher education as prescribed in the regulations of the Board of Education.

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§6-704. Unlawful Activity.

1. It shall be unlawful for any juvenile who is subject to compulsory education to loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place, or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through ~~3:10~~ **3:30** p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to §6-705.

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2. It shall be unlawful for any juvenile who is subject to compulsory continuing/alterative education to loiter, wander or be in or upon a public street, road, alley, park, playground, or other public place or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through ~~3:10~~ **3:30** p.m. p.m. on any day for which the school at which such juvenile is enrolled is in session, subject to §6-705.

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3. It shall be unlawful for the parent(s) or guardian (s) of any juvenile to knowingly permit or allow the juvenile to remain in, loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place or the premises of any establishment, vacant lot or any unsupervised place from 8:30 a.m. through ~~3:10~~ **3:30** p.m. p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to §6-705.

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4. No operator of an establishment or the agents or employees thereof shall knowingly permit any juvenile to remain in or about any public place or any establishment between the hours of 8:30 a.m. and ~~3:10~~ **3:30** p.m. p.m. during any day on which the school in which the juvenile is enrolled is in session.

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(Ord. 13-2001, 6/11/2001, §4)

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5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:00 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I.

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§6-705. Defenses.

It is a defense to prosecution under this Part:

- A. That the juvenile is accompanied by his or her parent(s), guardian(s), or other adult(s) who has the care or custody of the juvenile.
- B. That the juvenile is on an emergency errand (without any detour or stop) directed by his or her parent(s), guardians) or other adult(s) who has the care or custody of the juvenile.
- C. That the juvenile is going to or coming directly from, without detour or stop, with permission, his or her place of school or approved employment, which includes vocational training.
- D. That the juvenile is going to or coming directly from a medical appointment or an emergency.
- E. That the juvenile has permission to leave the school campus for lunch or a school-related activity or has possession of a valid school-issued off-campus permit.
- F. That the juvenile is going to or coming from a continuing/alternative education activity.
- G. That the juvenile is attending an official school, religious or other recreational activity supervised by adults or sponsored by the City of Reading or other governmental entity, a civic organization, or another similar entity that takes responsibility for the juvenile and that the parent(s) or guardian (s) has given permission for the student to attend such activity.
- H. That the juvenile is going to or returning from, without any detour or stop, of the foregoing in subsection (G).
- I. That the juvenile is going to or coming from any government-sponsored activity.
- J. That the compulsory education or continuing/alternative education to which the juvenile is subject is not in session.

(Ord. 13-2001, 6/11/2001, §5)

§6-706. Enforcement Procedure.

- 1. Upon a juvenile's failure to comply with §6-704 (1) (2) or (5) of this Part, a police officer shall issue a citation to the juvenile and transport the juvenile home or to the school from which the juvenile is absent. If cited, the juvenile and parent(s) or guardian(s) shall appear in district justice court. The parent(s) or guardian(s) shall be forwarded a copy of the citation of the juvenile, and said citation will be mailed via certified mail, return receipt requested, and will include a warning that the parent(s) is (are) responsible and liable as the juvenile's parent(s). Any and all records of such citations shall be maintained in the City's database. Each violation shall constitute a separate offense.
- 2. If the parent(s) or guardian(s) has (have) been warned pursuant to subsection (1) hereof, then the officer may issue a citation to the parent(s) or guardian(s) for every subsequent violation of this Part. Each violation shall constitute a separate offense.
- 3. Once a citation is issued, pursuant to subsection (2) hereof, each and every subsequent violation of this Part is cause for an officer to issue a citation to the parent(s) or guardian(s) of the juvenile.

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4. If any operator of an establishment or any agents or employees of any operator fail to comply with the provisions of this Part, a police officer shall issue a citation for said violation. Each violation shall constitute a separate offense. (Ord. 13-2001, 6/11/2001, §6)

§6-707. Penalties.

1. Any juvenile, parent(s) or guardian(s), individual(s), or operator(s) convicted of violating any Section of this Part shall be subject to the following:

A. **First Offense.** \$ 50.00, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and/or school principal.

B. **Second Offense.** \$100.00, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and principal.

2. Any juvenile, parent(s) or guardian(s), individual(s) or operator(s) convicted of violating any Section of this Part for a third and every subsequent offense, may be subject to a fine not less than \$300.00 or more than \$1,000.00, plus costs and performance of community service as set forth in subsection (1).

3. Any community service required will not exceed 40 hours in a month and will be completed within 30 days from the date of the violation; community service imposed on a juvenile will not be completed by the juvenile during his or her hours of school attendance or related employment

(Ord. 13-2001, 6/11/2001, §7)

§6-708. Delegation.

Appropriate City officials, including members of the Police Department, authorized members of the Reading School District, including truancy enforcement and school safety officers, Children Youth Service employees and juvenile probation officers are authorized and directed to take such actions as are necessary to effectuate this Part.

(Ord. 13-2001, 6/11/2001, §8)

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The text of Chapter 6, Part 7, Section 703, Definitions, is hereby amended to include as follows:¶

¶
Loitering – remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.¶

¶
The text of Chapter 6, Part 7, Section 704, Unlawful Activity, is hereby amended to include as follows:¶

¶
5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:30 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I. ¶

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BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A," TO AMEND THE DEFINITIONS OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFORE IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to amend the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and to correct the requirements of Residential Care Facility as a Conditional Use

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED

§27-2202. General Definitions is hereby amended to amend or add the following words, terms and definitions:

LIFE CARE RETIREMENT FACILITY - a planned residential community, building or part thereof for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes "retirement homes," "assisted or independent living facilities," "personal care home" and similar uses. Excludes "residential care facilities."

NURSING HOME - a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four or more persons. The term "Nursing Home" shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, infirmaries contained within homes for the aged and personal care home. Excludes "residential care facilities."

PART 8
DISTRICTS

§27-804 R-3 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

PART 8
DISTRICTS

§27-808 C-R is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

PART 12
PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1202. Conditions for Special Exception Uses is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses in the R-2, R-3 and C-R City of Reading Zoning Districts:

27-1202(19) Life Care Retirement Facility and Nursing Home as defined herein shall be permitted as special exceptions in the City of Reading Zoning Districts R-2, R-3 and C-R, provided that the following standards are met, all requirements therefor under this Ordinance, along with any other stipulations set forth by the Zoning Hearing Board:

A. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).

G. One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

§27-1202. **Conditions for Conditional Uses** is hereby amended as follows:

7. **Residential Care Facility.** Residential care facilities, which shall include group care facilities and group care institutions, may be permitted in the R-3 zoning district as a ~~special exception~~ conditional use, provided that the following standards are met along with any other requirements deemed necessary by ~~the Zoning Hearing Board~~ City Council. Group care facilities shall be permitted in the R-2 and C-R zoning districts by ~~special exception~~ conditional use.

A. The following standards shall be for all residential care facilities:

- (1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- (2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.
- (3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.
- (4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.
- (5) The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

B. The following standards are for all group care facilities:

- (1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.
- (2) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.
- (3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.
- (4) No more than two live-in supervisors shall reside in the group care facility.
- (5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the

residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

~~(6)~~ C. The following standards are for all group care institutions.

~~(7)~~ 1. The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

~~(8)~~ 2. A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

~~(9)~~ 3. At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

~~(10)~~ 4. The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

PART 16

OFF-STREET PARKING AND LOADING

§27-1603. Off-Street Parking Standards is hereby amended to add the following:

EE: Life Care Retirement Facility and Nursing Home – One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

BILL NO. _____ 2008

AN ORDINANCE

AN ORDINANCE AMENDING THE FY 2006-2012 CAPITAL IMPROVEMENT PLAN FOR THE CITY OF READING.

SECTION 1. The City Council amends the FY 2006-2012 Capital Improvement Program totaling \$26,631,666.00 of debt financing which, when compared to the FY 2006-2011 approved Capital Improvements Program will reflect deletions, insertion, postponements and rescheduling of certain capital projects and establishes levels of funding for each of the four remaining plan years; and

SECTION 2. The proposed amendments are set forth in Exhibit A, as attached hereto and made a part hereof.

SECTION 3. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

EXHIBIT A

**CITY OF READING
CAPITAL IMPROVEMENTS PROGRAM
FY 2006 - FY 2012**

PROJECT	YEAR	PROJ. COST	DEBT FINANCING	EXPENDITURES TO DATE	BALANCE	AMENDMENT	NEW BUDGET	STATUS
2006								
FIRE REPLACE RESCUE 1	2006	\$450,000.00	\$450,000.00	\$462,441.00	(\$12,441.00)	\$12,441.00	\$462,441.00	COMPLETED
IT DISASTER RECOVERY	2006	\$1,250,000.00	\$1,250,000.00	\$1,252,025.00	(\$2,025.00)	\$2,025.00	\$1,252,025.00	COMPLETED
IT Uninterrupted Power Source	2006	\$67,000.00	\$67,000.00	\$16,900.00	\$50,100.00	\$0.00	\$67,000.00	IN PROGRESS
IT PURCHASE GIS SYSTEM FOR CITYWIDE*	2006	\$3,000,000.00	\$750,000.00	\$91,779.00	\$658,221.00	(\$568,221.00)	\$181,779.00	IN PROGRESS
FIRE BUILD OAKBROOK FIRE STATION	2006	\$1,500,000.00	\$1,500,000.00	\$428,058.00	\$1,071,942.00	\$1,200,000.00	\$2,700,000.00	IN PROGRESS
POLICE RANGE CLASSROOM ADDITION	2006	\$52,000.00	\$52,000.00	\$0.00	\$52,000.00	\$200,000.00	\$252,000.00	IN PROGRESS
PW PUBLIC PROPERTY CITY HALL ROOF	2006	\$100,000.00	\$100,000.00	\$7,000.00	\$93,000.00	\$0.00	\$100,000.00	IN PROGRESS
Penn Street Bridge Lighting Repairs	2006	\$87,000.00	\$87,000.00	\$0.00	\$87,000.00	\$0.00	\$87,000.00	IN PROGRESS
PW HIGHWAYS SALT BRINE EQUIPMENT	2006	\$50,000.00	\$50,000.00	\$33,393.00	\$16,607.00	(\$16,607.00)	\$33,393.00	COMPLETED
LIBRARY NORTHWEST BRANCH REPAIRS	2007	\$60,000.00	\$60,000.00	\$17,000.00	\$43,000.00	\$0.00	\$60,000.00	IN PROGRESS
POLICE EVIDENCE ROOM EXPANSION	2006	\$200,000.00	\$200,000.00	\$10,472.00	\$189,528.00	\$50,000.00	\$250,000.00	IN PROGRESS
PW PUBLIC PROPERTY STADIUM HIGH MAST REPLACEMENT	2006	\$152,000.00	\$152,000.00	\$115,290.00	\$36,710.00	(\$36,710.00)	\$115,290.00	COMPLETED
PW RECREATION BAER PARK PLAYGROUND RENOVATION	2006	\$100,000.00	\$50,000.00	\$3,975.00	\$46,025.00	\$0.00	\$50,000.00	IN PROGRESS
IT AC Unit	2006	\$100,000.00	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$100,000.00	COMPLETED
TOTAL		\$7,168,000.00	\$4,868,000.00	\$2,538,333.00	\$2,329,667	\$842,928	\$5,710,928.00	
2007								
FIRE REPLACE ENGINE 14	2007	\$475,000.00	\$475,000.00	\$473,538.00	\$1,462.00	(\$1,462.00)	\$473,538.00	COMPLETED
POLICE Downtown Camera Network	2007	\$1,785,000.00	\$390,000.00	\$91,560.00	\$298,440.00	\$0.00	\$390,000.00	IN PROGRESS

LIBRARY MAIN BRANCH RENOVATION	2007	\$140,000.00	\$140,000.00	\$0.00	\$40,000.00	(\$100,000.00)	\$40,000.00	IN PROGRESS
PW RECREATION CITY PARK RENOVATION	2007	\$1,050,000.00	\$1,500,000.00	\$49,504.00	\$1,450,496.00	\$0.00	\$1,500,000.00	COMPLETED
PW HIGHWAYS TRASH COMPACTOR TRUCK	2007	\$120,000.00	\$120,000.00	\$103,394.00	\$16,606.00	(\$16,606.00)	\$103,394.00	COMPLETED
PW PUBLIC PROPERTY BANDSHELL REHABILITATION	2007	\$80,000.00	\$80,000.00	\$45,337.00	\$34,663.00	\$0.00	\$80,000.00	IN PROGRESS
PW PUBLIC PROPERTY Pagoda Renovations	2007	\$1,443,900.00	\$1,443,900.00	\$100,468.00	\$343,432.00	\$0.00	\$1,443,900.00	IN PROGRESS
PW HIGHWAYS DUMP TRUCK	2007	\$110,000.00	\$110,000.00	\$64,615.00	\$45,385.00	(\$64,615.00)	\$45,385.00	COMPLETED
PW RECREATION BAER PARK PLAYGROUND RENOVATION	2007	\$100,000.00	\$50,000.00	\$3,975.00	\$46,025.00	\$0.00	\$50,000.00	IN PROGRESS
PW RECREATION Hillside Playground Renovation	2007	\$70,000.00	\$60,000.00	\$2,230.00	\$57,770.00	\$0.00	\$60,000.00	IN PROGRESS
PW SKYLINE DRIVE WALL REPAIR	2007	\$171,500.00	\$171,500.00	\$0.00	\$171,500.00	\$0.00	\$171,500.00	IN PROGRESS
PW TRAFFIC ENGINEERING BUCKET TRUCK	2007	\$70,000.00	\$70,000.00	\$21,740.00	\$48,260.00	(\$48,260.00)	\$21,740.00	COMPLETED
PW RECREATION SCHLEGEL PARK POOL REPLASTER/TILE	2007	\$150,000.00	\$150,000.00	\$202,100.00	(\$52,100.00)	\$52,100.00	\$202,100.00	COMPLETED
PW TRAFFIC ENGINEERING HANDICAP RAMPS	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
PW PUBLIC PROPERTY 6 & PENN COURTYARD UPGRADE	2007	\$120,000.00	\$120,000.00	\$0.00	\$12,000.00	\$0.00	\$120,000.00	IN PROGRESS
PW PUBLIC PROPERTY ATHLETIC FIELD LIGHTING	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
PW PARKS City Park Pond Remediation & Water Feature	2007	\$230,000.00	(\$230,000.00)	\$0.00	\$0.00	(\$230,000.00)	\$0.00	CDBG
PW FLEET GARAGE OVERHEAD LUBRICATION SYSTEM	2007	\$114,666.00	\$114,666.00	\$0.00	\$114,666.00	\$0.00	\$114,666.00	IN PROGRESS
TOTAL		\$6,330,066.00	\$4,665,066.00	\$1,158,461	\$2,628,605	(\$508,843)	\$4,816,223.00	

2008								
FIRE BUILD PENN STREET FIRE STATION	2008	\$2,500,000.00	\$2,500,000.00	\$0.00	\$2,500,000.00	(\$2,500,000.00)	\$0.00	DELETED
PW PUBLIC PROPERTY STADIUM FIELD LIGHTING UPGRADES	2007	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	IN PROGRESS
PW PUBLIC PROPERTY STADIUM HIGH MAST PAINTING	2007	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	IN PROGRESS
PW PUBLIC PROPERTY CITY HALL BRASS RESTORATION	2007	\$75,000.00	\$75,000.00	\$0.00	\$75,000.00	(\$75,000.00)	\$0.00	DELETED
CD OUTDOOR FURNISHINGS	2007	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	(\$60,000.00)	\$0.00	DELETED
PW RECREATION 3rd & SPRING PLAYGROUND RENOVATION	2008	\$160,000.00	(\$80,000.00)	\$0.00	\$0.00	(\$80,000.00)	\$0.00	CDBG

PW RECREATION BAER PARK FIELD HOUSE RENOVATION	2008	\$100,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
IT Hardware	2008	\$126,000.00	\$126,000.00	\$0.00	\$126,000.00	\$0.00	\$126,000.00	IN PROGRESS
PW RECREATION Angelica Nature Center	2008	\$1,000,000.00	\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00	IN PROGRESS
IT Software	2008	\$365,000.00	\$365,000.00	\$0.00	\$365,000.00	\$0.00	\$365,000.00	DELETED
HR SECURITY City Hall	2008	\$30,600.00	\$30,600.00	\$0.00	\$30,600.00	(\$30,600.00)	\$0.00	DELETED
PLANNING Green Roof for City Hall	2008	\$336,000.00	\$336,000.00	\$0.00	\$336,000.00	(\$336,000.00)	\$0.00	IN PROGRESS
PW PARKS Duryea Drive Guard Rails	2009	\$230,000.00	\$230,000.00	\$0.00	\$230,000.00	\$0.00	\$230,000.00	DELETED
COUNCIL MULTIMEDIA UPGRADE Council Chambers	2008	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
TOTAL		\$5,342,600.00	\$4,952,600.00	\$0.00	\$5,082,600.00	(\$3,381,600.00)	\$1,831,000.00	

2009								
PW HIGHWAYS FRONT END LOADER	2008	\$175,000.00	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$175,000.00	
PW HIGHWAYS STREET SWEEPERS	2007	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$300,000.00	
PW FLEET BIG TRUCK LIFT	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
PW TRAFFIC ENGINEERING HANDICAP RAMPS	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
FIRE BUILD NEW HAMPDEN/MARION FIRE STATION	2009	\$2,500,000.00	\$2,500,000.00	\$0.00	\$2,500,000.00	(\$2,500,000.00)	\$0.00	DELETED
PW RECREATION NORTHMONT PLAYGROUND RENOVATION	2009	\$160,000.00	(\$80,000.00)	\$0.00	\$0.00	(\$80,000.00)	\$0.00	CDBG
MAYORS OFFCIE First Energy Stadium Repair	2009	\$26,000,000.00	\$1,300,000.00	\$0.00	\$1,300,000.00	\$0.00	\$1,300,000.00	IN PROGRESS
PW STREETS Bridge Repair	2009	\$450,000.00	\$450,000.00	\$0.00	\$450,000.00	\$0.00	\$450,000.00	
PW PARKS City Hall Improvements	2009	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
TOTAL		\$29,935,000.00	\$4,895,000.00	\$0	\$5,025,000	(\$2,930,000)	\$2,225,000.00	

2010								
CED African American Museum Site Preparation	2007	\$6,170,000.00	\$500,000.00	\$0.00	\$500,000.00	\$0.00	\$500,000.00	IN PROGRESS
LIBRARY SOUTHEAST BRANCH REPAIRS	2008	\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	\$0.00	\$70,000.00	DELETED
CED ALLEY AND ROW IMPROVEMENTS	2008	\$250,000.00	\$200,000.00	\$0.00	\$200,000.00	(\$200,000.00)	\$0.00	DELETED
PW PUBLIC PROPERTY ATHLETIC FACILITIES LIGHTING	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
PW TRAFFIC ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
PW PARKS FRONT END LOADER	2009	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	(\$120,000.00)	\$0.00	DELETED

PW HIGHWAYS STREET SWEEPERS	2009	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	(\$300,000.00)	\$0.00	DELETED
LIBRARY MAIN BRANCH EXPANSION	2010	\$8,000,000.00	\$2,000,000.00	\$0.00	\$2,000,000.00	(\$2,000,000.00)	\$0.00	DELETED
PW RECREATION KEFFER PARK FIELD HOUSE RENOVATION	2008	\$100,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG IN PROGRESS
IT Hansen Dynamic Portal	2008	\$286,000.00	\$286,000.00	\$0.00	\$286,000.00	\$0.00	\$286,000.00	
TOTAL		\$15,396,000.00	\$3,426,000.00	\$0	\$3,526,000	(\$2,770,000)	\$856,000.00	

2011								
PW HIGHWAYS STREET SWEEPERS	2010	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	(\$300,000.00)	\$0.00	DELETED
PW PARKS GROUNDMASTER TRACTOR	2010	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	
LIBRARY New NW Branch	2011	\$1,800,000.00	\$1,800,000.00	\$0.00	\$1,800,000.00	(\$1,800,000.00)	\$0.00	DELETED
PW PUBLIC PROPERTY ATHLETIC FACILITIES LIGHTING	2010	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
LIBRARY NORTHEAST BRANCH REPAIRS	2009	\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	\$0.00	\$70,000.00	
PW TRAFFIC ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
PW TRAFFIC ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
CD/PLANNING Whitewater Park	2007	\$522,810.00	\$525,000.00	\$0.00	\$525,000.00	(\$525,000.00)	\$0.00	DELETED
PW RECREATION PENDORA PARK FIELD HOUSE RENOVATION	2008	\$200,000.00	(\$100,000.00)	\$0.00	\$0.00	(\$100,000.00)	\$0.00	CDBG
LIBRARY BOOK MOBILE REPLACEMENT	2010	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	(\$120,000.00)	\$0.00	CDBG
CED ALLEY AND ROW IMPROVEMENTS	2009	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
CED ALLEY AND ROW IMPROVEMENTS	2010	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
PW PUBLIC PROPERTY STADIUM FIELD LIGHTING UPGRADES	2010	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	
TOTAL		\$3,772,810.00	\$3,275,000.00	\$0	\$3,475,000	(\$3,495,000)	\$180,000.00	

Total CIP		\$67,944,476.00	\$26,081,666.00	\$3,696,794	\$22,066,872	(\$12,242,515)	#####	
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Notes:

1. The stadium high mast replacement project is proposed to remain uncheduled until final determination of whether to renovate or re-locate Municipal Stadium is made.
2. Although street paving is budgeted every year, the magnitude of the effort is beyond the City's financial capacity, thus proposing State and Federal funding. The project could be debt financed, but the life of a road is less than 10 years making it a poor candidate for such funding.

ORDINANCE _____ - 2008

**AN ORDINANCE OF THE CITY OF READING REQUIRING THAT THE POW/MIA
FLAG BE FLOWN AT ALL CITY OWNED PUBLIC BUILDINGS**

Whereas, while we owe a debt to all the brave men and women who have served our nation at times of utmost peril, a special debt is owed to those who did not return; and

Whereas, the loss of a loved one under any circumstances is tragic, but the pain and suffering experienced by the families of our servicemen and women held in action or missing in action is magnified when the fate of the loved one is unknown; and

Whereas, we are profoundly grateful for the strength and fidelity of family and friends of these brave Americans; their cause, an unwavering dedication to leave no American soldier on the battlefield, is our cause.

Now, therefore, the Council of the City of Reading ordains as follows:

The City of Reading City Council requires that the POW/MIA flag be flown at all City owned public buildings.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Fuhs)

BILL NO. _____-2008
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1705 CHANGING THE LOCATION AND NUMBER OF MOBILE FOOD VENDORS

SECTION 1. Amending the City of Reading Codified Ordinances Section 10-1705 1 as follows:

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

SECTION 2. Amending the City of Reading Codified Ordinances Section 10-1705 2 (A) as follows:

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines *will be issued annually*. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 17
SIDEWALK VENDORS

§10-1701. Purpose

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.
(Ord. 63-2007, 8/13/2007, §1)

§10-1702. Title

This Part shall be known as the "Sidewalk Vendor Ordinance."
(Ord. 63-2007, 8/13/2007, §1)

§10-1703. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.
(Ord. 63-2007, 8/13/2007, §1)

§10-1704. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

KIOSK - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.

OFFICIAL MAP - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

PASSABLE - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PUBLIC RIGHT-OF-WAY - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which, or its enclosure, is situated on, projects over, or hangs over a portion of the

public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

SANDWICH BOARD - any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

SIDEWALK - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA - that portion of the public right-of-way occurring between the curblineline and the topographical building line.

SIDEWALK VENDOR - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from and stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR LICENSE - the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The license must be displayed prominently on each stand, cart, trailer and/or obstruction.

STAND - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

TRAILER - vehicle designed to be towed by a motor vehicle.

VENDING CART - small, light vehicle moved by hand for the purpose of conducting food sales.

VENDING LICENSE BOARD - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

VENDING MACHINE - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.
(Ord. 63-2007, 8/13/2007, §1)

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

2. The restrictions of this Section shall not apply to itinerant food operations associated with the

organized festival, carnival, fair, parade, picnic or other affair that may be approved or

sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. **Location, Type and Number.** A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines **will be issued annually**. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

B. **More than Two Licenses Prohibited.** A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

C. **License Nontransferable.** A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

(Ord. 63-2007, 8/13/2007, §1)

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

§10-1707. License Application

1. **Notice of License Availability.** Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office.

Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

2. **Application.** Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15. The application shall at a minimum set forth:

- A. True name and address of the applicant. P.O. boxes will not be permitted.
- B. Names and addresses of any employees, other than the owner, who operate the stand.
- C. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1708 herein.
- D. Sufficient detail about the proposed sidewalk vendor and the products proposed for

applicable City and State Health Codes, along with copies of the required City and State health permits.

E. A copy of the applicant's business privilege license.

F. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.

G. A complete listing of the items to be offered for sale or distribution. Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15 as stated above.

3. Review of Applications. Not more than 45 days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

A. The application is incomplete in any material respect.

B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.

C. The applicant does not have a business privilege license.

D. The applicant, or any natural person having an interest in the entity making the application, has:

(1) An interest in more than two sidewalk vendor licenses.

(2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.

(3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.

E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore.

4. Each license shall be issued for one calendar year, February 1 to January 31, and shall be subject to review during the calendar year for adherence to the requirements of this Part. (Ord. 63-2007, 8/13/2007, §1)

§10-1708. Design Standards.

1. Design and Appearance.

A. General Requirements. All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required Physical Features.

(1) The dimensions of the vending shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.

(2) **Mobility.** Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) **License Display.** The vending license must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.

(4) **Trash Receptacles.** Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the

(5) **Covers.** Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained

(6) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.

(7) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

C. Prohibited Features.

(1) Advertising other than the name of the vendor's business or suppliers.

(Advertising must appeal to the sensibilities of the general public.)

(2) Propulsion systems other than manual.

(3) Gas cylinders larger than 20 pounds.

(4) Vending directly from a motor vehicle is prohibited except for those provisions under .05(a).

D. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. All carts shall comply with standards and specifications described herein and adopted by the City. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

2. **Maintenance.** All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.

3. **Carts Self-Contained.** All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

4. **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.
(Ord. 63-2007, 8/13/2007, §1)

§10-1709. Sidewalk Vendor Operation Standards

1. **Days and Hours of Operation.** Sidewalk vendor sales may be conducted daily between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.

2. **Daily Removal.** Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.

3. **Safe and Sanitary Condition.** Sidewalk vendor carts and vending areas shall be maintained

in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

- A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.
- B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

4. Quiet Operations. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.

5. Use and Maintenance of Sidewalk. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business. The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. Public Liability Insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

7. Prohibitions. An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

- A. A passable sidewalk width less than 5 horizontal feet.
- B. A horizontal projection from the building line in excess of 5 feet.
- C. A reduction in sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

§10-1710. Suspension or Revocation of License

A sidewalk vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

(Ord. 63-2007, 8/13/2007, §1)

§10-1711. Vending License Board

The Vending License Board shall consist of ~~the~~ one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

A. **Responsibilities.** The Vending License Board shall have the following responsibilities and duties:

- (1) Meet no later than December 30 annually to review and approve vendor license applications.
- (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District.

53

- (3) Recommend amendments to this Part to the Council of the City of Reading.

(Ord. 63-2007, 8/13/2007, §1)

§10-1712. Enforcement

This Part will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

(Ord. 63-2007, 8/13/2007, §1)

§10-1713. Construction and Severability

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

(Ord. 63-2007, 8/13/2007, §1)

§10-1714. Penalty

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

(Ord. 63-2007, 8/13/2007, §1)

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING 1-271 OF THE CITY OF READING PERSONNEL CODE (Salary Administration) BY AMENDING THE SALARY RANGE FOR THE COMMUNITY DEVELOPMENT DIRECTOR

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Section 1-271 (8) of the City of Reading Codified Ordinances (Personnel Code) shall be amended to read as follows:

- (a) Managing Director- the Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$120,000.
- (b) Chief of Fire and Rescue Services- the Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (c) Chief of Police- the Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$80,000 and no more than \$110,000.
- (d) Public Works Director- the Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than \$70,000 and no more than \$85,000.
- (e) Finance Director- the Director of the Department of Finance for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (f) Human Resources Director- the Director of the Department of Human Resources of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000.
- (g) City Solicitor- the director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (h) **Community Development Director- the Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than \$75,000 and no more than \$100,000.**

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE COMMUNITY DEVELOPMENT DIRECTOR

SECTION 1. COMPENSATION. The salary of the Community Development Director, Marty Mayes shall be NINETY-FIVE THOUSAND DOLLARS (\$95,000.00) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. Marty Mayes shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately after its adoption.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

**BILL NO. _____
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING 2008
FULL-TIME POSITION ORDINANCE BY ELIMINATING THE
COMMUNITY DEVELOPMENT MANAGER POSITION AND
CREATING THE COMMUNITY DEVELOPMENT DIRECTOR
POSITION.**

**AN ORDINANCE AMENDING THE CITY OF READING FULL-TIME POSITION
ORDINANCE AS FOLLOWS:**

SECTION 1. Amending the 2008 Full-time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position.

SECTION 2. This amendment to the Full-Time Position Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE MANAGING DIRECTOR

SECTION 1. COMPENSATION. The salary of the Managing Director, RYAN P. HOTTENSTEIN, shall be ONE HUNDRED THOUSAND DOLLARS (\$100,000) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. RYAN P. HOTTENSTEIN shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective ten days after Council's confirmation.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008

A N O R D I N A N C E

AMENDING CHAPTER 5 CODE ENFORCEMENT PART 6 PROPERTY
MAINTENANCE CODE OF THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 5 Code Enforcement Part 6 Property Maintenance Code Section 5-601 of the City of Reading Codified Ordinances amended to read as follows:

PM 104.3 Inspections. The Codes Director, his designee or Code Official, shall make or cause to be made all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Codes Director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

PM 104.3.1 Frequency. Properties covered under this code shall be inspected routinely not less than every three (3) years nor more than every five (5) years ~~when possible every 3 years~~ or as part of a planned inspection being conducted pursuant to a systematic or concentrated code enforcement program ~~in that portion of the City.~~

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 5 Code Enforcement Part 6 Property Maintenance Code Section 5-601 and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

Council President

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

TO: City Council
PREPARED BY: Charles M. Jones, P.E., Public Works Director
MEETING DATE: June 9, 2008
AGENDA MEMO DATE: June 4, 2008

REQUESTED ACTION: To authorize the administration to enter into a professional services agreement with Hill International/Weston Solutions/Hazen and Sawyer for project management, construction management, and related services for the City of Reading Wastewater Treatment Plant Upgrades Project.

RECOMMENDATION

Authorize the administration to negotiate and execute a professional services agreement with Hill International/Weston Solutions/Hazen and Sawyer of One Penn Square West, 30 South 15th Street, Suite 1300, Philadelphia, PA 19102 for project management, construction management, and related services for the Wastewater Treatment Plant Upgrades Project for a maximum not to exceed price of \$7,825,075. The issuance of an Advanced Notice to Proceed is also recommended so that project management and financial planning services can begin immediately since the design work by Black & Veatch has already begun.

BACKGROUND

The Consent Decree executed among the United States of America Department of Justice, the United States Environmental Protection Agency, the Commonwealth of Pennsylvania Department of Environmental Protection, and the City of Reading describes various improvements to be completed to the wastewater treatment plant, sanitary sewer collection system, and associated systems and programs. A new wastewater treatment plant must be substantially complete by October, 2012.

Five different proposals were received in response to the Request for Proposals for project management and construction management services. Two of the five submitting firms were eliminated based on proposal review. The remaining three firms were requested to appear for an interview. One of the three firms was eliminated based on the interview. Additional information was requested of the remaining two firms. One firm was eliminated based on review of the written supplemental information. The remaining firm, Hill International/Weston Solutions/Hazen and Sawyer was asked to appear to discuss financial planning services throughout the project. Additional information was received describing financial planning services and a price for those services. The selection committee comprised of two City employees (technical), two City employees (non-technical), and two officials from outside of the City (City of Philadelphia and Borough of State College) reviewed the technical proposals, conducted a telephone conference to discuss the technical proposals and open the price proposals, interviewed three firms, compiled questions for the final two firms, and reviewed the responses of the final two firms. It is the opinion of the selection committee that Hill International/Weston Solutions/Hazen and Sawyer was responsive, submitted proposals that were within the requirements listed in the Request for Proposals, has a clear understanding of the project and the rigid timelines listed in the

Consent Decree, and submitted the lowest price for the requested services.

BUDGETARY IMPACT

The proposal includes a not to exceed fee of \$7,825,075. Sewer Capital Funds are available for the design services relating to the Wastewater Treatment Plant Upgrades Project. The following is a summary of the price proposal:

Project Management Services	\$2,319,926
Construction Management Services	\$6,758,340
Reduction if awarded both services above	\$1,388,191
Financial Planning Services	\$ 135,000
TOTAL NOT TO EXCEED FEE	\$7,825,075

PREVIOUS ACTION

Council approved the Consent Decree on October 25, 2004. The Consent Decree describes the required improvements at the wastewater treatment plant. The design contract was awarded to Black & Veatch on March 24, 2008.

SUBSEQUENT ACTION

Additional contracts will follow for the construction of the wastewater treatment plant improvements will follow. The award of construction contracts will occur during 2009.

REVIEWED BY

The Mayor, Acting Managing Director, Directors of Finance and Public Works, Utilities Division Manager, and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny authorization for the Administration to negotiate and execute a professional services agreement with Hill International/Weston Solutions/Hazen and Sawyer for project management, construction management, and related services for the Wastewater Treatment Plant Upgrades Project at a maximum not to exceed fee of \$7,825,075. Approve/Deny authorization for the issuance of an Advanced Notice to Proceed so that management of the design process which has already begun and financial planning services can commence at once.

April 15, 2008

To the Mayor
City Hall
Reading, PA

**RFP FOR THE PURPOSE OF RETAINING A QUALIFIED FIRM TO
PERFORM CONSTRUCTION MANAGEMENT SERVICES AND PROJECT
MANAGEMENT SERVICES IN CONNECTION WITH PROJECTS AND
ACTIONS ASSOCIATED WITH THE CITY OF READING WASTEWATER
TREATMENT PLANT PROJECT FOR THE CITY OF READING,
PENNSYLVANIA**

Proposals for construction management services were received from the following firms:

Camp Dresser & McKee Inc.
205 Granite Run Drive
Suite 350
Lancaster, PA 17601

Gannett Fleming
P.O. Box 67100
Harrisburg, PA 17106

Hill International, Inc.
One Penn Square West
30 South 15th Street
Suite 1300
Philadelphia, PA 19102

Johnson, Mirmiran & Thompson
220 St. Charles Way, Suite 200
York, PA 17402

MWH
335 Phoenixville Pike
Malvern, PA 19355

Proposals for project management services were received from the following firms:

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Johnson, Mirmiran & Thompson
220 St. Charles Way, Suite 200
York, PA 17402

MWH
335 Phoenixville Pike
Malvern, PA 19355

HEATHER DUNKLE
Purchasing Coordinator

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:-

The Mayor is authorized to negotiate and execute a contract with Hill International/Weston Solutions/Hazen and Sawyer, for the project management, construction management, and related services for the City of Reading Wastewater Treatment Plant Upgrade Project, at a not to exceed fee of \$7,825,075.00.

The Administration is authorized to issue an Advance Notice to Proceed to Hill International/Weston Solutions/Hazen and Sawyer to allow work to begin while the final contract is being assembled and executed.

ADOPTED BY COUNCIL _____ 2008

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Aldora Horne is appointed to the Fire Diversity Board.

Adopted by Council _____, 2008

President of Council

Attest:

Linda A. Kelleher
City Clerk



AGENDA MEMO MANAGING DIRECTOR

TO: President Spencer and the City Council
FROM: Ryan P. Hottenstein, Interim Managing Director
MEETING DATE: September 8, 2008
AGENDA MEMO DATE: September 3, 2008
RECOMMENDED ACTION: Approve a Resolution appointment Marty Mayes as Community Development Director. In addition, it is recommended that the salary ordinance be approved.

BACKGROUND:

The nominee, Marty Mayes, has his Masters in City and Regional Planning from Rutgers University in New Brunswick, N.J. He also has a Bachelor of Arts in Urban Studies from Rutgers University. Mr. Mayes was the Affordable Housing Fellow Program Manager for the New Jersey Department of Community Affairs. He has most recently served as the Director of Planning and development for the City of Orange Township, New Jersey. His experience meets the requirements for the position and will serve the City well.

BUDGETARY IMPACT: Sufficient funds are available in the City's general fund and CDBG monies.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None

RECOMMENDED BY: Mayor and Interim Managing Director

RECOMMENDED MOTION: Appointment of Marty Mayes to Community Development Director

RESOLUTION NO. _____-2008

CONFIRMING THE APPOINTMENT OF MARTY MAYES AS COMMUNITY DEVELOPMENT DIRECTOR FOR THE CITY OF READING

WHEREAS, Thomas M. McMahon, Mayor of the City of Reading, has moved the appointment of Marty Mayes as Community Development Director for the City of Reading; and

WHEREAS, the City Council of the City of Reading believes that Marty Mayes is qualified to assume the position of the Community Development Director.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

The appointment of Marty Mayes as Community Development Director is hereby confirmed, effective immediately.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

(LAW DEPT)

RESOLUTION NO. _____-2008

**CONFIRMING THE APPOINTMENT OF RYAN P. HOTTENSTEIN AS
MANAGING DIRECTOR FOR THE CITY OF READING**

WHEREAS, Thomas M. McMahon, Mayor of the City of Reading, has moved the appointment of Ryan P. Hottenstein as Managing Director for the City of Reading; and

WHEREAS, the City Council of the City of Reading believes that Ryan P. Hottenstein is qualified to assume the position of the Managing Director.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY
RESOLVES AS FOLLOWS:**

The appointment of Ryan P. Hottenstein as Managing Director is hereby confirmed, effective immediately.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

The text of Chapter 6, Part 7, Section 703, Definitions, is hereby amended to include as follows:

Loitering – remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.

The text of Chapter 6, Part 7, Section 704, Unlawful Activity, is hereby amended to include as follows:

5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:30 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I.