



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MON, MAY 11, 2009
7:00P.M.***

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Nicholas Camacho, New Journey/Nueva Jornada
UMC

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendations

- Recognizing National Historic Preservation Month, accepted by Amy Johnson, Historic Preservation Officer
- Preservation Commendations presented by Amy Johnson, Historic Preservation Officer and Peter Sutliff, HARB Chair
- Recognizing Salvation Army Month, accepted by Majors Laurence and Lynne Wittenberg
- Recognizing National Police Week and Reading Police Memorial Day, accepted by Police Chief William Heim and members of the Fraternal Order of Police
- Recognizing United Corrstack, accepted by David Stauffer, Vice President and General Manager
- Recognizing the achievements of Reading High School athletes

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 April 27, 2009

AGENDA: Council Meeting of May 11, 2009

Consent Agenda Legislation

Award of Contract - for the collection of delinquent recycling/trash bills for the Solid Waste Division, Department of Public Works to Portnoff Law Associates, Ltd., 1000 Sandy Hill Road, Norristown, PA 19401 (**Purchasing**)

Resolution – authorizing the amendment of the FFY2008 one year Action Plan and the FFY2004 to FFY2008 five year Consolidated Plan to program \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program funding. (**Community Development**)

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS, AUTHORITIES, AND COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

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*

Ordinance - amending the City of Reading Zoning Ordinance per Exhibit "A" to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map to reflect the addition of a new zoning district as described in and per the map attached as Exhibit "B" **(Law)** *Introduced at the April 27 regular meeting*

Pending Further Review

Ordinance - amending the City of Reading Codified Ordinances – Chapter 4 – Part 1 Historical Districts – Section 102 by adding the definition of satellite dish, antenna and other modern device and Chapter 4 – Part 1 Historic Districts by establishing guidelines for the installation of satellite dishes and other modern accessories, devices or fixtures of comparable size in historic districts **(Waltman)** *Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee; Tabled at the April 13 regular meeting; review by HARB*

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*

INTRODUCTION OF NEW ORDINANCES

Ordinance – amending Section 6 Prohibited Behaviors of the Code of Ethics by adding a provision regarding Fraudulent Behavior and amending the provisions regarding Use of City Property and Personnel and Political Activities (**Board of Ethics**)

Ordinance - approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts for solid waste accounts (**Law**)

RESOLUTIONS

Resolution - authorizing the filing of a proposal for designation as a PA Main Street Community with the Department of Community and Economic Development of the Commonwealth of Pennsylvania (**Community Development**)

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, May 11

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

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, May 18

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

Public Works Committee – Council Office – 5 pm

Administrative Oversight Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Monday, May 25

City Hall closed

Tuesday, May 26

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, May 11

Fire Civil Service Board – Penn Room – 4 pm

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

Tuesday, May 12

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

15-1 – 928 Pearl St – 6:30 pm

Planning Commission – Penn Room – 7 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, May 13

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Greenwich Seed – Hope Lutheran Church – 6:30 pm

Thursday, May 14

Police Pension Board – Penn Room – 10 am

Zoning Amendment Committee – Council Chambers – 4:30 pm

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Legislative Aide Committee – Penn Room – 7:30 pm

Friday, May 15

Fire Pension Board – Penn Room – 10 am

Monday, May 18

Library Board – 113 S 4th St – 4 pm

Tuesday, May 19

Park and Recreation Advisory Committee – Pendora Park Fieldhouse – 5:30 pm

Blighted Property Review Committee – Council Office – 6 pm

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Council of Neighborhoods – 11th & Pike – 7:30 pm

Wednesday, May 20

DID Authority – Reading Eagle 3rd Floor Conference Room - noon
Officers and Employees Pension Board – Penn Room – 1:30 pm
Fire Diversity Board – Penn Room – 4:30 pm
Redevelopment Authority – Redevelopment Office – 5:30 pm
Community Hope of the 6th Ward – Lauer’s Park Elementary – 6:30 pm
UNO – Mennonite Church – 7 pm
Centre Park Historic District – Member’s homes – 7:30 pm

Thursday, May 21

Dare 2 Care – Bethel AME Church – 5:30 pm
Blighted Property Review Committee – Council office – 6 pm
Southeast People’s Voice – St. John’s UCC – 6 pm
Mulberry & Green Citizens Committee – St. Luke’s Lutheran Church – 6:30 pm

Tuesday, May 26

Housing Authority Workshop – WC Building – 4 pm
Housing Authority – WC Building – 5 pm
Environmental Advisory Council – Council Office – 6 pm
Library Assn Neighborhood Assn – Unitarian Church – 6:30 pm
District 7 Crime Watch – Holy Spirit Church – 7 pm
Penn’s Common Neighborhood Group – Penn’s Common Meeting Room – 7 pm

CITY COUNCIL MEETING MONDAY, APRIL 27, 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 Msgr. Thomas Orsulak, St. Peter's R.C. Church

All present pledged to the flag.

ATTENDANCE

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

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamations

- Recognizing Bike Week, accepted by Emily Weidner

Council Commendations

- Recognizing AFSCME Week, accepted by Ron Lyons, President
- Recognizing the individual achievements of Holy Name athletes
- Recognizing the 150th anniversary of St. Peters R.C. Church, accepted by Msgr. Thomas Orsulak.

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen is registered to address Council on non-agenda issues. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was

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

Carl Ramich, of McKently St., requested that Council pass a resolution urging to citizens buy American products. He described the effort across the nation to forward the Buy American legislation.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting, including the items listed under the consent agenda heading and the minutes from April 13th, regular meeting.

Council President Spencer noted the need to add two (2) resolutions as follows:

- Resolution declaring May 12th as Police Memorial Day
- Resolution to appoint the Zoning Administrator

Councilor Baez moved, seconded by Councilor Waltman, to approve the agenda, as amended, including the items listed under the Consent Agenda heading and the minutes for the April 13th regular meeting with Council. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Mr. Hottenstein reviewed the report distributed to Council covering the following:

- Requirements for dumpster placement
- DEP illegal dumping grant
- Re-cap of the EMS collection

Councilor Waltman asked the administration to work with Hillside Swimming Association to keep the pool operational. He noted his opposition to the loss of another community recreation resource.

Councilor Sterner noted that Hillside Swimming Association contacted the City to see if the City would be interested in purchasing the swimming pool, however, the City declined. He stated that the Hillside Swimming Association now believes in the need for the sale of the facility to repay the shareholders cost.

AUDITOR'S REPORT

City Auditor Dave Cituk reviewed the report distributed to Council at the meeting covering the following topics:

- 2009 admissions tax collection
- 2008 property ownership changes
- 2007-2008 fire escrow audit

Councilor Sterner asked the auditor how many rental properties were transferred during 2008. Mr. Cituk stated that he was unsure about the number of rental properties transferred that were rentals.

Councilor Marmarou noted that a minimum of 142 rental properties currently exist in District 4.

Councilor Goodman-Hinnershitz requested a more in-depth report showing the transience of Reading residents and comparing that data with other cities.

REPORTS FROM DIRECTORS, BOARDS, AUTHORITIES AND COMMISSIONS

Dennis Louwerse, Executive Director of BARTA, noted that rider-ship has grown by 8.9%. He stated that BARTA serves 3.1 million riders per year. He added that on average BARTA serves 26 riders per hour and 44 riders per hour on high use routes.

Mr. Louwerse described BARTA's Bike and Ride program and encouraged councilors and citizens to visit the BARTA website, to learn more about different BARTA programs. He noted that the application of a public transportation green operation plan to purchase hybrid buses, which will cost 22.60% on average in pure savings. The savings will reduce BARTA's gasoline consumption by 550-600 gallons of diesel per year.

Mr. Louwerse described his work on the R6 project, formally known as the Schuylkill Metro, which will extend rail service from Norristown to Reading. He stated that the group is currently considering a toll road on 422 to pay for R6 and provide other road and bridge improvements. He noted the positive economic impact R6 would bring to Berks County.

Mr. Louwerse described BARTA's activities to rehabilitate the Franklin Street Station. He stated that the roof has been replaced but noted the severe damage to the ornate ceiling. He also described the regional connector study to join multi-municipal public transportation systems.

Mr. Louwerse noted that BARTA will be getting 4 million dollars in stimulus funds, which will be used to improve the BARTA building at 11th and Exeter, purchase security cameras, etc. He also described the BARTA Boards work to complete a strategic plan.

Councilor Fuhs thanked Mr. Louwerse for his report and complimented BARTA's operation under his direction. He inquired how funding of the R6 will impact the completion of the Route 222 North Road project. Mr. Louwerse replied that the R6 will be self-funded through the toll road; however the Route 222 North project is not funded by the federal or state governments. He expressed the belief that this lack of funding the Route 222 North project has occurred due to the apparent decrease in gas tax funds.

Council Goodman-Hinnershitz inquired if BARTA's increased rider-ship has reduced the use of personal vehicles or encouraged area workers to commute with colleagues.

Councilor Sterner thanked Ms. Louwerse, noting it was a pleasure to hear BARTA's continued work to serve the Reading-Berks area.

ORDINANCES FOR FINAL PASSAGE

Bill No. 22-2009 - amending Chapter 11 Housing of the City of Reading Codified Ordinances by amending the term "Housing Permit" to "Rental Registration" (**Law**) *Introduced at the March 23 regular meeting; reviewed April 6 at the Public Safety Committee; Tabled at the April 13 regular meeting*

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz to enact Bill No 22-2009.

Bill No. 22-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner – 5.
Nay: Waltman, Spencer, President - 2.

Bill No. 23-2009 - authorizing the Mayor to execute a deed, temporary easement from the City of Reading to the Commonwealth of Pennsylvania, Department of Transportation, and other documents (agreement of sale & settlement statement), thereby conveying premises situate at Route 183, Bern Township, Berks County, Pennsylvania (**Law**) *Introduced at the April 13 regular meeting*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill No. 23-2009.

Council President Spencer explained that there is a small parcel of land on Route 183 that BARTA needs to make road and ramp improvements.

Bill No. 23-2009 was enacted by the following vote:

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

Bill No 24-2009 - amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the salary range for the Finance Director (**Man Dir**) *Introduced at the April 13 regular meeting*

Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill No. 24-2009.

Mr. Hottenstein explained the need to adjust the salary range to meet the compensation rate for Carl Geffken, who will be appointed to the Finance Director position this evening.

Bill No. 24-2009 was enacted by the following vote:

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

Bill No. 25-2009 - setting forth the salary of the Finance Director at ninety-eight thousand dollars (\$98,000.00) per annum **(Man Dir) Introduced at the April 13 regular meeting**

Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill No. 25-2009.

Bill No. 25-2009 was enacted by the following vote:

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

Bill No. 26-2009 – authorizing the amendment of the 2009 budget – revenues and expenditures – as attached **(Finance) Introduced at the April 13 regular meeting**

Councilor Baez moved, seconded by Councilor Fuhs, to enact Bill 26-2009.

Mr. Hottenstein stated that the administration has clarified the auditor's concerns addressed at the April 13th meeting. He noted that the incorrect numbers were originally uploaded into USL due to the administrations confusion about the amendments adopted by Council in December 2008. He stated that the USL figures will be corrected after the enactment of this ordinance.

Councilor Waltman noted the need to define the process used to upload the approved budget into the USL. He asked that this issue be covered in the Finance Committee meeting.

Councilor Goodman-Hinnershitz agreed with the need to tighten the process.

Bill No. 26-2009 was enacted by the following vote:

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

INTRODUCTION OF NEW ORDINANCES

Ordinance - amending the City of Reading Zoning Ordinance per Exhibit "A" to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map to reflect the addition of a new zoning district as described in and per the map attached as Exhibit "B" **(Law)**

RESOLUTIONS

Resolution 46-2009 – declaring May 12 as Police Memorial Day.

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz to adopt Resolution 46-2009.

Council President Spencer stated that National Police Memorial Week is held during the 3rd week in May. Chief of Police William Heim has asked Council to declare May 12th as the day that Reading citizens can celebrate the service of the Reading Police Officers.

Resolution No. 46-2009 was adopted by the following vote:

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

Resolution 47-2009– appoint Jennifer Oehler as the Zoning Administrator.

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 47-2009.

Resolution No. 47-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Sterner - 4.
Nay: Marmarou, Waltman, Spencer, President - 3.

Resolution 48-2009 – confirming the appointment of Carl Geffken as Finance Director for the City of Reading (Man Dir)

Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 48-2009.

Councilor Goodman-Hinnershitz stated she was impressed with the expertise of Mr. Geffken. She stated that the City needs someone of this caliber to assist with the financial challenges that the City is facing.

Councilor Waltman agreed but noted his concern with the increase in the salary level, as it is 20% higher than the past range. He noted the need to balance salaries with expertise and stated that he will not support the appointment of the Finance Director.

Resolution No. 48-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer, President – 6.

Nay: Waltman - 1.

Resolution 49-2009 – appointing Andre Grant to the Blighted Property Review Committee (**Admin Oversight**)

Resolution 50-2009– reappointing William Keller to the Electrician’s Examining Board (**Admin Oversight**)

Resolution 51-2009– reappointing Brian D’Amico to the Convention Center Authority (**Admin Oversight**)

Resolution 52-2009– reappointing Steven Harrity to the Stadium Commission (**Admin Oversight**)

Resolution 53-2009– reappointing Robert Heebner to the Stadium Commission (**Admin Oversight**)

Resolution 54-2009– reappointing Cynthia La Sota to the Historical Architectural Review Board (**Admin Oversight**)

The Administrative Oversight Committee moved to adopt Resolutions 49 - 54, making appointments and reappointments to the Boards, Authorities, and Commissions.

The motion to approve Resolutions 49 - 54 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Councilor Goodman-Hinnershitz stated that the Resolutions to appoint members to the Pagoda Foundation is withdrawn this evening and will be readdressed when the legal documents creating the foundation come forward for Council’s approval. She noted the intent of the Mayor to appoint these individuals to the Pagoda Foundation Task Force.

COUNCIL COMMENT

Councilor Marmarou noted the continued problem with rental properties in District 4. He stated that citizens are afraid to come to Council meetings to address their quality of life complaints, as they fear retribution. He noted that the majority of the landlords owning properties in District 4 do not live in the City. He again noted that severe increase in the

number of rental properties in District 4 is causing severe quality of life problems for those who live in single family properties.

Councilor Marmarou congratulated the Holy Name athletes.

Councilor Fuhs expressed his belief that those who receive DCRs should be publicized in some manner. He expressed the belief that landlords care more about the financial benefits of rental properties than the quality of life problems they cause in Reading neighborhoods.

Councilor Waltman noted that approximately two-thirds (2/3) of the City's properties were sold over a five (5) year period. He noted the need to get a bottom up handle on the rental issue.

Councilor Waltman noted his ten year service on the RATS Committee and their work on the R6 project. He agreed with the use of a toll system to fund the R6 project.

Councilor Baez thanked AFSCME employees for their service to the Reading community.

Councilor Baez also congratulated John Beckett, her nephew, along with the other Holy Name athletes.

Councilor Baez announced her neighborhood meeting scheduled for May 6 at Wesley Methodist Church at North Front and Windsor Streets.

Councilor Goodman-Hinnershitz agreed with push to Buy American and she urged the City administration to use local workers for jobs and projects in the City. She thanked the Public Works Department for attending to the issues at Neversink Playground.

Councilor Baez also noted the great service provided by the AFSCME bargaining unit.

Councilor Sterner congratulated those receiving commendations this evening. He expressed his belief in the skill and expertise of Mr. Geffken, appointed this evening as the City Finance Director.

Council President Spencer stated that this is the first time the City has hired a Finance Director who has had prior experience in Finance Director positions. He expressed his hope that this Director will take charge and make the necessary changes in the Finance department. He noted the benefit of having fresh eyes to review the operation of the Finance Department.

Council President Spencer expressed his belief that the Zoning Administrator appointed tonight does not have the proper experience. He stated his belief that this candidate only has experience serving on a Zoning Hearing Board and noted the vast difference between sitting on a board and functioning as a Zoning Administrator.

Council President Spencer agreed with the belief that the housing permit process needs quick correction.

Council President Spencer reviewed the meeting schedule listed on the agenda.

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

Linda Kelleher CMC, City Clerk



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: May 11, 2009
AGENDA MEMO DATE: May 6, 2009
RECOMMENDED ACTION: Awarding of Contract for the collection of delinquent recycling/trash bills for the Solid Waste Division, Department of Public Works.

RECOMMENDATION

The recommendation is to award the contract to Portnoff Law Associates, Ltd., 1000 Sandy Hill Road, Norristown, PA 19401.

BACKGROUND

Proposals for the collection of delinquent recycling/trash bills for the Department of Public Works were received on December 19, 2008. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. The proposals were rated on the basis of charges to taxpayers, performance on past projects of similar size and scope, financial strength, local presence, staffing, additional costs to the City and responsiveness to the RFP requirements. Interviews were conducted with all firms. All three evaluators of the proposals feel Portnoff Law Associates is the best option for the Solid Waste Division and recommend their appointment.

BUDGETARY IMPACT

Accounts delinquent for \$200 or less will be sent a letter by Portnoff at no charge to the City. The only out of pocket expense incurred by the City will be an initial fee of \$40.00 per account delinquent \$201 or more. This \$40.00 fee is then passed through to the delinquent taxpayer as an administrative expense and the City recoups the full amount once the taxpayer makes payment. All other fees assessed by Portnoff Law Associates will be billed directly to the delinquent taxpayer.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the May 11, 2009 meeting.

RECOMMENDATION

The recommendation is that City Council approve the recommendation of the Administration to employ Portnoff Law Associates for the collection of delinquent recycling/trash bills for the Solid Waste Division, Department of Public Works.

RECOMMENDED BY

Mayor, Managing Director, Acting Director of Finance, Director of Public Works, Solid Waste Division Manager and Purchasing Coordinator.

RECOMMENDED MOTION

To approve/deny Administration's recommendation that Portnoff law Associates be retained to collect delinquent recycling/trash bills on behalf of the City of Reading.

cc: File

December 19, 2008

To the Mayor
City Hall
Reading, PA

**RFP FOR THE COLLECTION OF DELINQUENT TRASH/RECYCLING FEES FOR
THE SOLID WASTE DIVISION, CITY OF READING, PENNSYLVANIA**

Proposals were received from the following firms:

Accounts Management Services, Inc.
Parent Company of Unlimited Collections, LLP
938 North 8th Street
Reading, PA 19604

Accounts Recovery Bureau, Inc.
555 Van Reed Road
Wyomissing, PA 19610

FirstStates Financial Services
200 Reading Avenue, Suite 201
West Reading, PA 19611

Penn Credit Corporation
916 South Fourteen Street
Harrisburg, PA 17104

Portnoff Law Associates, Ltd.
1000 Sandy Hill Road, Suite 150
Norristown, PA 19401

HEATHER L. DUNKLE
Purchasing Coordinator

TO: Linda Kelleher, City Clerk
Michelle Katzenmoyer, Deputy City Clerk
FROM: Marty Mayes, Director
DATE: April 8, 2009
SUBJECT: Passage of a resolution authorizing the Mayor to execute a 2008 Action Plan amendment.

Community Development is asking City Council to approve the amendment at the **May 11, 2009** City Council meeting.

BACKGROUND: \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program is available to program.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None

SUBSEQUENT ACTION: None.

RECOMMENDED BY: Mayor and Managing Director

RECOMMENDED MOTION: To amend the FFY2008 one year Action and the FFY2004 to FFY2008 five year Consolidated Plans to program \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program funding for the following activities:

\$63,351 for general administration.

\$24,000 for data collection and evaluation which may include upgrading HMIS and participate in HUD sponsored research efforts.

\$67,592 for the City of Reading Office of the Human Relations Commission, 815 Washington Street, Reading, PA 19601 for housing relocation and stabilization services which may include case management, outreach, legal services and mediation.

\$1,112,078 for the Opportunity House, 430 N. 2nd St. Reading, PA 19601 for financial assistance which may include short term rental assistance, medium term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers. Also, funding may be used for housing relocation and stabilization services which may include case management, outreach, housing search and placement and credit repair.

Cc: N. Nemeth, B. Skimski, D. Wright

RESOLUTION NO. _____

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING
AUTHORIZING THE MAYOR TO EXECUTE A
FFY2008 ONE YEAR ACTION PLAN
AND FFY2004 TO FFY2008 FIVE YEAR CONSOLIDATED PLAN
AMENDMENT**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2004 to FFY2008 five year Consolidated Plan (30th to 34th CD years January 1, 2004 to December 31, 2008) and the FFY2008 one year Action Plan (34th CD year January 1, 2008 to December 31, 2008) have been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, \$1,267,021 in Homeless Prevention and Rapid Re-Housing Program (HPRP) funds authorized under Title XII of the American Recovery and Reinvestment Act of 2009 is available to program;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The FFY2008 one year Action and FFY2004 to FFY2008 five year Consolidated Plans are amended to
Program the Homeless Prevention and Rapid Re-Housing Program funds for the following activities:

\$63,351 for general administration

\$24,000 for data collection and evaluation which may include upgrading HMIS and participate in HUD sponsored research efforts

\$67,592 for the City of Reading Office of the Human Relations Commission, 815 Washington Street, Reading, PA 19601 for housing relocation and stabilization services which may include case management, outreach, legal services and mediation

\$1,112,078 for the Opportunity House, 430 N. 2nd St. Reading, PA 19601 for financial assistance which may include short term rental assistance, medium term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers. Also, funding may be used for housing relocation and stabilization services which may include case management, outreach, housing search and placement and credit repair

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL _____, 2009

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

**BILL NO. _____ 2009
AN ORDINANCE**

**AN 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.**

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential dwellings in the City of Reading are rental dwellings; and

WHEREAS, there is a greater incidence of violations of various codes of the City at residential dwelling where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at an Owner-occupied residential dwelling or one family-occupied residential dwellings; and

WHEREAS, there is a greater incidence of problems with maintenance/upkeep and quality of life disturbance of residential dwellings where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at Owner-occupied dwellings or one family-occupied dwellings; and

WHEREAS, the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in the low density residential zones by creating requirements for one family rental dwelling in area zoned R-1, R-1A and R-2.

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

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of one family detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1107. Requirements for Rental Dwellings in the R-1, R-1A and R-2 Zoning Districts.

- A. All one family rental dwellings must obtain a zoning permit.
- B. No one family dwelling in these zoning districts shall be converted for multi-family use or created to become Roommate Households as defined in Sections 27-1202 (16) and 27-2202.
- C. The zoning application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental dwelling must meet the standards of the City of Reading building, housing and fire codes as required for residential rental dwellings. The owner must verify to the City of Reading on an annual basis that the dwelling meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
- F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
- G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
- H. Each rental dwelling must provide off-street parking as stated in the City of Reading Zoning Ordinance Section 27-1603 V.
- I. No rental dwelling shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

SECTION 2. Requiring all existing rental detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts to register their dwellings pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the dwelling by this date will allow the dwelling to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the dwelling must be converted to a use permitted in the zone within six (6) months.

SECTION 3. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING – the act of permitting a unit to be used to provide a

living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTABLE UNIT, RENTAL PROPERTY, UNIT, OR WORDS OF SIMILAR MEANING - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

ROOMING UNIT- a portion of a building providing rooms for sleeping and/or sanitary facilities.

ROOMMATE HOUSEHOLDS - a shared housing arrangement where ~~at least two, and no~~ more than three persons not related by blood, marriage, adoption or foster relationship live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board.

SECTION 4. The owner or qualified agent or manager of the property shall register the rental dwelling annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis will revoke the zoning permit.

SECTION 5. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor’s veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Councilor Marmarou & Council Staff)

BILL NO. _____-2009

A N O R D I N A N C E

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A" TO CREATE A NEW ZONING DISTRICT TO BE KNOWN AS MUNICIPAL USE (MU) ZONING DISTRICT AND THE USES ALLOWED THEREIN AS WELL AS THE REQUIREMENTS FOR SUCH USES AND AMENDING THE CITY OF READING ZONING MAP TO REFLECT THE ADDITION OF A NEW ZONING DISTRICT AS DESCRIBED IN AND PER THE MAP ATTACHED AS EXHIBIT "B"

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

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map per Exhibit "B" to reflect the addition of a new zoning district, Municipal Use (MU) Zoning District

SECTION 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 City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City Ordinance or resolution that is in direct conflict within this Zoning 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 City of Reading Zoning Ordinance, 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. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(LAW DEPT.)

EXHIBIT A

SECTION 27-701 DISTRICTS IS AMENDED TO ADD:

I. Municipal Use district (MU).

SECTION 27-702 INTENT OF DISTRICTS IS AMENDED TO ADD:

I. Municipal Use district (MU). The Municipal Use district is intended as a relatively isolated area, reserved for those uses and services traditionally provided by local governments, but whose associated nuisances, and/or security concerns warrant a separation, to the extent practical, from publicly accessible and occupied areas. Permitted uses within the Municipal Use district are those operated by the City of Reading, alone or in partnership with other government entities.

PART 8 DISTRICTS IS AMENDED TO ADD:

§27-816 MU - MUNICIPAL USE DISTRICT

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback
43,560 square feet	40%	80%	80 feet	100 feet	40 feet	40 feet	40 feet	

PERMITTED USES

Wastewater Treatment Operations

Law Enforcement Operations

Fire Fighting and Rescue Service Operations

Recycling Operations

Multiple principal uses and occupancies on single parcels within the Municipal Use district are expressly authorized, where common (City) ownership makes subdivision otherwise unnecessary; 'area and bulk' standards shall apply to the parcel as a whole. The adequacy of separations between uses shall be established by agreement between the City's project representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.

**PART 11 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OR ZONING DISTRICTS
IS AMENDED TO ADD:**

§27-1107 Additional Requirements and Performance Standards for Permitted Uses in the MU Zoning District

A. **Wastewater Treatment Operations:** an application for a "wastewater treatment operation" shall include a general explanation of the treatment processes, including the technologies involved, noise and odor mitigating measures, and the receiving water body of the treated effluent. The area of wastewater treatment equipment which is *open to precipitation from above* need not be counted in the calculation of building and impervious coverage percentages.

B. **Law Enforcement Operations:** an application for a "firing range" shall include a description of the design of the berm/backstop, and other safety measures. Designs shall implement the Environmental Protection Agency's Best Management Practices (BMPs) "for lead at firing ranges".

C. **Fire and Rescue Service Operations:** an application for a "live-fire training facility" shall include a description of the different training structures/evolutions designed. Water towers, simulation buildings, and other buildings specifically designed for their height, may exceed the building height maximum, where such increased height is related to the instruction or practice of fire-fighting and/or rescue techniques.

D. **Recycling Operations:** an application for a "recycling operation" shall include a description of the types and quantities of materials to be collected and the loading areas.

SECTION 27-1603.1 OFF STREE PARKING STANDARDS IS AMENDED TO ADD:

GG. Wastewater Treatment Operations: off-street parking shall be provided at the rate of at least one space per full-time employee on the largest shift, plus 10% for visitors, inspectors, shift change flexibility, et cetera. When located in the Municipal Use district, a common parking area may be delineated.

HH. Law Enforcement Operations: off-street parking shall be provided at the rate of at least one space for every four classroom seats/shooting lanes. When located in the Municipal Use district, a common parking area may be delineated.

II. Fire and Rescue Service Operations: off-street parking shall be provided at the rate of at least one space for every four classroom seats. When located in the Municipal Use district, a common parking area may be delineated.

JJ. Recycling Operations: off-street parking shall be provided at the rate of at least one space per employee, if any. A minimum of two loading spaces, exclusive of driveways and sized according to the largest vehicles permitted, shall be provided for every container placed. When located in the Municipal Use district, a common parking area may be delineated.

SECTION 27-2202 DEFINITIONS IS AMENDED TO ADD THE FOLLOWING WORDS AND DEFINITIONS:

WASTEWATER TREATMENT OPERATIONS - includes all infrastructure, equipment and activities related to the collection, conveyance, treatment, monitoring, sampling and discharge of wastewater, regardless of its source, including, but not necessarily limited to: the pipes, manholes, junction boxes, valves, pumps, grinders, grit chambers, screening facilities, presses, centrifuges, clarifiers, settling tanks, physical, biological and chemical treatments, laboratories, vehicular and administrative facilities necessary to consistently remediate wastewater according to current regulatory standards operated by the City's Department of Public Works.

LAW ENFORCEMENT OPERATIONS - includes firing ranges, accessory buildings and activities related to firing ranges, facilities for the disposal of regulated/controlled substances, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of law enforcement officers and their supporting staff, operated by the City's Department of Police.

FIRE AND RESCUE SERVICE OPERATIONS - includes live-fire training facilities, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of fire fighters, emergency medical and disaster responders, and their supporting staff, operated by either the City's Department of Fire and Rescue Services or the County of Berks.

RECYCLING OPERATIONS - includes facilities for the collection and organization of recyclable materials, and/or the composting of organic materials, operated by either the City's Department of Public Works or the Berks County Solid Waste Authority. It may include collection events for the general public, where sufficient loading and staging areas are delineated.

EXHIBIT B

MUNICIPAL USE (MU) ZONING DISTRICT

The City of Reading Municipal Use (MU) Zoning District shall consist of:

That portion of the City of Reading commonly known as Fritz Island, bounded on the north by the centerline of the Angelica Creek, on the east by centerline of the Schuylkill River, on the south by the municipal boundary of the Township of Cumru, and on the west by the municipal boundary of the Township of Cumru and the centerline of Morgantown Road (SR 0010).

BILL NO __2009

A N O R D I N A N C E

THE COUNCIL OF THE CITY OF READING ENACTS THIS ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES – CHAPTER 4 – PART 1 HISTORICAL DISTRICTS – SECTION 102 BY ADDING THE DEFINITION OF SATELITE DISH, ANTENA AND OTHER MODERN DEVICE AND CHAPTER 4 – PART 1 HISTORIC DISTRICTS BY ESTABLISHING GUIDELINES FOR THE INSTALLATION OF SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES OF COMPARABLE SIZE IN HISTORIC DISTRICTS.

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

SECTION 1. Adding new language in the City’s Codified Ordinances Chapter 4, Part 1 Historical Districts Section 102 defining satellite dish, antenna, and other modern device as follows:

Satellite dish- A “dish” antenna that is one meter (39.37”) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service.

Antenna- An antenna that is one meter (39.97”) or less in diameter or diagonal measurement and is designed to receive video programming service via MMDS (wireless cable). Such antennas may be mounted on masts to reach the height needed to establish line-of-sight contact with the transmitter.

Other Modern Device- Any other device communication or other utilized to assist in viewer’s ability to receive video programming signals from direct broadcast satellites, multichannel multipoint distribution (MMDS), and television broadcast stations (TVBS)

SECTION 2. Establishing the following guidelines for the placement of satellite dishes in historic districts:

a. Installation-No satellite dishes, antenna, or other similar modern device shall be installed or placed in front yards, front of buildings or along their facades within historic districts. All satellite dishes, antenna, or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main

dwelling unit. A roof mounted satellite dish or antenna shall not be visible from the public right of way.

b. Exceptions- Satellite dishes may be installed in front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall seek the issuance of a certificate of appropriateness as required in section 107 of the Historical District Ordinance. Such satellite dishes shall be installed to be unobtrusive and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Inspector and Historic Preservation Specialist shall approve the installation to ensure there is no disruption to the historic nature and aesthetic value of the district.

c. Removal-Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance **within ninety (90) days of the effective date of this ordinance** ~~if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.~~

SECTION 3. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Enacted _____, 2009

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2009
A N O R D I N A N C E

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY CREATING A
NEW PART 20 - VACANT BUILDING REGISTRATION - IN CHAPTER 10 HEALTH
AND SAFETY ENFORCEMENT

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

SECTION 1. The City of Reading Code of Ordinances is hereby amended by creating a new Part 20 Vacant Building Registration in Chapter 10 Health and Safety as attached in Exhibit A

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.

Enacted _____, 2009.

President of Council

Attest: _____
City Clerk

(Councilor Waltman & Council Staff)
(PMD and LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

PART 20 VACANT BUILDING REGISTRATION

§10—2001. PURPOSE AND ENFORCEMENT.

A. The purpose of this part requiring the registration of all vacant buildings and structures and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings and structures in the City, to assess the effects of the condition of those buildings on nearby businesses, buildings, structures, properties and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings and structures to register and the pay related fees, and to promote substantial efforts to rehabilitate such vacant buildings and structure. The provisions of this part are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of Reading and all relevant codes and/or regulations adopted therein.

§10—2002. DEFINITIONS

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

Boarded a building, structure or dwelling unit subject to the provisions of this part if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Notice written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

Public Nuisance:

- (a) Any building or structure which because of physical condition or use is

regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(b) Any building or structure which because of physical condition, use or occupancy is considered an attractive nuisance to children.

(c) Any building or structure which because it is dilapidated, unsanitary, unsafe, insect or vermin infested or lacking in the facilities and equipment required by the City of Reading Codified Ordinances and has been designated by the City as a public nuisance.

(d) Any structure which is a fire hazard or is otherwise dangerous to the safety of person or property.

(e) Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property creates a hazard to neighboring properties.

(f) Any building or structure which for reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.

(g) Any building or structure which lacks or has rendered inoperable fire protection system as required by the applicable City of Reading Codified Ordinance.

(h) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or infested condition creates a damage or a risk of damage to a neighboring property.

Occupied any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this part, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of

continual telephone, electric, gas, heating, water and sewer services; trash collection services; a valid City business license, or the most recent, federal, state, or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of up to date tenant list

Open a building or structure whereat any one or more exterior doors, other than a storm door, is broken, open and, or closed, but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion or any combination of the same.

Owner any person, agent, operator, partnership, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Vacant a building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

§10—2003. APPLICABILITY

The requirements of this article shall be applicable to every building and structure in the City of Reading and each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 consecutive days. Registration shall be required for all vacant buildings and structures, whether vacant and secure, vacant and open or vacant and boarded and shall be required whenever any building has remained vacant for 45 consecutive days or more. This part shall not apply to any building owned by the United States, the Commonwealth, the City of Reading, County of Berks nor to any of their respective agencies or political subdivisions.

§10—2004. REGISTRATION STATEMENT

Each such owner shall cause to be filed a notarized registration statement on a form prepared and provided by the Property Maintenance Division of the City of Reading, which shall include but not be limited to the street address and parcel number of each

such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Property Maintenance Division, Building and Trades Division, and the Department of Fire and Rescue Services. For purposes of this part, the following shall also be applicable:

(a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the Pennsylvania Department of State.

(b) If an estate, the name and business address of the executor of the estate;

(c) If a trust, the name and address of all trustees, grantors and beneficiaries;

(d) If a partnership, the names and residence addresses of all partners with an interest of ten (10) percent or greater;

(e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(f) If an individual person, the name and residence address of that individual person. The Registration Statement and, where applicable, Registration Fee(s) as required by sub-section §10—2006 of this section shall be billed by the Property Maintenance Division and such Registration Statement and, where applicable, Registration Fee(s), shall be filed with and/or paid to the Property Maintenance Division for the subject year no later than the last business day of said year, on or before December 31, or if December 31 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this ordinance, registration application initially shall be due on September 1, 2009

§10—2005. DUTY TO AMEND REGISTRATION STATEMENT

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Property Maintenance Division within thirty (30) days of the occurrence of such change and advise the department in writing of those changes.

§10—2006. FEES

The owner of the vacant property as of December 31st of each calendar year shall be responsible for the filing of his/her Registration Statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be \$100 per year per building and structure which has not been declared a public nuisance by the City of Reading Property Maintenance Division, Department of Fire and Rescue Services or Building and Trades Division of the Department of Community Development and the exterior of said building or structure is compliant with the applicable codes and ordinances.

Upon a determination that a building or structure is a public nuisance or becomes non code compliant on the exterior, the fee for Registration of a Vacant Building or Structure shall be:

- \$500 for buildings or structures that have been vacant for one to two years;
- \$1,000 for buildings or structures that have been vacant for two to three years;
- \$2,000 for buildings or structures that have been vacant for three to five years;
- \$3,500 for buildings or structures that have been vacant for five to ten years; and
- \$5,000 for buildings that have been vacant for ten years.

The fee shall increase by \$500 for each year beyond the ten years that the building has been vacant.

An owner may appeal a determination of a public nuisance or exterior non code compliant to the Building and Fire Board of Appeals as set forth herein. Once a building or structure has been declared a public nuisance or non code compliant, upon correction of the basis for such determination, an owner may apply to the Property Maintenance Division for removal of the nuisance or non code compliant determination and reduction of the fee to \$100 per year.

§10—2007. DELINQUENT REGISTRATION FEES AS A LIEN

After the owner is given notice of the amount of the Registration Fee due, except for those owners that have properly perfected an appeal pursuant to §10-2012 above, and the owner fails to pay the amount due within thirty (30) days, said amount shall constitute a debt due and owing to the City, and the City may either enter a lien on the property or turn it over to a collection agency for receipt as provided by law

§10—2008. ONE TIME WAIVER OF REGISTRATION FEE

A one-time, one year waiver of the registration fee may be granted by the Property Maintenance Division upon application of the owner and upon review and advice of

the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

1. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she has submitted valid architectural plans, based on city's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitated, demolish, or otherwise substantially repair or improve said vacant building; or

2. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner who has placed a "for sale" or a "for lease" sign on the property with accurate contact information, which is also provided to the Property Maintenance Division, Building and Trades Division and/or Department of Fire Services, and has done at least one of the following:

(a) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, in the Multiple Listing Service (MLS);

(b) Placed weekly advertisements in print or electronic media;

(c) Distributed printed advertisements.

§10-2009. DECISION ON APPLICATION FOR WAIVER

Within thirty (30) days after the waiver application is received by the Property Maintenance Division, and upon review by the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue and advice of the Solicitor's Office, the Property Maintenance Division shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Property Maintenance Division and that application was denied, the owner may seek an appeal from the Building and Fire Board of Appeals by filing an appeal request in writing within twenty (20) calendar days of receipt of the denial.

§10—2010. LOCAL AGENT

If none of the persons listed in §10-2004 above is shown at an address within Berks County, the Registration Statement also shall provide the name and address of a person who resides within Berks County appointed by the owner as the local agent. The owner and responsible local agent shall be jointly and severally legally responsible compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall be responsible for, including but not limited to, providing the Code Official with access to the building or structure for the purpose of making inspections, is authorized to accept service of process on behalf of the owners, receive notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

§10—2011. INSPECTIONS

Annual Inspection. An annual inspection of a Registered Vacant Building shall be performed by the Property Maintenance Division for Residential Structures and Building / Trades Division and/or Fire Prevention Division for Commercial Structures, or as necessary, to determine if it complies with the minimum requirements, as determined by the code official, of applicable Property Maintenance Code, Building and Trades Codes and Fire Prevention Code. If violations of these Codes are identified the Property Maintenance Code shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property shall be declared a public nuisance.

Complaint Inspections. Nothing in this Part shall preclude a Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the building or structure. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading.

Right of Entry. The Code Officials are authorized and directed to make inspections at any reasonable hour to determine compliance with the aforementioned codes. For this purpose, the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the inspectors, officers or representatives of the Property Maintenance Division and Department of Fire and Rescue Services free access.

Search Warrant. If any owner, local agent or other person in charge of a building or structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, appropriate Code Official, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

Notice. All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

Failure to Appear for Inspection. If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this or the applicable Code including but not limited to the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

Special Requested Inspection. Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this Article, or certification that a property is in compliance with this Article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee of \$200 to the City to defray the expenses of making such inspection.

§10—2012. SERVICE CUT OFFS

(e) Upon registration of a property the Property Maintenance Division and/or Fire Marshall shall see to it that all service utilities are disconnected as per Property Maintenance Code 108.2.1 Service Utilities.

§10—2013. APPEAL RIGHTS.

A. Registration Fees. The owner shall have the right to appeal the imposition of the registration fees to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in §10-2002 above.

B. Public Nuisance and Exterior Non Code Compliant. The owner shall have the right to appeal the determination that a building or structure is a public nuisance or the exterior is non code compliant to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after notification of said determination. On appeal, the owner shall bear the burden that the property is not a public nuisance and the exterior is code compliant.

C. Fee. The fee for filing of an appeal to the Building and Fire Board of Appeals shall be \$100. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

§10—2014. ADMINISTRATION AND ENFORCEMENT

Administration and enforcement of this section shall remain under the control of the Property Maintenance Division, Building and Trades Division and/or the Department of Fire and Rescue Services.

§10—2015. VIOLATIONS AND PENALTIES.

A. Violations. The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a Registration Statement, to pay any fees required to be paid pursuant to the provisions of this part, or to appear for an inspection, shall constitute a violation. The violation shall be deemed a strict liability offense

B. Prosecution of Violations. The Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee.

shall have the authority to institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation of the provisions of this Part or of the order or direction made pursuant thereto. Such authority shall include but not be limited to the Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee. institution of summary criminal proceedings via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction, as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.

C. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for the first two continual and uncorrected failure or refusal to register, or for each failure or refusal to pay and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay or imprisonment for any term not exceeding (90) ninety days. Each day that violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§10—2016. COMPLIANCE WITH OTHER CODES

In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other City of Reading Code or Ordinance.

§10—2017. NONEXCLUSIVE REMEDIES.

The penalty and collection and lien provisions of this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

§10-2018 BLIGHTED PROPERTY REVIEW

Nothing in this Part, shall be meant or utilized to override or circumvent a property under consideration, review and in the process of the City of Reading Blighted Property Review Committee. A property be under order of the City of Reading Blighted Property Review Committee to be rehabilitated yet continue to be required to register as a Vacant Building or Structure pursuant to this Part.

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SECTION 1. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do¹:

- A. **Public Office as a Public Trust.** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- B. **Independent Objective Judgment.** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
- C. **Accountability.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- D. **Democratic Leadership.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- E. **Respectability and Fitness for Public Office.** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the

¹Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

appearance of impropriety or which is otherwise unbefitting a public official. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this Code is to establish ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto, and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

SECTION 2. Board of Ethics

Reference is made to Section 1201(c) of the Charter of the City of Reading.

A. Composition and Structure of Board.

- 1. **Composition.** The Board established under Section 1201 of the Reading Home Rule Charter shall be composed of five (5) residents of the City of Reading.
- 2. **Terms of Service.** Members of the Board shall serve for terms of three (3) years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of one year, two members serving for two years, and two members serving for three years.
- 3. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.
- 4. **Election of Chairperson and Vice Chairperson.** The Board shall elect a chairperson and a vice chairperson annually at a meeting held in July of each year. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.
- 5. **Quorum.** A majority of the members of the Board shall constitute a quorum and, except as provided in Sections 9.C. and 9.D., the

votes of a majority of the members present are required for any action or recommendation of the Board.

6. **Staff.** The Board shall appoint a solicitor, a secretary and such other staff as may be deemed necessary. The solicitor, secretary and such other staff as may be necessarily appointed need not be members of the Board.
7. **Meetings.** The Board shall meet at the call of the Chairperson or at the call of a majority of its members.
8. **Investigative Officer.** The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least five (5) years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate non-discretionary functions.

B. **Powers and duties:** The powers and the duties of the Board of Ethics may be summarized as follows:

1. Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.
2. Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.
3. Appoint an investigating officer to conduct investigations and to issue findings reports where appropriate.
4. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to those related to adjudications and penalties.

5. Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.
6. Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.
7. Annually review the statements of financial interest filed pursuant to Section 4 of the Code.

C. **Prohibitions.** Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the Code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the Code.

1. No member may hold or campaign for any other public office.
2. No member may hold office in any political party or political organization or political committee.
3. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.
4. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.
5. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

D. **Preservation.** Complaints and proceedings pending before the Board at the time this Code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same.

Said committee shall consist of at least three (3) Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

SECTION 3. Definitions

For the purposes of this Code, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein.

- A. **Appearance of Impropriety.** The perception that wrong-doing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.
- B. **Board.** The Board of Ethics of the City of Reading.
- C. **Candidate.** Any individual who seeks nomination or election to public office normally decided by vote of the electorate, whether such individual is elected by the electorate or is appointed.
- D. **Charter.** City of Reading Home Rule Charter.
- E. **Code.** City of Reading Code of Ethics.
- F. **Conflict of Interest.** Situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain of himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.

- G. **Elected Official.** An official elected or appointed to fill a position normally filled by election.
- H. **Employee.** Any individual receiving salary or wages from the City of Reading.
- I. **Immediate Family.** A parent, spouse, living partner, child, brother or sister, natural or adopted.
- J. **Material Interest.** Direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.
- K. **Officer.** Investigating Officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer need not be a Board member and may be compensated as any other member of the staff.
- L. **Official.** Any elected or appointed paid or unpaid member of the government of the City of Reading.
- M. **Political Activity.** Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position, including but not limited to the circulation of election petitions and the sale or distribution of fund raising items or tickets.
- N. **Private Gain.** Of personal benefit, whether economic, social, or otherwise.
- O. **Violation.** A violation is any activity that is restricted by the ethics provisions of the Charter and/or the Code.

SECTION 4. Statement of Financial Interests

Any official or employee of the City or authorities or boards with decision-making authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has fifteen working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

SECTION 5. Disclosure of Confidential Information

City employees and officials often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.

Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

SECTION 6. Prohibited Behaviors

A. Conflicts of Interest

1. Employees and officials of the City may not bid on or have a material interest in:
 - a. the furnishing of any materials, supplies or services to be used in the work of the City;
 - b. contracts for the construction of any City facility;
 - c. the sale of any property to the City or the purchase of any property from the city unless said property is offered to the general public at auction or by competitive bid.
2. Employees and officials of the City may not:

- a. use or attempt to use their official position to secure special privileges or exemptions for themselves or others;
 - b. accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position;
 - c. disclose to others, or use for personal benefit, any confidential information gained by reason of an official position;
 - d. accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;
 - e. receive any compensation for official services to the City from any source other than the City;
 - f. transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest;
 - g. have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.
3. Outside Employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.
4. Officials and employees shall not engage in conduct prohibited under Section 1201(a) of the Charter.

B. Solicitation/Acceptance of Gifts; Rebuttable Presumption

No official or employee shall accept gifts and other things of value in return for a favorable decision or vote (City Charter, Section 1201 (a)). In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift. Under no circumstance shall officials or employees solicit gifts of any

kind. A gift having a value in excess of twenty-five dollars (\$25.00) may not be considered de minimis.

The term gift for the purposes of this Code means any gratuity, benefit, or any other thing of value which is accepted by, paid for, or given to a City employee, elected or appointed officials or by another on their behalf either directly or indirectly without consideration of equal or greater value. The term gift may include, by way of illustration and without limitation to, the following:

1. Preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;

2. Transportation, lodging, or parking;
3. Food or beverage, other than that consumed at a single sitting or event; and
4. Membership dues.

City employees or officials shall not solicit or accept gifts, either directly or indirectly, from any person or entity doing business with or under regulation by the City or from the agent or lobbyist of such person or entity except on behalf of the City. The solicitation or acceptance of gifts shall create a rebuttable presumption that the employee knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.

C. Nepotism

Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a city position, as provided in the City of Reading Personnel Code.

D. Whistle Blowing

Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a city employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

E. E. Fraudulent or Other Activity. City employees or officials are expected to act ethically in the performance of all duties and responsibilities and avoid any involvement with, or any appearance of, behavior constituting fraud, misappropriation or other inappropriate conduct while carrying out the duties and obligations of their employment or office.

City employees or officials may not willfully or deliberately act, attempt to act, conspire to act, or solicit with the intent to act, carry out, or participate in any of the following activities:

- a. Embezzlement of money or resources for private purposes or use, from any City official, City employee, City department, City contractor or subcontractor, or third party agent doing business with the City government;
- b. Misappropriation of City funds, supplies, assets or resources;
- c. Falsification of any City record, including personnel records;
- d. Forgery or alteration of any check, bank draft, bank account, or other financial document;
- e. Forgery or alteration of timecard data and/or information;
- f. Receipt of a bribe or kickback, or willing participation in a scheme of bribery;
- g. Impropriety in the handling or reporting of money or financial transactions;
- h. Using insider knowledge of City activities to earn or generate any gift, profit or pecuniary benefit;
- i. Accepting, requesting, or seeking any material item or pecuniary benefit from contractors, vendors or parties providing services or materials to the City;
- k. Unauthorized destruction, removal or inappropriate use of City property, including data records, furniture, fixtures and equipment;
- l. Making false or intentionally misleading written or oral statements or representations in carrying out any official or employment duty or obligation; or
- m. Participation in any willful or deliberate act carried out with the intention of obtaining an unearned or unauthorized benefit by way of deception or other unethical means.

City employees or officials are to be familiar with the types of fraud and the potential activities and circumstances that may give rise to a fraudulent activity within his or her department, bureau, and area of responsibility.

City employees or officials are charged with the duty to be alert for any indication of fraudulent activity and all City employees or officials have a duty to report immediately any suspected fraudulent activity to the City Board of Ethics.

E. F. Use of City Property and Personnel

~~No personnel, equipment, supplies, facilities, vehicles, or any other property of the City may be used by employees or officials for private use. It is improper and may be unlawful for supervisors to use subordinates for their personal benefit. Reference is made to the City of Reading Personnel Code.~~

City employees or officials may not use any personnel, equipment, supplies, facilities, vehicles, or any other property owned and belonging to the City for their private purposes, use, enjoyment, or benefit. City employees or officials who

hold a supervisory position may not use the time, effort and resources of any subordinate City employees or official for their private purposes, use, enjoyment, or benefit. The provisions of this Section 6(F) are to be read together and with any related provision of the City of Reading Personnel Code.

F. G. Political Activities

~~Reference is hereby made to Sections 605(a) and 707 of the Charter and to Section 1.08 of the City of Reading Personnel Code. Said provisions are incorporated herein by reference and made a part hereof. The Board shall have jurisdiction over any matter where the executive branch of the government or City Council of the City of Reading has failed to take appropriate action in enforcing these provisions.~~

Section 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code are incorporated herein by reference and made a part hereof. City employees or officials are to adhere to the sections restricting involvement in political activities as set forth in Sections 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code. In the event that the City or City Council has failed to take appropriate action in enforcing the aforementioned provisions, then the Board of Ethics shall have jurisdiction to adjudicate any violation thereof.

SECTION 7. Penalties; Restitution

A. Penalties.

Upon any violation of the city provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:

1. *Admonition.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions;
2. *Public Censure.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the board strongly disapproves of the actions of the public official or public employee;
3. *Recommendation to the Managing Director of Suspension,* without compensation for a stated period of time not to exceed thirty (30) days, in

compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;

4. *Recommendation to the Managing Director of Termination* in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
5. *Referral* to the appropriate authorities for criminal prosecution in cases where a violation of this ordinance is also a violation of federal or state law;
6. *Ineligibility* for holding any office or position within the City for a period of up to five years, as set forth in Section 1202 (b) of the Charter of the City of Reading;
7. *Impose a fine*, not to exceed one thousand dollars (\$1,000.00) per violation;
8. *Imposition of an administrative fine* of not more than one thousand dollars (\$1,000.00) to defray the actual cost and expense of investigating any violation; and
9. Any person who realizes financial gain by way of a violation of any provisions of this ordinance, in addition to any other penalty provided by law or this ordinance, shall pay into the Treasury of the City, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized; and
10. Any public official, public employee, person, corporation, company or other entity found to have participated in or benefited from a violation of this ordinance, may be barred from participating in business dealings with the City for a period of time not to exceed five (5) years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this ordinance) deemed appropriate by the Board.

B. Restitution; Other penalties and remedies.

After finding that an individual has violated any provision of the Charter or this Code within the jurisdiction of the Board as provided for in this Code, the Board may take one

or more of the following actions, if appropriate, in addition to penalties described in Section 7(a):

1. Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Code or Charter;
2. Order the subject to cease and desist from engaging in a particular activity that is in violation of the Code, Charter, or any order issued by the Board;
3. Order the subject to take specified action to bring him/her into compliance with Board directives;
4. Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters;
5. Institute appropriate civil or equitable action to enforce the order and decision of the Board; and
6. Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to five (5) years following such decision.

SECTION 8. Advisory Opinions

Upon the written request of any public official or city employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this ordinance, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.

An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

SECTION 9. Complaint and Investigation Procedure

A. Who May File

Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

1. Reasonably believe in the existence of facts upon which the claim is based; and
2. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

B. How to File

Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

C. Jurisdiction; Preliminary Investigation

1. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.
2. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.
3. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.

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4. The preliminary investigation shall be completed within 60 days of Officer's finding of jurisdiction.
 5. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.
 6. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

D. Full Investigation

If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three (3) days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every ninety (90) days. Within one hundred eighty (180) days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

E. Findings Report

The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report, request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.

F. Evidentiary Hearing

1. **Timing.** An evidentiary hearing must be held within forty-five (45) days of the filing of a request for the same.
2. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The

subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.

3. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five (5) days before the hearing.

G. Decision by the Board; Final Order.

At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.

Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

H. Petition for Reconsideration.

A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within ten (10) days of the day the Board issues its final order.

I. Protection of Complainant

No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

SECTION 10. Confidentiality of Board Information

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

SECTION 11. Wrongful Use of Board of Ethics

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City

employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in Section 7.

Wrongful use of the Code of Ethics is defined as either:

1. Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this Code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
2. Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

Ordinance
Approving Penalty, Interest and Attorney Fee Schedule
For Work In Collecting Delinquent Accounts
City of Reading

Ordinance No. _____, 2009

ORDINANCE APPROVING COLLECTION PROCEDURES
AND ADOPTING PENALTY, INTEREST AND SCHEDULE
OF ATTORNEY FEES TO BE ADDED TO THE AMOUNT
COLLECTED AS PART OF MUNICIPAL CLAIMS FOR
DELINQUENT ACCOUNTS.

WHEREAS, to be fair to all taxpayers in City of Reading, it is necessary for City of Reading to recover promptly the amount of delinquent unpaid municipal claims, and if necessary, by legal proceedings; and

WHEREAS, in the past the amount recovered in such proceedings has been depleted by the cost of reasonable attorney fees incurred by City of Reading in the proceedings, and in the case of smaller claims, making enforcement not financially feasible; and

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. ' 7101 et seq. (the AAct@), authorizes the adding of additional attorney fees, charges, expenses, commissions and fees to the total payable with respect to unpaid municipal claims but only if the municipality involved has approved by Ordinance a schedule of such fees; and

WHEREAS, City of Reading has determined that it is in the best interest of all taxpayers and other residents to have vigorous enforcement of all delinquent and other unpaid charges, utilizing the procedures set forth in the Act, except in the cases of serious hardship, which City of Reading will address on a case-by-case basis pursuant to uniform policies; and

WHEREAS, City of Reading has reviewed the subject of penalty, interest, and attorney fees for collection matters, and has determined that the fees set forth in the schedule hereby adopted are reasonable in amount for the services herein described.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY CITY OF READING AS FOLLOWS:

1. Fees to be Added to the Unpaid Claim.

City of Reading hereby approves the following fee schedule for the collection of unpaid claims, which fees shall be added to the unpaid claim.

- (a) Notice Expense. A fee, not to exceed \$50, together with all costs and expenses incurred, shall be added to the unpaid claim for mailing a notice of delinquency pursuant to Section 7106 of the Municipal Claims and Tax Liens Act.
- (b) Collection Fees.

Handling fee for returned check \$ 30.00

Handling fee to issue refund check \$ 20.00

Bookkeeping fee for payment plan of 3 months or less \$ 25.00
 Bookkeeping fee for payment plan of more than 3 months \$ 50.00
 Guaranteed Payoff Fee \$ 25.00
 (c) Legal Fees.
 Initial review and sending first demand letter \$160.00
 File lien and prepare satisfaction \$175.00
 Prepare Writ of Scire Facias \$175.00
 Obtain Re-issued Writ \$ 30.00
 Prepare and mail letter under Pa. R.C.P. 237.1 \$ 30.00
 Prepare Motion for Alternate Service \$175.00
 Prepare Default Judgment \$175.00
 Prepare Writ of Execution \$800.00
 Attendance at Sale; Review Schedule of Distribution and Resolve Distribution
 Issues \$400.00
 Continue Sheriff Sale \$ 50.00
 Petition to Assess Damages \$ 50.00
 Petition for Free and Clear Sale \$400.00
 Prepare bankruptcy proof of claim \$100.00
 Services not covered above At an hourly rate between
 \$60.00-\$225.00 per hour

2. Costs to be added to the Unpaid Claims.

In addition, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, such as but not limited to, postage, title searches, prothonotary fees and sheriff fees, shall be added to the unpaid claims.

3. Interest. Interest will be assessed upon all delinquent unpaid municipal claims at a rate of 10% per annum and added to the unpaid claim.

4. Collection Procedures. The following collection procedures are hereby established in accordance with the Act:

(a) At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an Account, City of Reading or its designee 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 AProperty Owner@).

(b) If the certified mail notice is undelivered, then, at least ten (10) days prior to the assessing or imposing such attorney fees, City of Reading or its designee shall mail or cause to be mailed, by first class mail, a second notice to the property owner.

(c) All notices required by this Ordinance shall be mailed to the property owner=s last known post office address as recorded in the records or other information of City of Reading, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.

(d) Each notice as described above shall include the following:

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

- (ii) A statement of City of Reading's intent to impose or assess attorney fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;
- (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the Account; and
- (iv) The place of payment for Accounts and the name and telephone number of City of Reading's representative designated as responsible for collection matters.

5. Related Action. The proper officials of City of Reading are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

6. Appointment of Solicitor. City of Reading appoints Michelle R. Portnoff, Esquire as Solicitor for the limited purpose of collecting delinquent municipal claims and hereby authorizes her, and attorneys under her supervision, to sign any and all documents, including tax and municipal claims, on behalf of the City.

DULY ORDAINED AND ENACTED BY CITY OF READING
ON _____, 2009.

City of Reading

[City of Reading Seal]

Attest:

City Clerk

RESOLUTION NO. ____-2009

A RESOLUTION OF THE CITY OF READING AUTHORIZING THE FILING OF A PROPOSAL FOR DESIGNATION AS A PA MAIN STREET COMMUNITY WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA.

WHEREAS, The City of Reading is desirous of obtaining a designation as a PA Main Street Community from the Department of Community and Economic Development of the Commonwealth of Pennsylvania (“DCED”) from the PA New Communities Program for prevention and elimination of blight under Section 4(C) of the Housing and Redevelopment Assistance Law, as amended.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Reading that a blighting influence exists because of urban decay and continued divestment in the Central Business District of the City of Reading, Berks County, Pennsylvania (the “City”) in and around Penn Street from Second Street to Eleventh Street and from Washington Street to Franklin Street within the City. The Downtown 20/20 Revitalization Project will prevent further blight and/or eliminate the existing influence by revitalizing the physical infrastructure of the principle streets within the central business district. The Downtown 20/20 Project is designed to 1) eliminate blighting influences, 2) improve pedestrian safety by mitigating vehicle/pedestrian conflict, 3) improve emergency vehicle reaction time and 4) stabilize the economic activity within the district in order to attract new businesses and create more jobs. The Downtown 20/20 Project is being overseen by the City of Reading Planning & Implementation Committee which will assist commercial revitalization through organizing broad community support, implementing strategic business retention and recruitment policies, marketing and promoting the district and leveraging private dollars through the reuse of existing buildings.

BE IT FURTHER RESOLVED, that the City will assume the provision of the full local share of the project costs.

BE IT FURTHER RESOLVED, that the City Clerk of the City Council is directed to execute a certificate attesting to the adoption of this Resolution and to furnish a copy of the Resolution to DCED.

DULY ADOPTED this ____ day of ____, 2009.

BY THE CITY OF READING CITY COUNCIL

Vaughn D. Spencer, President of Council

Attest: _____
Linda Kelleher, City Clerk