CITY COUNCIL

Meeting Agenda

REGULAR MEETING ***MONDAY, OCTOBER 12, 2009***
COUNCIL CHAMBERS ***7:00P.M.***

OPENING MATTERS

CALL TO ORDER
INVOCATION: Pastor Eileen Levan, Nativity Lutheran Church
PLEDGE OF ALLEGIANCE
ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamation

- Recognizing Diamante Chanee White, Reading High School senior, winner of the Berks County Outstanding Young Woman contest

Council Commendation

- Recognizing Fire Prevention Week, accepted by Fire Marshall Todd Iaeger

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 any person becoming 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 remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of October 12, 2009
MINUTES: Council Meeting of September 28, 2009

Consent Agenda Legislation

Award of Contract - for the disposal of approximately 2,000 tons of municipal solid waste for a three-year period for the Department of Public Works to J. P. Mascaro and Sons, 320 Godshall Drive, Harleysville, PA 19438, who is the lowest responsible bidder, at a price of $74.11/ for year 2009, $75.11/ton for year 2010, and $76.11/ton for year 2011, for approximately 2,000 tons, for a total estimated bid of $450,660 **(Purchasing)**

Award of Contract - for motor oils and lubricants for the Department of Public Works and the Reading Area Water Authority to split the award of the contract between PPC Lubricants, 305 Micro Drive, Jonestown, PA 17038, and Craft Oil, 837 Cherry Street, Avoca, PA, 18641, at the unit prices submitted **(Purchasing)**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS

Park and Recreation Advisory Committee – Otis Smith, Chair

ORDINANCES FOR FINAL PASSAGE

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer)** ***Introduced at the September 28 regular meeting***

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts **(Spencer)** ***Introduced at the September 28 regular meeting***

Ordinance – in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an audit, and study of the IT Department **(Waltman)** ***Introduced at the September 28 regular meeting***

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

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section **(Council Staff)** ***Introduced January 2009; Public Hearing held March 18th at 5 p.m. in Council Chambers***

Pending Further Review

Ordinance - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health and Safety Enforcement **(Council Staff & Law)** ***Introduced at the April 13 regular meeting; Reviewed and discussed at the April 20th Work Session; Referred to Public Safety Committee***

Ordinance - directing the Berks County Board of Elections to place a referendum question before City voters on the 2010 Primary ballot which would amend the City of Reading Home Rule Charter by eliminating the Departments of Human Resources and Finance and creating the Department of Administrative Services **(Man Dir)** ***Introduced at the August 24th regular meeting; referred to Committee of the Whole***

Ordinance - setting forth its intent to issue a federally-taxable general obligation note, series of 2009 of the City in the aggregate principal amount of three million two hundred fifty thousand dollars ($3,250,000) pursuant to the act of the general assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act, 53 PA C.S. Chapters 80-82, as amended and supplemented (the "act"); finding that a private sale by negotiation is in the best financial interests of the City; determining that such note shall evidence non-electoral debt of the City; specifying that such indebtedness is to be incurred to provide funds to finance a project of the City which consists of, among other things: (1) the planning, designing, acquiring and constructing of improvements to, and the acquisition of certain equipment for, buildings and facilities on the premises of the Reading Municipal Memorial Stadium (the "Stadium"); (2) the

planning, designing, acquiring and constructing of additional parking areas on the premises of the Stadium, and (3) paying the costs and expenses of issuing the note **(Man Dir)** ***Introduced at the August 24th regular meeting; pending passage of State budget***

Pending
Budget/Tax Ordinances

Ordinance- Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January 1, 2010 and ending December 31, 2010. **(Mayor)** ***Introduced at the October 1 Special Meeting***

Ordinance- Establishing the Capital Improvement Program Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2010 and ending December 31, 2010 **(Mayor)** ***Introduced at the October 1 Special Meeting***

Ordinance- Establishing the Full-Time Employee positions for the City of Reading for the fiscal year 2010. **(Mayor)** ***Introduced at the October 1 Special Meeting***

Ordinance- Levying the real estate taxes for the fiscal year beginning the first day of January 2010 and ending the thirty-first day of December 2010. **(Mayor)** ***Introduced at the October 1 Special Meeting***

Ordinance – Increasing the Home Rule Earned Income Tax by .5% to 1.2% **(Mayor)** ***Introduced at the October 1 Special Meeting***

INTRODUCTION OF NEW ORDINANCES

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law)** ***Introduced at the August 10th regular meeting; pending the receipt of language clarification***

Ordinance - amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required, as attached in Exhibit A **(Animal Control Board & Council Staff)**

Ordinance - amending Part 10 of Chapter 24 Taxation, of the City of Reading Code of Ordinances, to be found at Sections 24-1001 to 24-1002, entitled "Schedule of attorney's fees for collection of delinquent earned income taxes, business privilege

taxes and fees, per capita taxes, and other non-real estate based taxes and receivables" which shall authorize the imposition of attorney fees for the collection of such taxes and adding a new Part 11, formerly part 10, Residential "Rental Tax" of Chapter 24 Taxation, Special, of the City of Reading Code of Ordinances, to be found at Sections 24-1101 to 24-1110, entitled "Residential Rental Tax" which shall impose a tax on the transaction of entering into a lease for residential property; establishing the rate of such tax; providing procedures for the administration and collection of the tax; and providing penalties for violations **(Law)**

Ordinance – amending the Codified Ordinances Chapter 1 Administration And Government – Part 2 Personnel Code, Sections 1-221 A Categories Of Employment, 1-271 Salary Administration, 1-272 Payroll Administration by providing clarifying language pertaining to the need for all full time positions to exist within the annual Full Time Position Ordinance. (Spencer & Waltman)

Ordinance – amending the Codified Ordinances Chapter 1 Administration And Government – 1-121 Official Actions Of The Council And 1-186 Fiscal Provisions, Number 9 Annual Budget C Budget Organization And Content (2) by providing clarifying language pertaining to the need for the annual Full Time Position Ordinance (Spencer & Waltman)

RESOLUTIONS

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, October 12
Meeting with the Mayor – Mayor's Office – 4 pm
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

Wednesday, October 14
Public Hearing Act 47 – Council Chambers – 7 pm

Monday, October 19
Meeting with the Mayor – Mayor's Office – 4 pm
Public Works Committee – Council Office – 5 pm
Administrative Oversight Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Tuesday, October 20
Public Hearing Capital Improvement Project Budget – Council Chambers – 5 pm

Wednesday, October 21
Public Hearing General Fund Budget – Council Chambers – 5 pm

Monday, October 26
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, October 12
Fire Civil Service Board – Penn Room – 4 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, October 13
Airport Authority – Airport Authority Office – 8:15 am
Water Authority Workshop – Penn Room – 4 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, October 14
Zoning Hearing Board – Penn Room – 5:30 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, October 15
Zoning Amendment Committee – Council Chambers – 4 pm
Dare 2 Care – Bethel AME Church – 5:30 pm
Blighted Property Review Committee – Council Office – 6 pm
Southeast People's Voice – St. John's UCC – 6 pm
Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, October 16
Fire Pension Board – Penn Room – 10 am

Monday, October 19
Library Board Meeting – 113 S 4th St – 4 pm

Tuesday, October 20
Park and Recreation Advisory Committee – Pendora Park – 5:30 pm
Charter Board – Penn Room – 7 pm
HARB – Planning Conference Room – 7 pm

Wednesday, October 21
Convention Center Authority – Sovereign Center CEI Lounge – 7 am
Officers and Employees Pension Board – Penn Room – 1:30 pm
Fire Diversity Board – Penn Room – 4:30 pm
Redevelopment Authority – Redevelopment Authority Office – 5:30 pm
Centre Park Historic District – Member Home – 7:30 pm

Thursday, October 22
Water Authority – Penn Room – 4 pm

Monday, October 26
DID Authority – Reading Eagle 3rd Floor Conference Room – 1 pm
BARTA – BARTA Office – 4 pm
District 7 Crime Watch – Holy Spirit Church – 7 pm

CITY COUNCIL MEETING
MONDAY, SEPTEMBER 28, 2009

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by President of Council Vaughn Spencer.

All present pledged to the flag.

ATTENDANCE
Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Marcia Goodman-Hinnershitz, District 2
Councilor Dennis Sterner, District 3
Councilor Stratton Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Jeffrey Waltman, District 6
City Clerk, L. Kelleher
City Auditor, D. Cituk
City Solicitor, C. Younger
Mayor, T. McMahon
Managing Director, R. Hottenstein
Sergeant at Arms, Captain R. Schaffer
Public Works Director, C. Jones

PROCLAMATIONS AND PRESENTATIONS
There were no Proclamations and Presentations issued at this meeting

PUBLIC COMMENT
Councilor President Spencer announced that three (3) citizens were registered to address Council on agenda matters and six (6) citizens were registered to address Council on non-agenda matters. He inquired if Council objects to suspending the rule requiring non-agenda comment after the legislative business is concluded. As no one objected, the rule requiring non-agenda comment at the conclusion of the meeting was suspended.

Council President Spencer reminded the citizens registered to speak about the remaining public speaking rules.

Ernie Schlegel, Pear Street, expressed the belief that Council should move forward to adopt the ordinance which protects the civil rights of the LGBT community. He

described past discretions against this community. He noted the need for civil rights for all human beings. He expressed the belief that Council's action at the local level will drive the necessary state and federal action.

Steve Glassman, chair of the PHRC, expressed his support for the enactment for the ordinance which protects the civil rights of the LGBT community. He noted that fifteen (15) other Pennsylvania communities have adopted similar ordinances. He expressed the belief that the adoption of this ordinance will prevent LGBT community from being placed in a second class role. He stated that the adoption of this legislation does not necessarily mean litigation regarding inappropriate facilities. He expressed the belief that the adoption of this ordinance will create no additional expense for the City Human Relations Commission.

Liz Bradbury, chair of the Allentown Human Relations Commission, stated that Allentown adopted a similar LGBT ordinance in 2002. She noted her belief for the inclusion of this community and the positive effect it had on the Allentown community.

Hogar Crea, South 5th Street, was not present

Victor DelaCruz, South 9th Street, was not present

Ron Lyons, president of AFSCME #2763, noted the Administration's out right rejection of AFSCME's proposed contract concessions. He stated that the rejection occurred on September 15th with no counter offer. He also questioned the closure of the branch libraries without proper discussion with AFSCME, as some of the employees who became unemployed are AFSCME employees. He also questioned how one management employee is receiving a $13K pay increase when the employee's position is not a part of the full-time position ordinance.

Ruth Sassaman, AFSCME #2763, was not present.

William Frymoyer, **AFSCME #2763,** reminded Council of his remarks concerning retaliation to employees who address Council at Council meetings. He noted that that same type of retaliation occurred after the last meeting. He stated that AFSCME is only seeking equality. He described the past AFSCME concessions. He stated that AFSCME's concession offer rejected by the Administration asked for a three (3) year contract extension with no raise for the first year and a 1% increase to follow. He noted the pride that AFSCME employees have in providing public services to the taxpayers of Reading.

Barry Miller, Douglas Street, noted the importance of the public education service provided by BCTV. He stated that the service provided by BCTV costs approximately 20 cents per resident. He stated that the broadcast of City Council meetings allows residents to watch Council meetings and get a better understanding of the complexity of City issues.

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the September 14th regular meeting of Council. He announced that the agenda will be amended to include a resolution requesting a traffic study at 5th and Bingaman Streets and the legislation listed under the Consent Agenda heading.

Councilor Baez moved, seconded by Councilor Sterner, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the September 14th regular meetings of Council. The motion was approved unanimously.

Award of Contract - perform precise Global Positioning System (GPS) data collection work within the sanitary and storm sewer collection systems for use within the Department of Public Works **(Purchasing)** ***Tabled at the September 14 meeting***

Award of Contract – for traffic signal maintenance to Telco, Inc., 1224 Cross Keys Road, Reading, PA 19605, who is the low bidder at the prices submitted. The total approximate bid price for the three-year contract is $99,144 **(Purchasing)**

Award of Contract - for the demolition of 530, 532, 534, 536, 538, 540, & 544 Buttonwood Street to Northeast Industrial Services Corporation, 51 North Spruce Street, Mount Carmel, PA 17851, who is the lowest bidder, at a bid price of $58,890.00 **(Purchasing)**

Resolution, No.114-2009 - resolution authorizing the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Grant application for the TreeVitalize – Greater Reading Metro Partner program (**Grant Coordinator**)

ADMINISTRATIVE REPORT

Managing Director Hottenstein read the report distributed to Council at the meeting covering the following:

- 2010 budget, which will be presented to Council on October 1st.
- Act 47 hearing on October 14th at 7pm.
- EMS 2009 recap.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2009 Admissions Tax collection
- 2009 Transfer Tax collection

Councilor Goodman-Hinnershitz noted the shortfall in several collection areas that will affect budget projections for 2010. She noted that the shortfalls will not be recovered given the current economic state of the country.

ORDINANCES FOR FINAL PASSAGE

Ordinance 53–2009 amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government Part 5 C Human Relations Commission by adding sexual orientation and gender identity and expression **(Law*) Introduced at the September 14th regular meeting***

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 53-2009.

Councilor Fuhs stated that he could not support the ordinance in its current form, as he believes that gender identity and expression is a personal choice. He provided the definitions that he obtained through research and invited those in support of the ordinance to provide clarification.

Councilor Goodman-Hinnershitz agreed with the need for the City to begin the legislative path which will push the issue forward at the state and federal levels.

Councilor Waltman noted his belief in the importance of protecting individual rights.

Councilor Baez expressed her support due to the information obtained from various sources. She expressed her belief in the need to provide civil rights for this community.

Councilor Fuhs again stated his lack of support for the proposed ordinance as gender identity and expression is a personal choice, not a genetic issue. He stated that this ordinance does not represent group affiliation. He also expressed the belief that the enactment of this ordinance will have a negative impact on City businesses.

Councilor Waltman again noted the need to protect the civil rights of all individuals.

Councilor Baez called for the question.

Bill No. 53-2009 was enacted by the following vote:

> **Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 6**
> **Nay: Fuhs – 1**

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances **(Law)** ***Introduced at the August 10th regular meeting; pending the receipt of language clarification***

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers. (Spencer)

Ordinance – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts (Spencer)

Ordinance – in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an investigation, audit, and study of the IT Department (Waltman)

Councilor Fuhs expressed the belief that the introduction of the ordinance requiring the study of the Information Technology (IT) division is an irresponsible action by Councilor Waltman and an negligent action of Council President Spencer.

Council President Spencer noted the right of any Councilor to place an ordinance on the table for consideration of the body. He asked the City Solicitor if any member of Council has the right and ability to present legislation to be considered by the body. The solicitor replied affirmatively.

RESOLUTIONS

Resolution 115-2009 – requesting a traffic study at 5th and Bingaman Streets.

Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution No. 115-2009.

Councilor Fuhs stated that this resolution represents follow-up to a community concern regarding the removal of the traffic signal at 5th and Bingaman Streets. He stated that the removal created vehicular and pedestrian hazards at this intersection.

Mayor McMahon expressed the belief in the need for safety measures at this intersection.

Councilor Goodman-Hinnershitz agreed with the need to invest in the protection of people that are placed at risk by those who choose to ignore the City's traffic regulations.

Resolution 115-2009 was adopted by the following vote:

> **Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7**
> **Nay: None – 0**

Resolution 116-2009 & 117– 2009 appointing Richard McDougall to the Downtown Improvement District Authority **(Admin Oversight)** and appointing Aaron Booth to the Historical Architectural Review Board (**Admin Oversight).**

Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution No. 116-2009 & 117-2009.

Councilor Marmarou stated that the City is fortunate to have citizens with this type of business experience volunteer to assist the City boards and authorities. He noted the need for more good volunteers to fill other openings such as those currently on the Board of Ethics.

Councilor Goodman-Hinnershitz also noted the need for volunteers to serve on the Environmental Advisory Council and noted the talent of Mr. Booth.

Resolution 116-2009 and 117-2009 was adopted by the following vote:

> **Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7**
> **Nay: None – 0**

COUNCIL COMMENT

Councilor Baez noted the upcoming meeting of the Glenside Community Group on Thursday, October 1st at 6:30 pm at Christ Lutheran Church. She expressed thanks to all who provided comment at tonight's meeting.

Councilor Fuhs expressed his thanks to the Reading Eagle for breaking the story pertaining to sex slavery in the county. He noted that two (2) massage parlors that were busted were located in District 1.

Councilor Fuhs highlighted the recovery shop located on South 5th Street that provides business wear for those seeking employment and the Upland Café located on Upland Avenue which provides a fine casual dining experience.

Councilor Goodman-Hinnershitz noted the importance of public/private partnerships to assist the City in the management of its parks. She also noted the importance of keeping the branch libraries open. She invited citizens to assist with providing new ideas that will offer efficiency and cost savings.

Councilor Goodman-Hinnershitz announced the upcoming crime watch meeting at Saint Paul's Church.
Councilor Sterner thanked those who provided public comment this evening.

Councilor Sterner noted that the County has refused to increase it's contribution to the library for 9-10 years. He also noted the various cuts to library funding made over the years at the state level. He stated that the City cannot row this boat alone and needs assistance from the County Commissioners and the State.

Councilor Sterner also expressed the belief that other collective bargaining groups beside AFSCME should provide concessions.

Councilor Sterner suggested that BCTV seek out alternative revenue sources.

Councilor Baez and Councilor Fuhs were excused from the meeting.

Councilor Marmarou noted the importance of group participation at the upcoming budget meetings.

Councilor Waltman expressed the belief that many things relate to funding the library and the service it provides to all citizens. He expressed the belief that the last minute announcement in the Reading Eagle pertaining to the closure of the library branches was irresponsible. He noted that the problems this year were created over many years. He noted that the level of state aid provided to the school district is dangerous. He also expressed the belief that congestion and overcrowding in the City has severely increased the cost of human services at the county and state level, which limits the state and county's ability to assist the city with services like the public library.

Council President Spencer stated that he would refrain from making comments about 2010 budget until the budget is received.

Council President Spencer questioned the significance of the full-time position ordinance.

City Solicitor Younger stated that the full-time position ordinance determines the City's full-time employment positions for a calendar year.

Council President Spencer inquired if the Administration considers the full-time position ordinance before hiring employees.

Managing Director Hottenstein stated the full-time position ordinance is used as a benchmark unless dire need for additional employees occurs.

Council President Spencer inquired if the discovery of the dire need to hire an employee not covered by the full-time position ordinance would require City Council to amend the full-time position ordinance.

City Solicitor Younger stated that he cannot address these questions immediately

Council President Spencer inquired why an employee not covered by the full-time position ordinance should be paid.

City Solicitor Younger stated that he could not answer that question immediately.

City Clerk Kelleher stated that the full-time position ordinance authorizes full-time positions for the calendar year. She stated that the full-time position ordinance has been used pre- and post- Home Rule/Commission form of government. She explained that the first City Solicitor to the Home Rule form of government, Jack Linton explained that the full-time position ordinance and the ordinance levying property taxes are only good for the calendar year, like many other services and programs.

City Solicitor Younger requested time to research this issue.

Councilor Marmarou moved, seconded by Sterner, to adjourn the regular meeting of Council.

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Linda Kelleher CMC, City Clerk

TO:	City Council
FROM:	Heather Dunkle, Purchasing Coordinator
PREPARED BY:	Heather Dunkle, Purchasing Coordinator
MEETING DATE:	October 12, 2009
AGENDA MEMO DATE:	October 6, 2009
RECOMMENDED ACTION:	Awarding of Contract for the Disposal of Municipal Solid Waste for the Solid Waste Division, Department of Public Works.

RECOMMENDATION
The recommendation is to award the contract to J. P. Mascaro and Sons, 320 Godshall Drive, Harleysville, PA 19438, who is the lowest responsible bidder, at a price of $74.11/ for year 2009, $75.11/ton for year 2010, and $76.11/ton for year 2011, for approximately 2,000 tons, for a total estimated bid of $450,660.

BACKGROUND
Bids for the disposal of approximately 2,000 tons of municipal solid waste for a three-year period for the Department of Public Works were received July 15, 2009. The low responsible bid was received by J. P. Mascaro and Sons. J.P. Mascaro was not the low bid, but the low bidder did not submit a responsive bid and therefore was rejected.

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 will be budgeted in the 2009 Budget in Account Code 01-07-52-4235. Additional funding for 2010 has been requested in the 2010 budget and will be requested for 2011.

PREVIOUS ACTION
None.

SUBSEQUENT ACTION
Formal action by Council is needed to award the contract at the October 12, 2009, meeting.

RECOMMENDED BY
Mayor, Managing Director, Director of Public Works, Finance Director and Purchasing Coordinator.

RECOMMENDED MOTION
Approve/Deny the recommendation for the disposal of municipal solid waste in order that the contract may be awarded to J. P. Mascaro and Sons .

cc: File

July 15, 2009

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. 7003-09 FOR DISPOSAL SERVICES FOR MUNICIPAL SOLID WASTE FOR THE SOLID WASTE DIVISION, DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA

MUNICIPAL SOLID WASTE:

BIDDER	YEAR	COST PER TON
Western Berks Community Landfill	*2009*	*$71.25*
455 Poplar Neck Road	*2010*	*$72.00*
Birdsboro, PA 19508	*2011*	*$73.00*
J.P. Mascaro & Sons	*2009*	*$74.11*
2650 Audubon Road	*2010*	*$75.11*
Audubon, PA 19403	*2011*	*$76.11*

BULKY WASTE:

BIDDER	YEAR	COST PER TON
Western Berks Community Landfill	*2009*	*$71.25*
	2010	*$72.00*
	2011	*$73.00*
J.P. Mascaro & Sons	*2009*	*$74.11*
	2010	*$75.11*
	2011	*$76.11*

HEATHER DUNKLE
Purchasing Coordinator

AGENDA MEMO

FINANCE DEPARTMENT

TO:	City Council
FROM:	Heather Dunkle, Purchasing Coordinator
PREPARED BY:	Heather Dunkle, Purchasing Coordinator
MEETING DATE:	October 12, 2009
AGENDA MEMO DATE:	October 6, 2009
RECOMMENDED ACTION:	Awarding of Contract for Motor Oils and Lubricants for the Department of Public Works and the RAWA.

RECOMMENDATION

The recommendation is to split the award of the contract between PPC Lubricants, 305 Micro Drive, Jonestown, PA 17038, and Craft Oil, 837 Cherry Street, Avoca, PA, 18641, at the unit prices submitted.

BACKGROUND

Bids for motor oils and lubricants for the Department of Public Works and the Reading Area Water Authority were received on August 14, 2009. This bid was issued by the Berks County Cooperative Purchasing Council (BCCPC) with the City being the lead municipality in the bidding procedures. The BCCPC combined the requirements of five (5) municipalities to achieve better pricing due to higher estimated quantities.

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

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed there are sufficient funds in budget account code 01-07-14-4500 and 54-07-44-4406 to cover the cost of motor oils and lubricants for year 2009. Additional funding for 2010 has been requested in the 2010 budget. The Reading Area Water Authority and Accounting have confirmed there are sufficient funds in budget account code 50-15-86-4500 to cover the cost of motor oils and lubricants for year 2009. Additional funding for 2010 has been requested in the 2010 budget. The City's anticipated usage of each motor oil and lubricant is noted on the attached schedule of bids. This anticipated usage could generate an estimated expense between $79,122.18 to $89,027.18, depending on usage.

PREVIOUS ACTION

None

SUBSEQUENT ACTION
Formal action by Council is needed to award the contract at the October 12, 2009 meeting.

RECOMMENDED BY
Mayor, Managing Director, Directors of Public Works and Finance, Executive Director of RAWA, Purchasing Coordinator, and the BCCPC.

RECOMMENDED MOTION
Approve/Deny the recommendation for the purchase of motor oils and lubricants in order that the contract may be awarded to Craft Oil and PPC Lubricants.

cc: File

August 14, 2009

e opened and scheduled, with a Contract to be awarded or the bids

R FURNISHING MOTOR OILS AND LUBRICANTS FOR THE CITY OF
ALF OF THE BERKS COUNTY COOPERATIVE PURCHASING COUNCIL.

		QUANTITY		
	VENDOR - PRODUCT BID		**UNIT PRICE**	**EXTENDED PRICE**
- 55 GALLON DRUMS		**4**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Service Pro Multivehicle Syn ATF		$512.85	$2,051.40
	MacMillan Oil Co. - MacMillan brand		$535.00	$2,140.00
	PPC Lubricants - as specified		$566.50	$2,266.00
E ANTIFREEZE & COOLANT - 55 GALLON DRUMS		**8**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Service Pro All Makes/Models AF		$306.90	$2,455.20
	MacMillan Oil Co. - Pride Univ. Gold concentrate (a)		$599.00	$4,792.00

	PPC Lubricants - Peak Global concentrate (c)		$462.00	$3,696.00
0 ENGINE OIL - 55 GALLON DRUMS		**15**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobil Fleet 15w40 CJ4		$369.69	$5,545.35
	MacMillan Oil Co. - MacMillan brand		$395.00	$5,925.00
	PPC Lubricants - CRL CJ-4 15W40		NO BID	
E 5/20 ENGINE OIL - 55 GALLON DRUMS		**3**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Clean 5W20		$364.39	$1,093.17
	MacMillan Oil Co. - MacMillan brand		$390.00	$1,170.00
***	PPC Lubricants - CRL 5W20		$349.80	$1,049.40
E 10/30 ENGINE OIL - 55 GALLON DRUMS		**9**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Clean 10W30		$351.13	$3,160.17
	MacMillan Oil Co. - MacMillan brand		$345.00	$3,105.00
***	PPC Lubricants - CRL 10W30		$333.30	$2,999.70
E SAE 10 ENGINE OIL - 55 GALLON		**2**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. -Castrol Assuron 10wt		$354.20	$708.40
	MacMillan Oil Co. - MacMillan brand		$425.00	$850.00
	PPC Lubricants - Castrol		$400.95	$801.90
E SAE 30 ENGINE OIL - 55 GALLON		**3**		

	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Delvac 1630		$556.05	$1,668.15
	MacMillan Oil Co. - MacMillan brand		$440.00	$1,320.00
***	PPC Lubricants - Castrol		$411.95	$1,235.85
MARINE 15/40 - 55 GALLON DRUMS		**1**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Delvac 1 ESP 5w40		$1,463.55	$1,463.55
	MacMillan Oil Co.		NO BID	
***	PPC Lubricants - Castrol		$573.10	$573.10
		QUANTITY		
	VENDOR - PRODUCT BID		**UNIT PRICE**	**EXTENDED PRICE**
YDRAULIC OIL - 55 GALLON DRUMS		**23**		
	Applied Industrial Technologies - as specified		$448.25	$10,309.75
	Craft Oil Corp. - Exxon Humble H32		$304.78	$7,009.94
	MacMillan Oil Co. - MacMillan brand		$310.00	$7,130.00
***	PPC Lubricants - CRL AW32		$290.40	$6,679.20
R OIL - 55 GALLON DRUMS		**36**		
	Applied Industrial Technologies - as specified		$1,040.55	$37,459.80
	Craft Oil Corp. - Mobil Spartan EP220		$581.80	$20,944.80
	MacMillan Oil Co. - MacMillan brand		$460.00	$16,560.00
***	PPC Lubricants - CRL R&O 220		$374.00	$13,464.00
GRA 460 GEAR LUBE - 55 GALLON DRUMS		**12**		

	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobil SHC 634		$1,874.40	$22,492.80
	MacMillan Oil Co. - Bel Ray Synthetic Gear Oil 460		$2,347.25	$28,167.00
	PPC Lubricants		NO BID	
80/90 GEAR LUBE - 120 LB. DRUMS		**4**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobilube HD Plus 80w90		$199.58	$798.32
	MacMillan Oil Co. - MacMillan brand		$160.00	$640.00
	PPC Lubricants - Castrol AP Gear 80W90		$521.95	$2,087.80
ETIC GREASE EP2 - 14 OZ. CARTRIDGES		**690**		
	Applied Industrial Technologies - as specified		$9.41	$6,492.90
	Craft Oil Corp. - Mobilith SHC 460		$6.21	$4,284.90
	MacMillan Oil Co.		NO BID	
***	PPC Lubricants - Albida		$6.10	$4,209.00
L TRANSMISSION FLUID - 55 GALLON DRUMS		**1**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil 1 Synthetic ATF		$1,355.20	$1,355.20
	MacMillan Oil Co.		NO BID	
***	PPC Lubricants - CRL ATF		$566.50	$566.50
- 55 GALLON DRUMS		**6**		
	Applied Industrial Technologies - as specified		$448.25	$2,689.50
	Craft Oil Corp. - Exxon Humble H46		$304.70	$1,828.20
	MacMillan Oil Co. - MacMillan brand		$310.00	$1,860.00

***	PPC Lubricants - CRL AW 46		$290.40	$1,742.40

OF API CH4 OR HIGHER - 55 GALLON DRUMS		**4**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Delvac 1300S 10w30		$575.85	$2,303.40
	MacMillan Oil Co. - MacMillan brand		$345.00	$1,380.00
***	PPC Lubricants - CRL 10W30		$333.30	$1,333.20

NE OIL - 55 GALLON DRUMS		**2**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp.		NO BID	
	MacMillan Oil Co.		NO BID (b)	
***	PPC Lubricants - Castrol Syntec blend		$734.25	$1,468.50

		QUANTITY		
	VENDOR - PRODUCT BID		**UNIT PRICE**	**EXTENDED PRICE**
EAR 75/90 GEAR OIL - 55 GALLON DRUMS		**1**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobil Delvac Synthetic Gear Oil 75w90		$1,233.64	$1,233.64
	MacMillan Oil Co. - Coastal Autoguard Fleet Synthetic		$1,545.00	$1,545.00
	PPC Lubricants - Shell Spirax ASXR		$1,300.00	$1,300.00

V - 55 GALLON DRUMS		**1**		
	Applied Industrial Technologies		NO BID	

***	Craft Oil Corp. - Castrol Assuron 10wt		$354.20	$354.20
	MacMillan Oil Co. - MacMillan brand		$425.00	$425.00
	PPC Lubricants - Castrol		$400.95	$400.95
MO 15/40 ENGINE OIL - GALLONS BULK		**200**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobil Fleet 15w40 CJ4		$6.31	$1,262.00
	MacMillan Oil Co. - MacMillan brand		$6.45	$1,290.00
	PPC Lubricants - CRL 15W40 CJ-4		$6.65	$1,330.00
E SAE 30 ENGINE OIL - GALLONS BULK		**100**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - as specified		$6.03	$603.00
	MacMillan Oil Co. - MacMillan brand		$7.18	$718.00
	PPC Lubricants - Castrol Assuron 30W		$6.94	$694.00
YDRAULIC OIL - GALLONS BULK		**200**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Exxon Humble H32		$5.07	$1,014.00
	MacMillan Oil Co. - MacMillan brand		$4.75	$950.00
***	PPC Lubricants - CRL AW 32		$4.65	$930.00
E 5/30 ENGINE OIL GALLONS BULK		**275-600**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Clean 5w30		$6.21	$3,726.00
	MacMillan Oil Co. - MacMillan brand		$6.30	$3,780.00
***	PPC Lubricants - CRL		$5.86	$3,516.00

0 ENGINE OIL - GALLONS BULK		**850-1500**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobil Fleet 15w40 CJ4		$6.31	$9,465.00
	MacMillan Oil Co. - MacMillan brand		$6.45	$9,675.00
	PPC Lubricants		NO BID	
IE 5/20 ENGINE OIL - GALLONS BULK		**850-1400**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Mobil Clean 5w20		$6.21	$8,694.00
	MacMillan Oil Co. - MacMillan brand		$6.30	$8,820.00
***	PPC Lubricants - CRL		$6.06	$8,484.00
IE 10/30 ENGINE OIL - GALLONS BULK		**650-750**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Castrol Assuran 10wt		$5.97	$4,477.50
	MacMillan Oil Co. - MacMillan brand		$5.60	$4,200.00
***	PPC Lubricants - Castrol		$5.66	$4,245.00
YDRAULIC OIL - GALLONS BULK		**150**		
	Applied Industrial Technologies		NO BID	
	Craft Oil Corp. - Exxon Humble H68		$5.21	$781.50
	MacMillan Oil Co. - MacMillan brand		$4.90	$735.00
***	PPC Lubricants - CRL		$4.85	$727.50
		QUANTITY		

	VENDOR - PRODUCT BID		UNIT PRICE	EXTENDED PRICE
0LE 15/40 - GALLONS BULK		**150**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Mobil Fleet 152\w40 CJ4		$6.31	$946.50
	MacMillan Oil Co.		NO BID	
	PPC Lubricants - CRL		$6.65	$997.50
ICLE SYNTHETIC ATF - GALLONS BULK		**150**		
	Applied Industrial Technologies		NO BID	
***	Craft Oil Corp. - Service Pro Multivehicle Syn Blend ATF		$8.92	$1,338.00
	MacMillan Oil Co. - MacMillan brand		$9.30	$1,395.00
	PPC Lubricants - as specified		$9.60	$1,440.00

ersal Gold 50/50 premix at $330.00/drum.
ubricants Brand if interested.
al 50/50 at $316.25/drum.

nologies

llentown, Inc.
eet

BILL N O. _____-2009

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES - CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE, SECTION 1-186 FISCAL PROVISIONS, 3. REGULATIONS CONCERNING APPROPRIATIONS AND TRANSFERS, F

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

SECTION 1. Amending the Codified Ordinances, Chapter 1 Administration and Government, Part 1 Administrative Code, Section 1-186 Fiscal Provisions, 14. Contracts, A. Approval of Contracts; (2) Bidding Process

3. **Regulations Concerning Appropriations and Transfers.**
A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.
B. The Director of Finance shall prepare and submit a monthly report to the Mayor, the managing director, and Council. This monthly report shall include all expenditures for each City Department, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer of funds within departments and between departments.
C. In order to allow flexibility in the administration of the City's business, departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

D. Justification for transferring money between departments must be presented to and approved by Council. The procedures manual will stipulate the following:
(1) Expenditure procedures.
(2) Justification procedures for transferring money between line items.
(3) Justification procedures for transferring money between department.
(4) Administration of petty cash funds.
E. *Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer of all monies including, but not limited to, transfers between departments, and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget.* The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred. [*Ord. 36-2000*]

F. *Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item that exceeds* ~~*$25,000.*~~ ***$10,000.*** The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred at least 2 weeks before the transfer is required. [*Ord. 36-2000*]

G. Requiring City Council approval, via ordinance, for the following:
(1) Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
(2) All expenditures not approved and listed in the operating or capital budgets for the fiscal year.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 Administration and Government Part 1 Administrative Code 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 _____, 2009

_____
President of Council

Attest:

_____
City Clerk

(President of Council)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL N O. _____-2009
A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES - CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 1 ADMINISTRATIVE CODE, SECTION 1-186 FISCAL PROVISIONS, 14 CONTRACTS, A - APPROVAL OF CONTRACTS (2).

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

SECTION 1. Amending the Codified Ordinances, Chapter 1 Administration and Government, Part 1 Administrative Code, Section 1-186 Fiscal Provisions, 14. Contracts, A. Approval of Contracts; (2) Bidding Process

> (2) The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required of all contracts ~~in excess of~~ ***with a value of $50,000 and over,*** and all collective bargaining agreements. Any contracts for less than $50,000 shall
> be entered into by the executive branch as it shall determine without requirement of approval by Council. All contracts or purchase not in excess of $10,000 shall be by note or memorandum signed by the managing director.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 1 Administration and Government Part 1 Administrative Code 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 _____, 2009

_____
President of Council

Attest:

_____
City Clerk

(President of Council)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO._____-2009

A N O R D I N A N C E

IN ACCORDANCE WITH THE CITY OF READING HOME RULE CHARTER SECTION 210 - INVESTIGATIONS, CITY COUNCIL AUTHORIZES AN AUDIT AND STUDY OF THE INFORMATION TECHNOLOGY DIVISION, WHICH FALLS UNDER THE CITY OF READING FINANCE DEPARTMENT.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. In accordance the City of Reading Home Rule Charter Section 210 – Investigations, City Council hereby authorizes an audit and study as follows:

1. That an independent study and audit of the City of Reading Information Technology Division (IT) both internally as a Division under the Finance Department and it's collective interaction with all other City of Reading departments and agencies be conducted.

2. That City Council agrees to retain an independent Information Technology individual consultant and/or organization to conduct the study and audit of the Information Technology Division which identifies organizational strengths and weaknesses.

3. That all powers provided by Section 210 of the City of Reading Home Rule Charter be utilized as necessary to obtain a sufficient study and audit of the Information Technology Division.

4. The following subjects are to be covered in the independent review of the IT Division to assess management and operational functionality.

    a. IT Management – Organization and management structure and assessment
    b. Strategic planning and business alignment
    c. Internal operational and financial controls
    d. Management reporting
    e. Organization (citywide) support

f. Project management methodology
g. Data integrity
h. Risk management
i. Continuity planning & disaster recovery
j. IT case management tools
k. End user support
l. Service delivery processes
m. Service delivery management
n. Training strategies (by department)
o. Use of best practices for Information Technology operations
p. Report on overall strengths and weaknesses
q. All other key areas considered integral Information Technology requirements in a municipal organization, including but not limited to structure, management, and compliance.

5. The study and audit (wherever applicable) must also provide recommendations for immediate, short-term, and long-term improvements and/or changes to improve the overall effectiveness and controls of the Information Technology Division and related city operations.

6. That all City of Reading employees cooperate with the study and audit and with the implementation of the recommendations to improve the overall IT functionality.

SECTION 2: Also in accordance with the City of Reading Home Rule Charter Section 210 – Investigations, City Council authorizes the expenditure of funds from the Council Budget to undertake the audit and study of the Information Technology (IT) Division as set forth herein.

SECTION 3: A Request for Professional Services shall be issued by the Council Office. The proposals submitted shall be reviewed by a Committee designated by the President of Council. The Committee shall make a recommendation to the body of Council for approval at a regular business meeting.

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

Enacted _____, 2009

_____
President of Council

Attest:

_____
City Clerk

(Councilor Waltman)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

B I L L N O. _____-2009

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1, SECTION 1 – ANIMAL CONTROL BY ADDING LIMITATIONS ON THE ALLOWABLE NUMBER OF ANIMALS PER HOUSEHOLD, ESTABLISHING AN EXOTIC ANIMAL PERMIT FEE, AMENDING THE LANGUAGE REGARDING AGGRESSIVE DOGS, ADDING DEFINITIONS, AND RENUMBERING SECTIONS AS REQUIRED, AS ATTACHED IN EXHIBIT A.

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required as attached in Exhibit A.

SEC**TION 2. Severability.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. Repealer. Any specific provisions of the Codified Ordinances or any other City Ordinance or resolution that is in direct conflict within this Amendment are hereby repealed.

SECTION 4. Numbering and Lettering. Should any number or letter assigned to an amendment set forth herein conflict with or been previously assigned under a prior amendment to the Chapter 2, Section 1 – Animal Control, then the number or letter herein shall be automatically amended when codified to reflect the next available number or letter.

SECTION 5. 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 6. Effective Date of Ordinance. 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 _____, 2009

_____
President of Council

Attest:

_____
City Clerk

(Animal Control Board & Council Staff)

Submitted to Mayor: _____
Date: _____
Received by the Mayor's Office: _____
Date: _____
Approved by Mayor: _____
Date: _____
Vetoed by Mayor: _____
Date: _____

EXHIBIT A

CHAPTER 2
ANIMALS
PART 1
ANIMAL CONTROL

§2-101. Purposes
§2-102. Definitions
§2-103. Nuisances
§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animals
§2-105. Caring for Animals
§2-106. Limitation on the Number of Animals
§2-107. Sanitation
§2-108. Restraining and Confinement Generally
§2-109. Restraint of Guard Dogs
§2-110. Restraining of Dangerous or Aggressive Dogs
§2-111. Property Owners May Impound
§2-112. Return of Animal to Owner
§2-113. Disposition of Large Animals
§2-114. Dangerous Dog and/or Aggressive Dog Permits
~~§2-114. Permit Tags; Identification~~
§2-115. Impoundment
§2-116. Notice to Owner and Redemption
§2-117. Animal Control Board Established
§2-118. Animal Control Board; Powers and Duties
§2-119. Sanctions and Remedies
§2-120. Appeals
§2-121. Enforcement
§2-122. Violations and Penalties

PART 2
PIGEONS

§2-201. Coop Size and Number of Pigeons
§2-202. Sanitary Maintenance; Loud Noises Prohibited
§2-203. Feeding Prohibited
§2-204. Human Disposition of Pigeons at Large
§2-205. Penalty

Cruelty to Animals - see 18 Pa.C.S.A. §511.
Dog Law of 1982 -1- 3 P.S. 45901 *et seq.*
Page Revised 12/19/2005 2-3

PART 11
ANIMAL CONTROL

§2-101. Purpose.
The purpose of this Part is to promote the public health, safety and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City.
(*Ord. 72-2005*, 11/15/2005, §1)

§2-102. Definitions.
When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ANIMAL -- Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

ANIMAL CONTROL OFFICER – A City employee ***or agent*** authorized to enforce the City of Reading Codified Ordinances, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

ANIMAL HOSPITAL - any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

ANIMAL NUISANCE - any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

ANIMAL SHELTER - any facility operated by the City or ~~humane society~~ ***designated animal control authority*** for the temporary care, confinement anddetention of animals and for the humane euthanasia and other disposition of

animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

AT LARGE - an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

ATTACK - the deliberate action of a dog whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, animate or inanimate object, with obvious intent to destroy, kill, wound, injure or otherwise harm the object of its action. ***All attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).***

CRUELTY - any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food is siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

DESIGNATED ANIMAL CONTROL AUTHORITY - agency that has a contract with the City of Reading for animal control.

DOG, DANGEROUS - any dog as defined in 3 P.S. 459-502-A(1).

DOG, AGGRESSIVE - ~~as any dog that is a member of any canine breed in whole or in any part that accounts for 40% or more of the dog bite incidents whether on humans or animals reported to the City of Reading Police Department and/or the Humane Society, as determined by the Animal Control Board on annual basis each January based upon statistics for the preceding year provided that the total number of dog bite incidents reported of all breeds exceeds 30.~~

shall include any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:

1. ***Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation; or***
2. ***Any dog which, without provocation, approaches in a threatening or terrorizing manner, any person or domestic animal upon the streets, sidewalks or any public grounds or places; or***
3. ***Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.***
4. ***All bites and/or attacks shall be reported to the City's Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).***

DISPOSITION - adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

DOMESTIC COMPANION ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

DOMESTIC AGRICULTURAL ANIMAL - any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes are strictly prohibited.

EXEMPT EXOTIC ANIMAL - any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores within Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and nonpoisonous amphibians not requiring State, Federal, or City permitting.

GUARD or ATTACK DOG - a dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

HEEL - the animal is directly behind or next to a person and obedient to that person's command.

IMPOUNDMENT - the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

KENNEL - any premises wherein any person engages in the business of boarding, breeding buying, letting for hire, training for a fee or selling dogs or cats.

MUZZLE - a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

OFFICER -- Police officer and/or duly appointed Animal Control Officer.

OWNER - any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Part. An animal shall be deemed to be harbored if it is fed or sheltered for 3 or more consecutive days.

NATIVE WILDLIFE ANIMAL - all non-domestic animals naturally occurring in the wild within the borders of Pennsylvania.

PERSON -- Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PUBLIC NUISANCE ANIMAL - any animal that unreasonably annoys humans, endangers the life or health of person or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

The term "public nuisance animal" shall include, but not be limited to:

(1) Any animal that is found running at large.
(2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.
(3) Any animal that damages any property other than that of its owner.

(4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by the City of Reading Codified Ordinance Chapter 10, Part 2, "Noise Control," §10-204.
(5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
(6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.
(7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
(8) Any animal that chases motor vehicles in a public right-of-way.
(9) Any animal that attacks domestic animals.
(10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
(11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

SANITARY - a condition of good order and cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT - an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

VICIOUS or DANGEROUS ANIMAL - any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous. ***All attacks and bites must be reported to the City's Health Officer within 48 hours (see Chapter 10 Health and Safety Section 10-110).***

§2-103. Nuisances.
It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.
(*Ord. 72-2005*, 11/14/2005, §1)

§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animal.
It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal or native wildlife animal within the City without ~~the written permission of~~ ***a permit issued by*** the Animal Control Board. Such ~~permission~~ ***permit*** shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerks Office along with a fee in the amount of $75.00 for the first calendar year. The fee shall be disbursed $40.00 to the designated animal control authority and $35.00 to the City to cover the costs of inspections and administration. For subsequent years the fee shall be $40 and will be disbursed $20 to the designated animal control authority and $20 to the City to cover costs.

The fee is levied per household, not per exotic animal.

§2-105. Caring for Animals.
PA Code Animal Regulations - 18 Pa.C.S. §5511.

§2-106. Limitation on the Number of Animals
1. Purpose. The purpose of this section is to regulate the maintenance, keeping or possession of animals within the City of Reading in order to promote the health, safety and general welfare of its inhabitants.

Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, regulation or resolution, the provisions of this chapter shall be controlling. Where the provisions of any other statute, ordinance, regulation or resolution impose greater restrictions than this chapter, the provisions of such other statute, ordinance, regulation or resolution shall be controlling.

2. Limitation on Number of Animals.-- Except for species of fish, it shall be unlawful to keep more than six (6) animals six (6) months of age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply

to any premises for which a kennel license has been obtained pursuant to the Dog Law of the Commonwealth of Pennsylvania, as the same may from time to time be supplemented or amended, nor shall this section apply if a permit has been issued and is in effect pursuant to this ordinance.

3. Application for Permit of More Than Six (6) Animals.

A. The application for a permit for the keeping of more than six (6) animals shall have attached thereto a registered veterinarian's health certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

1. The type and number of animals to be covered by the permit.

2. The purpose of keeping such animals.

3. The period for which the permit is requested.

4. A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate, and the facilities for sanitation and disposal of animal wastes.

5. The circumstances, if any, under which the animals will be removed from their quarters.

6. Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons in handling the animals in question and earlier charges and/or citations for violation of statutes and/or ordinances governing animals, and/or health and/or safety.

7. Such additional information as the Animal Control Board may require.

4. In addition to such verified information, the Animal Control Board shall consider all other relevant conditions, including but not limited to:

A. The odor emanating or likely to emanate from the premises to persons off the premises.

B. The noise emanating or likely to emanate from the premises to persons off the premises.

C. The attitudes of the applicant's neighbors to the proposed permit.

D. The security with which the pets or creatures will be restrained.

5. Animal Control Board; Powers and Duties; Issuance of Permit.

A. The Animal Control Board shall have the power to review or cause to be reviewed each application for a permit and may either approve or reject such

application or require modification of the application. When the Animal Control Board has approved the application, it shall issue the permit. The permit shall be personal and not transferable and shall be issued for a calendar year or part thereof. The Animal Control Board shall also have the power to revoke the permit for cause.

B. If the permit application is denied or the permit is revoked, the applicant shall have 30 days to comply with the limitations and provisions of this section. Within 45 days of the denial of the application or the revocation of the permit, the Animal Control Authority or Police Officer shall conduct an inspection of the property to determine if the applicant or permittee is in compliance with the regulations contained herein. If the Animal Control Authority or Police Officer determines that the applicant or permittee has not complied (or at any time fails to remain in continuous compliance) with the terms of this ordinance, the applicant or permittee shall be subject to immediate fine and penalties as stated in Section 2-122 herein.

C. The Animal Control Board shall also have the power, to make such rules and regulations as it shall deem necessary to carry out the purposes of this ordinance. The Animal Control Board shall be responsible to determine whether any person is violating any provisions of this ordinance. In making such determinations as to whether to approve or reject an application for a permit or an application for renewal of a permit, the Animal Control Board shall consider whether any one or more of the following approved standards are not complied with:

1. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
2. The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
3. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear, or to be abused, tormented or annoyed.
4. The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
5. The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
6. Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make

adequate provisions and safeguards to protect the public from the animals.

7. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Reading and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.

8. Any and all animals must be kept healthy and free from sickness and disease at all times. Should an Animal Control Officer or any Police Officer question the health of any animals, he/she shall have the authority to require an examination by a doctor of veterinary medicine, such examination to be at the expense of the owner.

9. The permittee shall be responsible and liable for the actions of all persons employed by or otherwise associated with him/her as such actions relate to permittee's obligation to comply with this chapter.

10. Every owner and occupant of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises.

D. If the conditions presented by the application for a permit or for renewal of a permit constitute an actual or potential nuisance and/or a hazard and/or a danger to the public health, safety and welfare, the application for a permit or for renewal of a permit shall be denied.

E. An Animal Control Officer and police officers of the City of Reading are authorized hereby to enter upon any premises within the City for the purpose of investigating a possible violation of this chapter. If access is denied by the property owner, the Animal Control Officer and/or Police Officers are authorized to submit an application for a search warrant to the appropriate judicial authority.

F. The holder of a permit issued pursuant to this ordinance shall have an ongoing duty to comply with the requirements of the approved standards set forth in this ordinance.

G. Fees. The applicant for a permit hereunder shall, at the time of his/her application, pay to the City of Reading $50.00 for the first calendar year or part thereof, renewable thereafter for a fee of $25.00 each calendar year or part thereof.

H. Annual Renewal of Permit(s). All such permits for the keeping of more than six (6) animals must be renewed annually upon resubmittal of an application of the type required by this ordinance

§2-107. Sanitation.

1. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are housed, maintained or kenneled.

~~2. The number of animals housed or maintained within a structure, or upon any premises, shall be limited only to those animals that can be adequately maintained in a clean and sanitary condition as determined by the Health Officer.~~

3. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the Health Officer. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.

4. People owning, harboring or keeping an animal within the City shall NOT permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

5. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.

6. No person shall maintain, transport or carry any animal or pet in any eating and drinking establishment, food manufacturing or food service facility, except trained ~~guide dogs for the blind~~ ***certified service dogs***

7. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

§2-108. Restraining and Confinement Generally.

1. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.

2. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

3. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

4. Every female dog in heat shall be confined to the residence of the owner or keeper in

such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§2-109. Restraint of Guard Dogs.
1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least 6 feet in height and shall be topped with an anticlimbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.
2. All anticlimbing devises shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.
3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences property maintained and escape proof.
4. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

§2-110. Restraining of Dangerous Dogs or Aggressive Dogs.
Every dangerous dog or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper ***in accordance with Pennsylvania Title 3 Agriculture Chapter 8 Dog Law § 459-502*** . Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of 300 pounds and not more than 3 feet in length or caged. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

1. Upon licensing a vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

2. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six (6) feet high and contain no less than fifty (50) square feet of ground space. All pens shall comply with city zoning guidelines so as not to be offensive to the neighboring residents.

3. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

4. No person owning or harboring a dangerous or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three (3) feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

5. Once a dog is deemed to be dangerous; it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

§2-111. Property Owners May Impound.
Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The Department shall dispatch an animal control officer to take possession of the animal.

§2-112. Return of Animal to Owner.
If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

§2-113. Disposition of Large Animals.
Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal removed to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and Animal Shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

§2-114. Dangerous Dog and/or Aggressive Dog Permits.
~~1. **Permit Required**. No person shall own, keep, or harbor any dangerous and/or aggressive dog over the age of 3 months within the City unless such dog has a permit as provided in this Part.~~
~~2. **Application**. Application for such permit shall be made available by the owner on a form to be provided by the City and made available at the designated animal control~~

~~authority for any dangerous and/or aggressive dog over 3 months of age; providing, that any owner moving to the City for the purpose of establishing residence or becoming a resident as a result of annexation, and otherwise required to obtain a permit, shall have until 10 days after moving or annexation to obtain such a permit. [*Ord. 20-1999*]~~

~~3. **Proof of Rabies Vaccination Required**. All owners applying for a permit must show to the satisfaction of the licensing authority that the animal for which the permit is being obtained has been inoculated against rabies within the last year.~~

~~4. **Proof of Sterilization**. Any owner claiming that their dog has been spayed or neutered must show to the satisfaction of the licensing authority that such operation has been performed.~~

~~5. **Dangerous Dog and/or Aggressive Dog Permits**. An annual permit fee of $50 if spayed or neutered or $500 if not spayed or neutered shall be paid by the owner of any dangerous dog or aggressive dog, as defined in §2-102.~~

~~6. Permit fees shall not be required for seeing eye dogs, government police dogs or registered therapy dogs. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the Animal Control Board that the dog in question is entitled to such an exemption.~~

~~(*Ord. 72-2005*, 11/14/2005, §1)~~

~~§2-114. Permit Tags; Identification.~~

~~1. Upon payment and acceptance of the permit fee, the licensing authority shall issue a durable and color-coded permit tag (or collar), stamped with the year of issuance and an identification number for the animal for which the permit has been obtained. Any permit issued for keeping of a dangerous dog or aggressive dog shall take effect on the date of issuance, shall be valid for a period of 1 year beginning on February 1 of the current year and ending on January 31 of the succeeding year, with the cost of same as defined in §2-114 pro-rated by month and valid for the remaining months of the calendar year as defined above. Every dog for which the owner is required to obtain a permit must wear a valid permit tag (or collar) at all times when the animal is off the premises of its owner.~~

~~2. No person may use a permit for any animal other than the animal for which the permit was issued. It shall also be unlawful for any person to remove from the neck of any dog the permit tag (or collar) issued pursuant to this Section or alter such tag in any manner.~~

~~(*Ord. 72-2005*, 11/14/2005, §1)~~

1. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of

this ordinance and pay a fee of one hundred dollars ($100.00) for such registration to the designated Animal Control Authority.

The owner must provide proof at the time of registration that:

A. The home-owner's insurance policy for the residence in which the dangerous dog is housed contains a rider or a liability clause for dangerous dogs;

B. The dog's rabies vaccination status is current;

C. The dog is licensed for the current year; and

D, The dog is micro-chipped with a permanent ID.

E. Every dog for which the owner is required to obtain a permit must wear a valid

permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued the Animal Control Authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

APPEAL PROCEDURE

Within fourteen (14) days of the date of the notice of the police or animal control officer's decision that a dog is dangerous, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Animal Control Board, with copies to the Chief of Police and Clerk of City. If such an appeal is filed, a hearing shall be commenced within three (3) weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.

The determination of the Animal Control Board shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the Animal Control Board. .

§2-115. Impoundment.

1. In addition to any other remedies provided in this Part, an Animal Control Officer or a Police Officer may seize, impound and humanely confine ~~to an animal shelter or hospital~~ any of the following animals ***in accordance with Pennsylvania Title 3 Agriculture Chapter 8 Dog Law :***

A. Any dog without a valid permit tag or license.

B. Any animal at large.

C. Any animal constituting a public nuisance or considered a danger to the public.

D. Any animal that is in violation of any quarantine or confinement order of a Health Officer.

E. Any unattended animal that is ill, injured or otherwise in need of care.

F. Any animal that is reasonably believed to have been abused or neglected.

G. Any animal that is reasonably suspected of having rabies.

H. Any animal that is charged with being potentially dangerous, aggressive or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.

I. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.

J. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

K. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

2. An Animal Control Officer or Police Officer may also, or in lieu of impoundment, issue to the owner a citation.

§2-116. Notice to Owner and Redemption.

1. Upon impoundment of an animal, the ~~Humane Society~~ ***designated Animal Control Authority*** shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

2. An owner reclaiming an impounded animal shall pay a fee of $25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.

3. Any animal not reclaimed by its owner within 48 hours shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the ~~Humane Society~~ ***designated Animal Control Authority.***

4. Any dangerous dog or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the ~~Humane Society~~ ***designated Animal Control Authority.***

§2-117. Animal Control Board Established.

1. There is hereby established a City Animal Control Board.
2. The Mayor shall appoint five members plus two alternates subject to confirmation by City Council. The two alternate members shall represent the community at large and shall be empowered to sit on the Board in the absence of a Board member. In the event of the absence of one Board member, the alternate with the greatest length of service in the position will serve. In the absence of two Board members both alternates will serve. In the absence of both alternates, the Mayor may designate a temporary alternate at large.

One of the five regular appointees shall be designated as chairperson by the Mayor, subject to confirmation by Council.

A. Two members shall be appointed as representatives of the community at large.

B. Two members shall be appointed representatives of animal humane societies and animal shelters.

C. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

D. Two alternates shall be appointed as representatives of the community at large.

3. The term of each member shall be 3 years, or until a successor takes office.

§2-118. Animal Control Board; Powers and Duties.

1. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk.
2. The Board shall also have the authority to do the following:

A. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on

such permission that it deems necessary to protect the animal, owner, and the general public.

B. Make determinations of aggressive dogs as defined under "Definitions," §2-102.

3. The Board shall meet at the call of the Chairperson to take the following actions:

A. Prepare and present the Animal Control Board budget to the Director of Finance.

B. Recommend to the City Council changes in the law regarding the control of animals.

§2-119. Sanctions and Remedies.

1. Obedience training for the animal(s) in question.
2. Muzzling of an animal while off the property of the owner.
3. Confinement of an animal indoors.
4. Confinement of an animal in a secure enclosure.
5. Reduction of the number of animals kept at any one location.
6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.
7. The sterilization of an animal.
8. A ban on maintaining other animals in the City.
9. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.
10. Any fees previously paid nonrefundable.

§2-120. Appeals.

Any person aggrieved by any decision of an Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

§2-121. Enforcement.

Animal Control Officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with Police Officers, shall have the authority to act on behalf of the City and the Animal Control Board in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Part. It shall be a violation of this Part to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

§2-122. Violations and Penalties.

1. It shall be violation of the Part to:

A. Fail to comply with any provision of this Part.

B. Fail to comply with any lawful order of the Animal Control Board, an Animal Control Officer, or Police Officer unless such order is lawfully stayed or reversed.

2. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than $100 nor more than $1,000 plus costs; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

3. Notwithstanding any other penalties imposed by this Section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in §2-102 herein), shall be subject to a minimum fine of $500 to a maximum of $1,000 plus costs and other fees and penalties included within the terms of this Part and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. All fines collected shall be forwarded to the ~~Berks County Humane Society~~ ***designated Animal Control Authority*** to cover administrative expenses.

(*Ord. 72-2005*, 11/14/2005, §1)

PART 22

PIGEONS

§2-201. Coop Size and Number of Pigeons.

No person, firm or corporation shall keep, maintain or harbor any pigeons within the City in a suitable house or coop which is more than 800 cubic feet in size and not more than 100 pigeons shall be kept by any one person, firm or corporation at any time. Pigeon houses or coops may also have an attached enclosed runway, but all structures for keeping the pigeons shall be constructed so as to keep the pigeons properly confined and prevent their flying abound.

§2-202. Sanitary Maintenance; Loud Noises Prohibited.

Any pigeon houses, coops or runways shall be maintained in such proper sanitary conditions as to avoid offensive odors and no pigeons shall be kept which create any loud and excessive noises.

§2-203. Feeding Prohibited.

No person shall intentionally feed pigeons at large.

§2-204. Humane Disposition of Pigeons at Large.

Pigeons at large and not branded may be captured and destroyed by any humane means byany representative of the Property Improvement Division of the ~~Department of Community Development~~ ***of the Police Department, by the City's animal control authority*** or by any property owner of the City upon whose property may such pigeon shall be found at large.

§2-205. Penalty.

Any person, firm or corporation who shall violate this Part shall be, upon conviction thereof sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
(*Ord. 31-1965*, 7/7/1965, §5; as amended by *Ord. 14-2001*, 5/29/2001)

BILL NO. _____-2008

A N O R D I N A N C E

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CITY OF READING CODE OF ORDINANCES BY AMENDING PART 10 OF CHAPTER 24 TAXATION, OF THE CITY OF READING CODE OF ORDINANCES, TO BE FOUND AT SECTIONS 24-1001 TO 24-1002, ENTITLED "SCHEDULE OF ATTORNEY'S FEES FOR COLLECTION OF DELINQUENT EARNED INCOME TAXES, BUSINESS PRIVILEGE TAXES AND FEES, PER CAPITA TAXES, AND OTHER NON-REAL ESTATE BASED TAXES AND RECEIVABLES" WHICH SHALL AUTHORIZE THE IMPOSITION OF ATTORNEY FEES FOR THE COLLECTION OF SUCH TAXES AND ADDING A NEW PART 11, FORMERLY PART 10, RESIDENTIAL "RENTAL TAX" OF CHAPTER 24 TAXATION, SPECIAL, OF THE CITY OF READING CODE OF ORDINANCES, TO BE FOUND AT SECTIONS 24-1101 TO 24-1110, ENTITLED "RESIDENTIAL RENTAL TAX" WHICH SHALL IMPOSE A TAX ON THE TRANSACTION OF ENTERING INTO A LEASE FOR RESIDENTIAL PROPERTY; ESTABLISHING THE RATE OF SUCH TAX; PROVIDING PROCEDURES FOR THE ADMINISTRATION AND COLLECTION OF THE TAX; AND PROVIDING PENALTIES FOR VIOLATIONS.

PART 10
~~RESIDENTIAL RENTAL TAX~~

SCHEDULE OF ATTORNEYS' FEES
FOR COLLECTION OF DELINQUENT EARNED INCOME TAXES, BUSINESS PRIVILEGE TAXES AND FEES, PER CAPITA TAXES, AND OTHER NON-REAL ESTATE BASED TAXES AND RECEIVABLES

~~§24-1001. SHORT TITLE.~~ ***Schedule***

~~This Part shall be known and may be cited as the City of Reading Residential Rental Tax.~~

1. The City hereby approves the following schedule of attorneys' fees for delinquent collections associated with earned income tax, business privilege tax, business privilege license fees, per capita tax, and other non-real estate based tax and receivables. Said schedule is determined to be fair and reasonable compensation for services rendered pursuant to the Pennsylvania Municipal Claims and Tax Liens Act.

SCHEDULE OF FEES

LEGAL SERVICES	***FEE FOR SERVICES***
Collection of delinquent accounts against the	***20% contingency fee, calculated base tax, penalty, and interest of the delinquent account***

2. There shall be added to the above amounts the reasonable out-of-pocket expenses incurred by legal counsel in connection with the collection of the accounts, including Sheriff's and Prothonotary's costs.

3. The amount of attorneys' fees determined, as set forth above, shall be added to the City's claim for each account.

4. The following collection procedures are hereby established:

A. At least thirty (30) days prior to assessing or imposing attorneys' fees in connection with the collection of a delinquent account, City shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the "Account Debtor");

B. If the certified mail notice is undeliverable, then, at least 10 days prior to assessing or imposing such attorneys' fees, the City shall mail or cause to be mailed, by first class mail, a second notice to such account Debtor;

C. All notices required by this section shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the City, or such other address as it may be able to obtain.

D. Each notice, as described above, shall include the following:

(1) The type of tax or other charge, the date it became due, and the amount owed, including penalty and interest.

(2) A statement of the City's intent to impose or assess attorneys' fees within 30 days after mailing of the first notice, or within 10 days after the mailing of the second notice.

(3) The manner in which the assessment or imposition of attorneys' fees may be avoided by payment of the account.

(4) The place of payment for accounts and the name and telephone number of the City representative designated as responsible for collection matters.

~~§24-1002. AUTHORITY FOR TAX.~~ ***Powers.***

~~This tax is levied under the authority granted to the City of Reading by the Local Tax Enabling Act, Act of December 31,1965, P.L. 1257, No. 511, as amended, 53 P.S. §6901 et seq.~~

The proper officials of the City are hereby authorized and empowered to take such additional action as they may deem necessary and appropriate to implement this Schedule of Attorneys' Fees.

~~§24-1003. DEFINITIONS AND WORD USAGE.~~

~~A. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated as follows:~~

~~1. CITY- the City of Reading, Berks County, Pennsylvania.~~

~~2. DWELLING UNIT - A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other within the building. The term "dwelling unit" shall not be deemed to include a hotel unit.~~

~~3. HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.~~

~~4. HOUSING LICENSE - a document issued by the Codes Division to the Owner of a Residential Rental Unit.~~

~~5. LEASE TRANSACTION - a transaction under which an Owner, either directly or through an agent of such Owner, and any other person or persons enter into an agreement under which such person or persons is/are allowed to become Occupant(s) of a Residential Rental Unit for a period equal to or less than one year. Each year of a multi-year lease or other agreement allowing occupancy of a Residential Rental Unit shall be considered a separate lease transaction.~~

~~6. OCCUPANT - any person over eighteen (18) years of age living and sleeping in a Residential Rental Unit or having actual possession of said Residential Rental Unit.~~

7. OWNER - Any person who, individually, jointly or severally with others, shall have legal or equitable title to or have any other legal or beneficial interest in any Residential Rental Unit, whether or not such person occupies the Unit or any part thereof. If more than one person owns the property as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an Owner under this Part.

8. PERSON - Includes any individual, firm, corporation, company, association, partnership, trusts, agent or other entity.

9. PERSONAL CARE HOME - a premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration which meets all regulations of the Pennsylvania Department of Public Welfare.

10. RESIDENTIAL RENTAL UNIT - (i) a Rooming Unit or (ii) a dwelling unit let for rent. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each rooming unit shall be considered a separate Residential Rental Unit. If a structure contains a Rooming Unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a Hotel Unit or a Personal Care Home. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

11. ROOMING UNIT - a portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit. .

B. Word Usage.

1. Tense, Gender and Number. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

2. Whenever the words “Residential Rental Unit,” “Rooming Unit,” and “Dwelling Unit” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

~~§24-1004. IMPOSITION OF TAX.~~

~~A tax is hereby levied and imposed, for general City purposes, on every Lease Transaction, at the rate of fifty ($50.00) dollars.~~

~~1. The foregoing tax shall be levied upon all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit.~~

~~2. No tax shall be imposed more than once each calendar year on Lease Transactions involving the same individual Residential Rental Unit.~~

~~§24-1005. PAYMENT DATES.~~

~~The tax imposed under this Part shall be payable to the City by the Owner of each Residential Rental Unit which is the subject of a Lease Transaction. The tax shall be payable on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading and annually thereafter so long as the Residential Rental Unit is the subject of a Lease Transaction. In the case of any Residential Rental Unit which is first the subject of a lease transaction after January 1, 2009, such tax shall be payable at the time of issuance of a Housing License and thereafter on January 1 of each year, or pursuant to the collection procedures as established by the City as long as the Residential Rental Unit is the subject of a Lease Transaction.~~

~~§24-1006. COLLECTION AND DISPOSITION.~~

~~1. The City Tax Division Manager or his/her designee shall be and hereby is appointed the collecting agent for the collection of the tax.~~

~~2. The payment of the tax imposed by this Part shall be evidenced by a receipt setting forth the date and amount of payment, the name of the payee, and the identification of the Residential Rental Unit which is the subject of the Lease Transaction for which the tax is paid.~~

~~3. The City Tax Division Manager is authorized and empowered to prescribe, adopt and promulgate rules, regulations and forms relating to any matter or thing pertaining to the administration and enforcement of this Part and the collection of the tax, interest and penalties hereby imposed and may appoint assistants to collect the tax and administer this Part, subject to the approval of City Council.~~

~~§24-1007. INTEREST AND PENALTIES.~~

~~1. Any tax imposed under this Part which is unpaid more than 30 days after the date such tax is due and payable shall be subject to interest at the rate of 1 % per month or fractional part of a month until paid in full.~~

~~2. A penalty of 10% is hereby imposed upon all taxes which are unpaid more than 30 days after they are due and payable in accordance with the provisions of this Part. Any penalties imposed pursuant to the terms of this Section shall be a penalty upon the entire unpaid balance which shall include the tax plus any accumulated interest to date.~~

~~§24-1008. RECOVERING OF TAXES AND PENALTIES.~~

~~All taxes imposed by this Part, together with interest from the due date and the penalty thereon, may be recovered as other debts of like character are now by law recoverable.~~

~~§24-1009. VIOLATIONS AND PENALTIES.~~

~~1. It shall be unlawful for any Owner of a Residential Rental Unit to:~~

~~A. Enter into a lease transaction without having paying the tax imposed by this Part.~~

~~B. Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated under the provisions of this Part.~~

~~2. Any person convicted before a District Justice of violating any of the provisions of this Part shall be liable to a fine not exceeding $600.00 for each and every offense, together with the cost of prosecution thereof and in default of payment of the fine, may be imprisoned for a period not to exceed 30 days. The payment of such fine or the serving of such imprisonment shall not relieve the person liable for such tax to pay such tax, interest, and penalties. Each day that an offense continues shall constitute a separate violation of this Part.~~

~~**SECTION 2**. All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.~~

~~**SECTION 3**. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.~~

~~**SECTION 4**. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221. The tax established hereunder shall begin to be administered on January 1, 2009 and collected on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading.~~

PART 11
RESIDENTIAL RENTAL TAX

§24-1101. SHORT TITLE.

This Part shall be known and may be cited as the City of Reading Residential Rental Tax.

§24-1102. AUTHORITY FOR TAX.

This tax is levied under the authority granted to the City of Reading by the Local Tax Enabling Act, Act of December 31,1965, P.L. 1257, No. 511, as amended, 53 P.S. §6901 et seq.

§24-1103. DEFINITIONS AND WORD USAGE.

A. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated as follows:

1. CITY- the City of Reading, Berks County, Pennsylvania.

2. DWELLING UNIT - A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other within the building. The term "dwelling unit" shall not be deemed to include a hotel unit.

3. HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

4. HOUSING LICENSE - a document issued by the Codes Division to the Owner of a Residential Rental Unit.

5. LEASE TRANSACTION - a transaction under which an Owner, either directly or through an agent of such Owner, and any other person or persons enter into an agreement under which such person or persons is/are allowed to become Occupant(s) of a Residential Rental Unit for a period equal to or less than one year. Each year of a multi-year lease or other agreement allowing occupancy of a Residential Rental Unit shall be considered a separate lease transaction.

6. OCCUPANT - any person over eighteen (18) years of age living and sleeping in a Residential Rental Unit or having actual possession of said Residential Rental Unit.

7. OWNER - Any person who, individually, jointly or severally with others, shall have legal or equitable title to or have any other legal or beneficial interest in any Residential Rental Unit, whether or not such person occupies the Unit or any part thereof. If more than one person owns the property as joint tenants, tenants in common, tenants by the entireties, or tenants in co-partnership, each such person shall be considered an owner and shall have all of the duties of an Owner under this Part.

8. PERSON - Includes any individual, firm, corporation, company, association, partnership, trusts, agent or other entity.

9. PERSONAL CARE HOME - a premises in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration which meets all regulations of the Pennsylvania Department of Public Welfare.

10. RESIDENTIAL RENTAL UNIT - (i) a Rooming Unit or (ii) a dwelling unit let for rent. Each individual townhouse dwelling, each individual apartment unit, each individual unit in a multifamily building, and each rooming unit shall be considered a separate Residential Rental Unit. If a structure contains a Rooming Unit or if any portion of the structure is let for rent, it shall be considered a Residential Rental Unit whether or not the Owner or a relative of the Owner also resides in the structure. A Residential Rental Unit shall not include a Hotel Unit or a Personal Care Home. A Residential Rental Unit includes dwelling units under lease-purchase agreements, or long-term [greater than six (6) months] agreements of sale.

11. ROOMING UNIT - a portion of a dwelling unit including any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes. Granting of permission to use shared or common cooking facilities may be associated with the leasing of a rooming unit. .

B. <u>Word Usage</u>.

1. <u>Tense, Gender and Number</u>. Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

2. Whenever the words "Residential Rental Unit," "Rooming Unit," and "Dwelling Unit" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

§24-1104. IMPOSITION OF TAX.

A tax is hereby levied and imposed, for general City purposes, on every Lease Transaction, at the rate of fifty ($50.00) dollars.

1. The foregoing tax shall be levied upon all Lease Transactions which authorize a person to be an Occupant of a Residential Rental Unit, regardless of when such person or persons commenced occupancy of the Residential Rental Unit.

2. No tax shall be imposed more than once each calendar year on Lease Transactions involving the same individual Residential Rental Unit.

§24-1105. PAYMENT DATES.

The tax imposed under this Part shall be payable to the City by the Owner of each Residential Rental Unit which is the subject of a Lease Transaction. The tax shall be payable on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading and annually thereafter so long as the Residential Rental Unit is the subject of a Lease Transaction. In the case of any Residential Rental Unit which is first the subject of a lease transaction after January 1, 2009, such tax shall be payable at the time of issuance of a Housing License and thereafter on January 1 of each year, or pursuant to the collection procedures as established by the City as long as the Residential Rental Unit is the subject of a Lease Transaction.

§24-1106. COLLECTION AND DISPOSITION.

1. The City Tax Division Manager or his/her designee shall be and hereby is appointed the collecting agent for the collection of the tax.

2. The payment of the tax imposed by this Part shall be evidenced by a receipt setting forth the date and amount of payment, the name of the payee, and the identification of the Residential Rental Unit which is the subject of the Lease Transaction for which the tax is paid.

3. The City Tax Division Manager is authorized and empowered to prescribe, adopt and promulgate rules, regulations and forms relating to any matter or thing pertaining to the administration and enforcement of this Part and the collection of the tax, interest and penalties hereby imposed and may appoint

assistants to collect the tax and administer this Part, subject to the approval of City Council.

§24-1107. INTEREST AND PENALTIES.

1. Any tax imposed under this Part which is unpaid more than 30 days after the date such tax is due and payable shall be subject to interest at the rate of 1 % per month or fractional part of a month until paid in full.

2. A penalty of 10% is hereby imposed upon all taxes which are unpaid more than 30 days after they are due and payable in accordance with the provisions of this Part. Any penalties imposed pursuant to the terms of this Section shall be a penalty upon the entire unpaid balance which shall include the tax plus any accumulated interest to date.

§24-1108. RECOVERING OF TAXES AND PENALTIES.

All taxes imposed by this Part, together with interest from the due date and the penalty thereon, may be recovered as other debts of like character are now by law recoverable.

§24-1109. VIOLATIONS AND PENALTIES.

1. It shall be unlawful for any Owner of a Residential Rental Unit to:

A. Enter into a lease transaction without having paying the tax imposed by this Part.

B. Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated under the provisions of this Part.

2. Any person convicted before a District Justice of violating any of the provisions of this Part shall be liable to a fine not exceeding $600.00 for each and every offense, together with the cost of prosecution thereof and in default of payment of the fine, may be imprisoned for a period not to exceed 30 days. The payment of such fine or the serving of such imprisonment shall not relieve the person liable for such tax to pay such tax, interest, and penalties. Each day that an offense continues shall constitute a separate violation of this Part.

SECTION 2. All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

SECTION 3. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court

of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221. The tax established hereunder shall begin to be administered on January 1, 2009 and collected on January 1, 2009, or pursuant to the collection procedures as established by the City of Reading.