CITY COUNCIL

Meeting Agenda

REGULAR MEETING ***MONDAY, OCTOBER 26, 2009***
COUNCIL CHAMBERS ***7:00P.M.***

OPENING MATTERS

CALL TO ORDER
INVOCATION: Mr. Steve Elmarzouky, Islamic Center of Reading
PLEDGE OF ALLEGIANCE
ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Presentation of the Waste Watcher Award by Jane Meeks, Executive Director of the Berks County Solid waste Authority

Presentation of Certificates to the Discovering Reality Easily and Meaningfully (DREAM) Program of the Olivet Boys and Girls Club

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

MINUTES: Council Meeting of October 12, 2009
AGENDA: Council Meeting of October 26, 2009

Consent Agenda Legislation

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Override of Veto Bill No. 55-2009 - amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts **(Spencer)** ***Introduced at the September 28 regular meeting; Enacted at 10-12 Regular meeting***

Override of Veto Bill No. 56-2009 - 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; Enacted at 10-12 Regular Meeting; Sent to the Mayor for approval on 10-13-09***

Bill No. 54-2009 – amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer)** ***Introduced at the September 28 regular meeting; tabled at the October 12 regular meeting; Sent to the Mayor for approval on 10-13-09***

Bill No. 57-2009 - 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)** ***Introduced at the October 12 regular meeting***

Bill No. 58-2009 - 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)** ***Introduced at the October 12 regular meeting***

Bill No. 59-2009 – 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)** ***Introduced at the October 12 regular meeting***

Bill No. 60-2009 – 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)** ***Introduced at the October 12 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 - 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 - 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 0.5% to 1.2% and establishing the total EIT rate (City and School) at 3.2% **(Mayor)** ***Introduced at the October 1 Special Meeting***

INTRODUCTION OF NEW ORDINANCES

Ordinance - amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors by prohibiting sidewalk vendor operations outside the Downtown Improvement District on public and private property and renumbering as required, as attached in Exhibit A **(Council Staff)**

RESOLUTIONS

Resolution – appointing Robert Swope to the Board of Ethics **(Admin Oversight)**

Resolution – appointing Bernardo Carbajal II to the Minority Business Procurement Board **(Admin Oversight)**

Resolution – reappointing Gregory Geiger to the Stadium Commission **(Admin Oversight)**

Resolution – reappointing Mark Feeney to the HVAC Board **(Admin Oversight)**

Resolution – supporting the Family and Business Health Security Act of 2009, as proposed by H.B. 1660 and S.B. 400 **(Spencer)**

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

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

Wednesday, October 28
Conditional Use Hearing 1524 Palm Street – Council Chambers – 5 pm
HARB Appeal – Council Chambers – immediately following

Monday, November 2
Meeting with the Mayor – Mayor's Office – 4 pm
Finance Committee – Council Office – 5 pm
Public Safety Committee – Council Office – 5 pm

****Tuesday, November 3****
City Hall Closed – Election Day

Thursday, November 5
Properties of Merit Reception – Historical Society of Berks County – 7 pm
10 Year Park and Open Space Plan meeting – Pendora Fieldhouse – 7:30 pm

Monday, November 9
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 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

Tuesday, October 27
Vending License Review Board – Council Chambers – 1 pm
Housing Authority Workshop – WC Building – 5 pm
Environmental Advisory Council – Council Office – 5:30 pm

Housing Authority – WC Building – 6 pm
Planning Commission – Penn Room – 7 pm
Penn's Commons Neighborhood Group – Penn's Commons Meeting Room – 7 pm

Wednesday, October 28
Human Relations Commission – Penn Room – 5:30 pm
Parking Authority – Parking Authority Office – 5:30 pm
Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm
18th & Cotton Community Crime Watch – St. Matthew's Church – 7 pm
Stadium Commission – Stadium RBI room – 8:30 pm

Monday, November, 2
Centre Park Artifacts Bank – 705 N 5th St – noon
Shade Tree Commission – Planning Conference Room – 6 pm

Tuesday, November 3
Charter Board – Penn Room – 7 pm

Wednesday, November 4
Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm
Board of Health – Penn Room – 6 pm
District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, November 5
Police Civil Service Board – Penn Room – noon
Glenside Community Council – Christ Lutheran Church – 6:30 pm
District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, November 8
College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, November 9
Fire Civil Service Board – Penn Room – 4 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

CITY COUNCIL MEETING
MONDAY, OCTOBER 12, 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 Pastor Eileen Levan, Nativity Lutheran Church.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
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
Fire Marshall, T. Iaeger
O. Smith, PARC

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

Council President Spencer announced that fifteen (15) citizens were registered to address Council on agenda matters. He reminded the citizens registered to speak about the public speaking rules.

Ruth Sassaman, AFSCME #2763, explained that AFSCME, as a contract concession, offered a 2010 pay freeze in exchange for a three (3) year contract extension. That offer was rejected on September 15th. Recently the Administration announced their willingness to negotiate with AFSCME. She inquired why the Mayor filled a $55K

management position, when he's also looking at laying off Public Works, Police and Fire employees. She also noted on review of the City's Position Ordinance, additional AFSCME personnel positions were found to be missing with no reduction in first-level supervisors. She expressed the belief that the employee supervisor level ratios need further examination. She also questioned why the 2008-2009 rental permits have not been billed. She also noted that a past reduction in part-time Police Administrative staff has caused the cessation of false alarm billing.

Ron Lyons, City Resident and president of AFSCME #2763, stated that the Mayor's recent move to fill a mid-level management position at $55K per year has affected the moral of AFSCME employees. He also inquired why the position cuts go further when comparing the position ordinance with the statements made by the Mayor.

Roxanne Curran, South 11th Street, was not present.

John Longenecker, City Resident and AFSCME #2763, was not present.

Michael Pappas, AFSCME #2763, explained that he is speaking before Council in the attempt to retain his position in the Streets Department. He explained that Street Sweepers attempt to improve the City's appearance. He noted that the other services performed by the eighteen (18) employees that work in the Streets Department, such as collection of bagged and loose leafs, collection of yard waste, etc. He described the department's approach to reduce overtime during the winter months.

Rich Kasperzewski, City Resident and AFSCME #2763, expressed the belief that the proposed layoffs lack accountability as the Administration has not defined a contingency plan to cover basic public services.

Nathaniel Thomas, AFSCME #2763, stated that he is also a library technician facing lay-off. He explained the services provided to the public by library staff and noted the affect the closure of the three (3) branch libraries would have.

Jennifer Ballas-Bressler, AFSCME #2763, and a reference librarian stated that she is also speaking as a citizen. She noted the importance of the services provided to the public by library staff. She also noted the drastic increase in the number of people coming to the library to use internet service to apply for jobs and unemployment. She also described the 27% cut in state funding that will also affect the libraries. She stated that the libraries also lifelines to the community.

Terri Higgins-Brown, Alsace Road, stated that she is a frequent visitor at the Northeast Branch library. She noted observing the huge jump in internet usage at the Northeast Branch due to unemployment. She also noted that library population has also boomed due to people not having funds to purchase books and rent movies. She expressed concern for the effect branch closures will have. She asked City Council to find some way to support the continuation of library services.

Cheryl Williams, Mount Penn, noted the contribution the library makes to the extended community. She stated that although she is a Mount Penn resident, she frequently visits the Southeast branch library. She described her volunteer activities at the Southeast branch. She described the variety of programs and activities for visitors of all ages. She expressed the belief that Police, Fire, and Library staff should not be reduced.

William Frymoyer, **AFSCME #2763,** expressed the belief that the reduction of Public Works and Library employees will reduce the level of core services depended on by City residents. He noted the increased risk factors that go along with reducing core services. He also described the services provided by library staff.

Debbie Kinkaid, Mount Penn, asked City Council to reconsider the reductions at the libraries, as libraries provide critical neighborhood services.

Justus James, AFSCME #2763, described the benefits public services have for citizens. He noted the 11:1 supervisor employee ratio and suggested that the Administration reevaluate this ratio. He also noted the Administration's request for AFSCME concessions without making any counter suggestion or offering a dollar value.

Ernie Schlegel, Pear Street, expressed his support for the ordinance authorizing a study of the IT department. He also questioned the motive of the Reading Eagle articles complaining about City Council's position on the proposed budget. He expressed the belief that this Administration has continued to fail to properly manage the City. He noted that the Charter requires the Managing Director to annually submit a five (5) year plan. He questioned if the Managing Director's failure to submit a five (5) year plan is a Charter violation. He also questioned if providing administrative leave to an employee is a Charter violation, as it is not defined anywhere in the City's codes. He also wondered if hiring a fulltime employee not authorized in the position ordinance is a Charter violation. He suggested that Council have some trust in the Administration, but verify before acting.

Ruth Martelli, Palm Street, expressed her support for the services provided by AFSCME employees. She also described her volunteer work at BCTV and asked City Council to reconsider that reduction,

AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting, including the two (2) items listed under the Consent Agenda heading and the minutes from the September 28th regular meeting of Council.

Councilor Sterner moved, seconded by Councilor Baez, to adopt the minutes from the September 28th regular meeting of Council and the agenda, including the items listed under the Consent Agenda heading. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Update on the 2010 budget process
- Act 47 public hearing on October 14th at 7pm
- City Youth Tennis Program update
- 25th Annual Haunted House Program scheduled for the Schlegel Park field house

Councilor Waltman stated that he agrees that this budget will be extremely difficult; however, he reminded everyone that the Administration could have been working to hedge these problems over the last six (6) years.

Councilor Waltman also questioned the Mayor's recent statement blaming the City's financial problems on the recession. He also noted his disappointment that City Council has not received any formal document describing the Administration's plan or what they hope to accomplish under Act 47.

AUDITOR'S REPORT

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

- Collection of 2009 Franchise fees
- Payment In Lieu of Tax collections 2005-2009
- 2010-2011 Municipal Sewage Rate Calculation increase of 7.92%
- Collection of Public Utility Realty Tax 1997-2009

Mayor McMahon inquired if a reminder letter is sent out to non-profits to remind them of the need to remit a payment in lieu of taxes (PILOT). Mr. Cituk stated that that letter should be generated by the Mayor, not the City Auditor. He explained that some of the PILOT payments are the result of legal agreements. He suggested that the Mayor research this and take the proper action to reinstate these agreements.

REPORTS OF BOARDS, AUTHORITIES, & COMMISSIONS

Otis Smith, chair of the Park and Recreation Committee, described the PARCs difficulty with retaining consistent participation by it's members. He noted the professional assistance from Deputy City Clerk Michelle Katzenmoyer, and Recreation Superintendent Mike Zuber. He described the PARCs intent to update the ten (10) year PARC and open space plan through public meetings and seeking the input and advice from all Reading citizens. He also described some new program ideas and noted the value of the recreation services provided to all citizens.

Council President Spencer thanked Mr. Smith and the PARC for their effort.

ORDINANCES FOR FINAL PASSAGE

Ordinance 54– amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning appropriations and transfers **(Spencer)** ***Introduced at the September 28 regular meeting***

Councilor Fuhs moved, seconded by Councilor Marmarou, to table Bill No. 54-2009.

Bill No. 54-2009 was tabled by the following vote:

> **Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**
> **Nay: None – 0**

Ordinance 55–2009 amending the Codified Ordinances, Administrative Code Section 1-186 Fiscal Provisions concerning approval of contracts **(Spencer)** ***Introduced at the September 28 regular meeting***

Councilor Fuhs moved, seconded by Councilor Marmarou, to enact Bill No. 55-2009.

Bill No. 55-2009 was enacted by the following vote:

> **Yea: Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President - 6**
> **Nay: None – 0**

Ordinance 56–2009 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***

Councilor Fuhs moved, seconded by Councilor Marmarou, to table Bill No. 56-2009.

Bill No. 55-2009 was not tabled by the following vote:

> **Yea: Fuhs, Sterner - 2**
> **Nay: Baez, Marmarou, Waltman, Spencer, President – 4**

Councilor Waltman moved, seconded by Councilor Marmarou, to enact Bill No. 56-2009.

Councilor Waltman stated that this study will provide follow up on the Blue Ribbon Panel recommendations to correct the various long standing problems in the IT area. He expressed the belief that the Administration should have reacted to the Blue Ribbon Panel's recommendations by now. As the Administration has not properly responded, City Council will need to initiate this study under the authority of Charter Section 210.

Councilor Fuhs noted that the usual reaction of the body is to table legislation when requested by a member who is absent. He expressed the belief that additional discussion is required before enacting this ordinance. He also noted the Mayor's promise in the Committee of the Whole meeting to begin to addressing IT issues internally.

Councilor Fuhs questioned various phrases and directives within the ordinance, such as, including other departments and agencies in the study. He suggested that Council provide clarification and amendment. He also noted a variety of other clarifications that are needed and expressed the belief that the ordinance lacks the Charter's requirement for specificity. He also noted the need for the application of a cap to the cost of the study.

Councilor Sterner inquired if Councilor Goodman-Hinnershitz made the request to table this ordinance to Council staff or to Councilor Fuhs directly. He agreed with the need to find a solution to the various IT problems and suggested that further discussion occur when all councilors are present.

Councilor Waltman noted his past announcement of the need for an audit of the IT area in his response to the Blue Ribbon Panel report. He noted repeat attempts and discussions over previous years to correct or attempt to correct various IT issues. He stated that this audit will provide a deeper look to the findings provided by the Blue Ribbon Panel. He stated that he brings the ordinance forward with no agenda or goal other than to improve the City's operations.

Council President Spencer read from Charter Section 210.

Councilor Waltman moved, seconded by Councilor Marmarou, to amend Bill No. 56-2009 to apply a cap of $10K.

Councilor Fuhs expressed the belief that the cost and expanse of this study requires further discussion. He expressed the belief that a financially strapped City should not spend money on unnecessary studies when employees are facing salary cuts. He also suggested that an RFP to determine the costs and study terms occur prior to enacting an ordinance to authorize the audit.

Councilor Sterner expressed the belief that the Administration should have handled IT issues over the years and addressed recommendations made by the Blue Ribbon Panel. He agreed with the need for a review of the IT area by independent eyes.

Bill No. 56-2009 was amended by the following vote:

Yea: Baez, Marmarou, Waltman, Spencer, President - 4
Nay: Fuhs, Sterner– 2

Bill No. 56-2009 was enacted as amended by the following vote:

Yea: Baez, Marmarou, Waltman, Spencer, President - 4
Nay: Fuhs, Sterner– 2

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 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 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 Position Ordinance **(Spencer & Waltman)**

COUNCIL COMMENT

Councilor Fuhs stated that tours of the Evergreen Power Plant are still available.

Councilor Fuhs encouraged people with pets to speak out at upcoming Council meetings as their rights to own pets may be limited by the enactment of an ordinance introduced this evening.

Councilor Fuhs expressed the belief that the body of Council should not change their position between meetings. He stated that all Councilors should be present when important legislation is enacted.

Councilor Sterner stated that he did not vote to support the audit of the IT area as he believes that an additional two (2) weeks would allow the Administration to prepare a response. He also expressed the belief that City Council members did not formally agree to table the IT audit ordinance at the Committee of the Whole meeting.

Councilor Sterner expressed congratulations to Ms. White for winning the Berks County Outstanding Young Woman contest.

Councilor Sterner thanked all those commenting this evening. He stated that he and his fellow Council members appreciate public input.

Councilor Marmarou agreed with the need for a study of the IT department and expressed his agreement with the need to retain Public Works and library services.

Councilor Marmarou described the great attendance at the recent College Heights Community Council meeting.

Councilor Baez congratulated Ms. White and thanked Fire Marshall Iaeger for his public safety work. She noted her support of public participation at Council meetings. Councilor Baez clarified the budget meeting schedule provided in the Mayor's report. She noted that she cannot attend the Act 47 hearing scheduled for Wednesday, October 14th due to a work commitment.

Councilor Waltman stated that he will accept responsibility to move the IT study ordinance forward.

Councilor Waltman stated that he has served on City Council for the past nine (9) years and finds it interesting that, according to the Reading Eagle, he has never done anything right. He stated that the Reading Eagle bashes City Council members every year as the budget process progresses.

Managing Director Hottenstein responded to comments made during the public comment period regarding a conference attended by the Police Chief, the employee-management ratio and the collection of EIT and property taxes.

Council President Spencer commended Ms. White for her achievement.

Council President Spencer encouraged all residents to attend the Act 47 hearing scheduled for October 14th in Council Chambers.

Council President Spencer inquired if the Police conference was available via the internet. Mr. Hottenstein replied that some are and staff takes those opportunities when available.

Council President Spencer stated that the Solicitor will be responding on the inquiry concerning administrative leave. He noted that administrative leave is not provided in

the Personnel Code, the Employee Handbook, or the Charter. He also stated that the Solicitor will be responding to an inquiry regarding the Human Resources Director's severance package.

Councilor Fuhs thanked Councilor Waltman for recognizing that some shift occurred after tonight's Committee of the Whole meeting and before this regular session.

Council President Spencer went over the council meeting schedule.

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

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Linda Kelleher CMC, City Clerk

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 not to exceed $10,000 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: _____

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: _____

City of Reading City Council

Brief

Agenda Item:	Animal Control Ordinance	**From:**	Linda A. Kelleher City Clerk Shelly Katzenmoyer Deputy City Clerk
Briefing No.:	3-2009	**Date:**	October 21, 2009

BACKGROUND:

This ordinance was originally drafted and enacted to ensure the public health and welfare of citizens and to ensure the human treatment of animals.

When the City began contracting with the Animal Rescue League to be the Animal Control Authority, some resignations from the Animal Control Board occurred. When seated, the newly composed Board began a review of the existing ordinance and found several areas in need of amendment.

The limitation on the number of animals per household issue began when a few Codes Inspectors who have handled many animal control issues, along with the public health and safety issues that occur in cases where a resident owns more animals than they can successfully manage, asked the Council Office to conduct a research project to see if other municipalities limit the number of animals per household. We found that laws on the limitations of the number of pets per household exist in Shillington, Wyomissing, Sinking Spring, Allentown, Bethlehem, Lancaster, Harrisburg, etc. This information was forwarded to the Animal Control Board for their consideration.

AMENDMENTS TO THE EXISTING ORDINANCE:

- Replacing references to the Humane Society with "Designated Animal Control Authority".
- **Replacing old Aggressive Animal language** (which was ruled unconstitutional) with language that mirrors the State regulations – providing the ability to declare the individual dog that bites to be aggressive and dangerous and adds an appeal process.
- Setting an **Exotic Animal Permit fee** at **$75 for the first year**; **subsequent years**

the fee will be $40 (split between the City and the designated Animal Control Authority) to cover administrative and inspection costs. Under the current ordinance the permit is offered at no cost.

- Limiting the number of pets per household to six (6) animals over six (6) months of age – similar regulations used in Shillington, Wyomissing, Sinking Spring, Allentown, Bethlehem, Lancaster, Harrisburg. State regulations allow up to 25 animals per household and require a kennel license for households having more than 25 pets/animals per household.
- Allowing the **revocation of the permit for failure to maintain the care and standards** established in the ordinance.
- Requiring compliance with the denial or revocation of the permit within 30 days and requiring an inspection of the property within 45 days of the denial or revocation of the permit.
- Creating an application process whereby the Animal Control Board will consider the applicant's ability to properly care for more than six (6) animals, the quality of life issues that may affect neighboring properties, how the animals will be restrained, provides for the inspection of the property where the animals will be housed, etc.
- **Creating a permit for citizens who wish to keep more than six (6) pets per household and setting a fee - $50 first year and $25 for annual renewal – per household, NOT per pet** - to cover administrative and inspection costs.
- Adding references to the impoundment and confinement requirements of the Pa Dog Act.
- Requiring all attacks/bites to be reported to the City's Health Officer within 48 hours, who will then report them to the State.
- Allows the Animal Control Board to determine the rules and regulations necessary to enforce the ordinance
- **Enforcement of the ordinance will be complaint based.**
- The **Carnegie case cited during past discussions did not declare limiting the number of pets unconstitutional**. The case was remanded to the lower court. There is no record of the case after the remand.
- **The courts have found that setting limits on the number of pets falls squarely in the realm of municipal police powers.**
- **Ordinance does not apply to feral cat colonies**
- **Ordinance provides essential additional layer of enforcement ability.**
- **Ordinance provides support to police, as the number of employee cuts recommended by the Administration will hamper the police department's ability to enforce animal issues.**

Note: Also see the information attached, provided by the Animal Rescue League (hard copy only)

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 and detention 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.

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 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 EMPLOYMENT POSITIONS TO EXIST WITHIN THE ANNUAL POSITION ORDINANCE.

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

SECTION 1. Amending Section 1-221 Categories of Employment in the City of Reading Codified Ordinances Chapter 1 Administration and Government, Part 2 Personnel Code as follows:

B. Categories of Employment.
§1-221. Categories of Employment.
For the purpose of this Code, City employees shall be classified according to the following categories.

A. **Full-time Employees.** Those employees ***filling positions authorized in the annual Position Ordinance, defined in 1-122*** and who work a minimum of 35 hours weekly.
B. **Part-time Employees.** Those employees ***filling positions authorized in the annual Position Ordinance, defined in 1-122*** who work a maximum of 28 hours weekly.
C. **Temporary Employees.** Those employees ***filling positions authorized in the annual Position Ordinance, defined in 1-122*** who are hired to work for a specified period of time.
D. **Seasonal Employees.** Those employees ***filling positions authorized in the annual Position Ordinance, defined in 1-122*** who are hired to work for a specified season.

SECTION 2. Amending Section 1-271 Salary Administration in the City of Reading Codified Ordinances Chapter 1 Administration and Government, Part 2 Personnel Code as follows:

§1-271. Salary Administration.
1. ***Only employees filling positions, as defined in Section1-221 and authorized in the annual Position Ordinance, as defined in Section 1-122, shall be paid wages and earn benefits including but not limited to sick time, vacation time, participation in the pension program, etc.*** Employees shall be paid for each semi-monthly pay period on the 15th and last of each month. If the 15th or last of the month falls on Saturday or Sunday, employees shall be paid on the preceding working day. For payroll purposes, a work week begins on a Saturday and ends on a Friday, regardless of whether an individual employee is assigned weekend work. [*Ord. 4-2003*]

SECTION 3. Amending Section 1-272 Salary Administration in the City of Reading Codified Ordinances Chapter 1 Administration and Government, Part 2 Personnel Code as follows:

§1-272. Payroll Administration.
Every Department Director shall be responsible for implementing payroll procedures as stipulated in the employee handbook. ***Only employees filling positions defined in Section 1-221 and authorized in the annual Position Ordinance, as defined in Section 1-122, shall be paid wages and earn benefits including but not limited to sick time, vacation time, participation in the pension program, etc.***

SECTION 4: 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 5: 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 6: 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 – 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 POSITION ORDINANCE.

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

SECTION 1. Amending Section 1-121 Official Actions of the Council in the City of Reading Codified Ordinances Chapter 1 Administration and Government as follows:

§1-122. Ordinances.
1. **Action Requiring an Ordinance.** In addition to requirements provided by law or the Charter, §§215 through 2246, acts of the Council shall be by ordinance which:

A. Adopt or amend the codes or establish, alter, or abolish any unit of the City.
B. Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed.
C. Levy taxes and provide for service charges, permit fees and assessments.
D. Grant, renew or extend a franchise.
E. Adopt and amend the annual budget and capital program budget (see Charter, §§905, 912 and 9137).
F. Repeal or amend any ordinance.
G. Adopt procedures for purchasing of products, goods, or services, for the making of contracts and for the sale or lease of personal or real property of the City. (See Charter, §9158).
H. Adopt other actions which are legislative in nature.
I. Authorize the borrowing of money.
J. Purchase, convey or lease lands or buildings.
K. Adopt zoning, subdivision or other land use controls.
J. Adopt the annual Position Ordinance, the official listing of all authorized City employment positions, which authorizes the Administration to hire and compensate all employees, defined in Section 1-121 Categories of Employment.

SECTION 2. Amending Section 1-186 Fiscal Provisions, Number 9 Annual Budget C Budget Organization And Content (2) in the City of Reading Codified Ordinances Chapter 1 Administration and Government:

(2) The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year in accordance with all generally accepted accounting principles and, except as required by the Charter, shall be in such form as the Mayor deems desirable or the Council may require. (Refer to comment on §90146) In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. The budget shall contain, among other things, the following:

(a) It shall begin with a general summary of its contents.
(b) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees, and charges.
(c) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
(d) It shall ***include the Position Ordinance, defined in Section 1-122, which shows*** the number of ***all*** proposed employees in every job classification, ***as defined in Section 1-221,*** highlighting *changes and the proposed salaries of all exempt employees beginning in 2009 (plain italic language required by Bill No. 3-2009 enacted January 26, 200 and approved by the Mayor January 27, 2009)*
(e) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding 4 fiscal years.
(f) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies, in terms of their respective work programs, and the methods of financing such expenditures.
(g) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by office, departments and agencies when practical, and the proposed method of financing each such capital expenditure. The Mayor shall include this separate capital program section in the annual budget and submit it to Council with appropriate supporting information as to the necessity for such programs.
(h) It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
The total of proposed expenditures shall not exceed the total of estimated income. The estimated income shall mean the total of estimated revenue

plus the prior fiscal year's fund balance. If a deficit exists, a plan to eliminate that deficit must be included in the budget.

SECTION 3: 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 4: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

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

Enacted _____, 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

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 10 PART 17 SIDEWALK VENDORS BY PROHIBITING SIDEWALK VENDOR OPERATIONS OUTSIDE THE DOWNTOWN IMPROVEMENT DISTRICT ON PUBLIC AND PRIVATE PROPERTY AND RENUMBERING AS REQUIRED, AS ATTACHED IN EXHIBIT A.

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 10 Part 17 Sidewalk Vendors by prohibiting sidewalk vendor operations outside the Downtown Improvement District (DID) area on public and private property and renumbering the sections as required, as attached in Exhibit A.

SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. This Ordinance shall be effective ten (10) days after passage.

Enacted_____, 2009

_____

President of Council

Attest:

_____

City Clerk

(Council Office)

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

EXHIBIT A
PART 17
SIDEWALK VENDORS

§10-1701. Purpose
The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect ***residential neighborhoods and*** public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors ***on public and private property*** is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.
(*Ord. 63-2007*, 8/13/2007, §1)

§10-1702. Title
This Part shall be known as the "Sidewalk Vendor Ordinance."
(*Ord. 63-2007*, 8/13/2007, §1)

§10-1703. Interpretation
The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statue, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statue, ordinance or regulation shall govern.
(*Ord. 63-2007*, 8/13/2007, §1)

§10-1704. Definitions
For the purpose of this Part, certain terms shall be defined as follows:

DOWNTOWN IMPROVEMENT AUTHORITY AREA – the City's Central Business District, as created through the enactment of Bill No. 41-2005 on June 27, 2005. Please see the map located at www.downtownreading.com

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

MOBILE VENDOR - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the city that does not typically remain stationary for more than approximately 10 minutes each hour.

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

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

PRIVATE PROPERTY - property owned by a person or jointly by a group of persons, legal persons or business entities.

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

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which or its enclosure is situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

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

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

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

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

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

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

STATIONARY VENDOR - an itinerant vendor who conducts business (a) from a vehicle or other conveyance, or (b) in or about a structure that is not permanently affixed to real property and that is located upon privately owned property and not on a public street, sidewalk, alley or public way of the city.

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

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

VEHICLE - a device or structure for transporting persons or things; a conveyance that is self-propelled and runs on tires.

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

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

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

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Downtown Improvement Authority (DID) area and between the southern ~~border~~ ***right- of-way line*** of Franklin Street, the northern ~~border~~ ***right- of-way line*** of Washington Street, the western ~~border~~ ***right- of-way line*** of Front Street and the eastern ~~border~~ ***right- of-way line*** of 11th Street. ~~, except as provided in §10-1706. Sidewalk vending activities outside the Downtown Improvement Authority (DID) area may be permitted in accordance with Section 10-1706 contained herein.~~

Vending is prohibited on private property as per the Zoning Ordinance, City of Reading Codified Ordinances Chapter 27, Section 902 – Limit of One Principle Use states "No more than one principal use shall be permitted on a lot, unless specifically permitted by this Chapter. A principal use shall not be located in an accessory building or structure."

Vending is prohibited in all areas outside the Downtown Improvement Authority (DID) area.

Pre-existing vendors operating inside ~~and outside~~ the Downtown Improvement District (DID) area are required to comply with all regulations contained herein and shall not be "grandfathered".

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

> A. **Location, Type and Number**. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Downtown Improvement Authority (DID) area. ~~, except as provided in §10-1706~~. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. ***Up to a maximum of*** fifteen (15) sidewalk vending licenses shall be issued for food-related sales annually for the Downtown Improvement Authority (DID) area as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines will be issued annually. The Vending License Board shall determine the exact

location of each vendor or vending machine in ~~each district~~ ***the Downtown Improvement District (DID) area.*** ~~City Council shall determine the location of sidewalk vendors in area outside the Downtown Improvement District.~~ The City ***Council*** may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City ***Officials*** may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

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

C. **License Nontransferable**. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.(*Ord. 63-2007*, 8/13/2007, §1)

~~**§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area**~~
~~Applications for sidewalk vendor outside the Downtown Improvement Authority (DID) area shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. City Council shall review and consider the approval of these applications and determine the fixed location for each applicant. Vendors will be informed by first class mail if their application is approved or denied within 30 days. (*Ord. 63-2007*, 8/13/2007, §1)~~

§10-1706. License Application

1. **Notice of License Availability**. Applications for sidewalk vending licenses will be available between March 1 and March 15 in the City of Reading Codes Office. Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to March 1.

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

A. True name and address of the applicant. P.O. boxes will not be permitted.
B. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1707 herein.
C. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.
D. A copy of the applicant's business privilege license.
E. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
F. A complete listing of the items to be offered for sale or distribution.
G. The locations the sidewalk vendor would like to operate at.

Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before March 15 as stated above.

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

A. The application is incomplete in any material respect.
B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
C. The applicant does not have a business privilege license.
D. The applicant, or any natural person having an interest in the entity making the application, has:
(1) An interest in more than two sidewalk vendor licenses.
(2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
(3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore within ten (10) days.

Note: In the event two or more sidewalk vendors apply to operate in the same location, a lottery system will be used to make the determination.

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

§10-1707. Design Standards.
1. **Design and Appearance**.
A. **General Requirements**. All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. ~~There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office.~~ In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. **Required Physical Features**.

(1) **Dimensions.** The dimensions of the vending cart shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves ***for the display of*** larger merchandise are permitted, provided there will be no interference with pedestrian movement. ***Fold out shelves cannot be used to provide space for customers to consume the products dispensed by the vendor. Awnings and canopies, both attached and unattached from the cart, are prohibited.***

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

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

(4) **Trash Receptacles**. Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation.

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

(5) **Carts Self-Contained**. All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from

the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.
(6) **Utility Connections**. Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.
(7) **Fire**. A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.
(8) **Hand washing Facilities.** Each vending cart must have a hand wash sink with hot and cold water, a posted sign indicating "Employees must wash hands, and comply with the standards as required by the Pa. Dept of Agriculture
(9) **Refuse.** All vending carts must have a refuse receptacle with a tight fitting lid on the unit and a separate refuse receptacle for customers as required by the Pa. Dept of Agriculture. Receptacles must be properly emptied when full or at a minimum at the close of business.
(10) **Cold and Hot Holding Units.** Refrigeration and cold holding units must be capable of reaching and maintaining 41° F or below when in use. Hot holding units must be capable of holding foods at 135° F or above, as required by the Pa. Dept of Agriculture.
(11) **Dish washing.** Single service articles must be used unless adequate dishwashing facilities are available and used. Adequate facilities will include a three compartment sink (separate from the hand washing sink) set up for accomplishing a 3-step method of dishwashing. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved – as required by the Pa. Dept of Agriculture.
(12) **Food and Ice.** All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as required by the Pa. Dept of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home can only be used if that facility is licensed, registered and inspected by the Pa. Dept of Agriculture and the City of Reading.
(13). **Sign**. No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses. (*Ord. 63-2007*, 8/13/2007, §1)
(14) **Serve Safe Certificate.** All vendors are required to obtain and maintain a Serve Safe Certificate from the Department of Agriculture, as required by the State Food Employee Certification Act, within three months of the approval of their Sidewalk Vendor Permit.

C. **Prohibited Features**.

(1) Advertising other than the name of the vendor's business or suppliers. (Advertising must appeal to the sensibilities of the general public.)
(2) Propulsion systems other than manual.
(3) Gas cylinders larger than 20 pounds.
(4) Vending directly from a motor vehicle is prohibited.
(5) Tables, chairs, benches, stools and any other device that would allow the consumption of the product dispensed by the vendor.
(6) Fold out shelves cannot be used to provide space for customers to consume the products dispensed by the vendor.
(7) Awnings and canopies, both attached and unattached from the cart, are prohibited.

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

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

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

§10-1708. Sidewalk Vendor Operation Standards

1. **Days and Hours of Operation**. ~~Sidewalk vendor sales may be conducted daily in areas outside the Downtown Improvement between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.~~ Sidewalk vendor sales inside the Downtown Improvement District may be conducted between the hours of ~~9 a.m.~~ ***6:00 a.m.*** to 8 p.m. during the permit year.

2. **Daily Removal**. Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading.

The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.

3. **Safe and Sanitary Condition**. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.

B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

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

5. **Use and Maintenance of Sidewalk**. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business.

The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. **Display.** The sidewalk vendor license, the City of Reading health permit and the State serve safe certificate shall be posted in plain view of the customers at all times the vendor is operating.

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

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

A. A passable sidewalk width less than 5 horizontal feet.

B. A horizontal projection from the building line in excess of 5 feet.

C. A reduction in sight triangle.

(*Ord. 63-2007*, 8/13/2007, §1)

§10-1709. Suspension or Revocation of License

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

(*Ord. 63-2007*, 8/13/2007, §1)

§10-1710. Vending License Board

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

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

(1) Meet no later than April 1 annually to review and approve vendor license applications.

(2) Determine vendor locations for each approved applicant within the Downtown Improvement Authority (DID) area.

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

(*Ord. 63-2007*, 8/13/2007, §1)

§10-1711. Enforcement

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

(*Ord. 63-2007*, 8/13/2007, §1)

§10-1712 ***Appeal to Court of Common Pleas***

Any person aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be filed with the Court of Common Pleas and a notice thereof served upon all parties to the

appeal, including the Sidewalk Vending Board and City of Reading, within thirty (30) days after service of the decision.

§10-1713. Construction and Severability

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

(*Ord. 63-2007*, 8/13/2007, §1)

§10-1714. Penalty

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

(*Ord. 63-2007*, 8/13/2007, §1)

R E S O L U T I O N NO._____

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

That Robert Swope is appointed to the Board of Ethics with a term ending August 13, 2010.

Adopted by Council_____, 2009

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Bernardo Carbajal II is appointed to the Minority Business Procurement Board with a term ending October 26, 2011.

Adopted by Council_____, 2009

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Gregory Geiger is reappointed to the Stadium Commission with a term ending August 18, 2014.

Adopted by Council_____, 2009

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

R E S O L U T I O N NO._____

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

That Mark Feeney is reappointed to the HVAC Board with a term ending December 31, 2015.

Adopted by Council_____, 2009

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk

RESOLUTION _____- 2009

Authorizing City Council support of the Family and Business Health Security Act of 2009, as proposed by H.B. 1660 and S.B. 400

WHEREAS, every person in the City of Reading and the United States deserves access to affordable, quality healthcare; and

WHEREAS, over 47 million Americans, and thousands of residents in the City of Reading, live daily without healthcare coverage; and

WHEREAS, there are two Pennsylvania state single-payer healthcare bills, the Family and Business Health Security Act of 2009**,**now HB 1660 and SB 400, that would also reduce Reading's healthcare costs for its employees; and

WHEREAS, HB 1660 and SB 400 will cover all medically necessary services, including primary care, inpatient care, outpatient care, emergency care, prescription drugs, durable medial equipment, long-term care, mental health services, dentistry, eye care, podiatry, chiropractic, and substance abuse treatment, and

WHEREAS, illnesses and medical debt annually cause 500,000 bankruptcies in the United States affecting two million people and an increasing number of home foreclosures are also associated with medical debt; and

WHEREAS, administrative costs and profits consume 30 percent of health care spending in the United States, with rising costs contributing to decreased international competitiveness and massive layoffs; and

WHEREAS, Americans spend double what other industrialized countries spend per person while they are covering all their citizens; and

WHEREAS, the City of Reading 2009 employee healthcare costs are approximately $10 million

THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING

That~~that~~ Council hereby expresses its support for the Family and Business Health Security Act of 2009**,** HB 1660 and SB 400, and calls upon Pennsylvania legislators to work towards their immediate enactment.

Adopted by Council_____, 2009

_____
Vaughn D. Spencer
President of Council

Attest:

_____
Linda A. Kelleher
City Clerk