



CITY COUNCIL

Work Session

***Work Session
Penn Room***

***Monday, July 20, 2009
7:00 P.M.***

- I. Call To Order** 7:00 p.m.
- II. Managing Director's Report** 7:05 p.m.
- III. Act 47 - Fred Reddig DCED** 7:15 p.m.
- IV. Review Amendments to Animal Control Ordinance** 7:45 p.m.
 - a. Adding Aggressive Dog language
 - b. Adding regulations on the number of pets per household
 - c. Adding clarifying language re: reporting of dog bites
- V. Update - Rental Housing Process (Zoning & Codes)** 8:15 p.m.
- V. Discussion Fee Increase Recommendations** 8:30 p.m.
 - a. Planning revenue at current rates - \$52,390 and revenue at the rate recommended by Maximus - \$168,131
 - b. Zoning revenue at current rates - \$113,400 and revenue at the rate recommended by Maximus - \$157,330
- VI. Review Business Priv. Tax Ordinance** 8:45 p.m.

Discussion on adding license revocation language
- VII. Adjourn**

City of Reading
City Council
Work Session
Monday, May 18, 2009

Councilors Attending: V. Spencer, S. Fuhs, M. Goodman-Hinnershitz, D. Sterner, S. Marmarou, M. Baez, J. Waltman

Others Attending: L. Kelleher, C. Younger, R. Hottenstein, C. Geffken, M. Mayes, D. Wright, E. Cooper

Mr. Spencer called the work session to order at 7:05 p.m.

Managing Director's Report

The Managing Director's Report was distributed to Council covering the following:

- Blue Ribbon Panel scheduled for Wednesday, May 21, 2009
- Unannounced DEP inspection of the waste water treatment plant which yielded positive results
- Succession of the City's program to rent miscellaneous equipment such as tables, chairs, hot dog grill, etc., to the public
- Update on allocation of the \$800,000 stimulus funds expected.
- Update on grant applications

Ms. Goodman-Hinnershitz inquired if the administration will share the DEP's written report with Council. Mr Hottenstein stated that the report will be supplied within a few days. Ms. Goodman-Hinnershitz inquired if the City could make the report available for community review. Mr. Hottenstein stated he is unsure if the report can be released publicly.

Mr. Fuhs congratulated the Reading Police Department for their recent sting at two massage parlors on Lancaster Avenue. Investigation showed that prostitution was occurring at these two locations. The businesses had zoning permits to operate as massage therapy businesses.

National Health Insurance Act

Mr. Fuhs inquired why the state and federal issue was placed on the City's agenda. Mr. Spencer explained that in the past the City has adopted resolutions to support various state and federal legislation and also introduced federal and state issues for public education.

Ron Stouffer and Rosie Skomitz stated that they represent a state wide advocacy for national health care. They thanked Council for the opportunity to educate local officials and the public on this topic. They distributed educational materials on the issue. They noted that recently several Pennsylvania cities have adopted legislation to support Federal House Bill 6-76 along with State Senate House Bill 400 and State Representative House Bill 16-60. Mr. Stouffer explained the various changes to the current profit driven healthcare program. Ms. Skomitz explained the proposed single pay plan will still allow free choice, no co-pay and no caps on coverage. She stated that it is believed that this change in health care policy will reduce the use of local emergency rooms as primary care providers and will negate the need for Medicare as eligibility will be universal. It is also believed that this non-partisan bill will reduce the cost of employee healthcare for municipalities, businesses and employees. If the National Healthcare Act was in place, Reading's cost for healthcare would be reduced by five million dollars. They noted the assistance this will provide in closing the City's budget gap.

Mr. Fuhs inquired if any other countries provide a single pay program. Mr. Stouffer stated that he is unsure and noted that the advocacy group is focusing on Pennsylvania.

Mr. Fuhs stated that Canada and other republics currently have national healthcare. He noted the various disparities with the system used in Canada leading to long wait times before medical service is provided. He expressed the belief that consumers in Canada and the other republics are dissatisfied with the program in place. He inquired about the length of wait time for medical services in Canada. Mr. Stouffer read a prepared statement and the expected wait time in America.

Councilor Fuhs questioned President Obama's position on this issue. Ms. Skomitz expressed belief that President Obama will support national healthcare but will involve drug companies and other stake holders.

Councilor Fuhs expressed the belief that the resolution prepared will place the City in a lobbyist position. He expressed belief that the City of Reading should not be entering the lobbying area. He expressed the belief that this issue is labor based.

Ms. Goodman-Hinnershitz thanked Mr. Stouffer and Ms. Skomitz for their presentation.

She expressed the belief that after further refinement, national healthcare will move forward and benefit citizens. She stated that a study of the systems in Britain and Canada can assist the United States in developing a program that will be more efficient to consumers. She expressed her willingness to further review this issue in the future.

Mr. Sterner expressed the belief that government involvement in various areas has created vast inefficiencies. Ms. Skomitz noted the request for a cost study. Mr. Stouffer noted the belief that the national healthcare system will pull all users striving for reducing the cost of service together. They noted the endorsements from various states, counties and cities.

Mr. Fuhs expressed the belief that the City should entertain various view points on this issue.

Ms. Skomitz stated that Wyoming has adopted a universal healthcare plan. She stated that states across America can adopt modifications of the federally approved plan.

Mr. Waltman expressed his belief in national healthcare but noted the uncertainty about what the best model looks like and the plans for ultimate funding. He stated that he supports the concept with careful application. Ms. Skomitz stated that a model study has been prepared using several years' worth of information.

Mr. Waltman noted the many years citizens have been waiting for tax reform. He urged careful review and gradual implementation of national healthcare.

Rental Registration Process - Zoning

Mr. Hottenstein stated that in the past Council received updates from Codes on the housing permit process. Tonights update will cover Zoning's participation in the housing permit process. Mr. Mayes distributed a handout covering the rental application process used by the zoning office and an outline showing the zoning permits issued for rental use as of April and May 2009. He described the work to streamline the application and approval process. He stated that to date 1,908 single home properties have received zoning permits for rental use and 1,821 multi-unit properties have received zoning permits for rental use. To date, a total of 3,729 rental use zoning permits have been issued.

Mr. Mayes described the efforts to improve the dialogue between Codes and Zoning. He described the plan to provide team building training which will foster better cooperation between the two departments. He also described various efforts to improve data collection and to improve the work process and flow.

Mr. Sterner noted that the numbers presented by Mr. Mayes do not correlate with the numbers presented by Mr. Reinhart last month. He inquired how many un-permitted properties and number of rental units exists. Mr. Marmarou agreed that the Zoning report does not comply with the Codes report. He requested that the next report show both Zoning and Codes.

Ms. Goodman-Hinnershitz expressed the belief that illegal rental data compiled by the Council office is causing analysis paralysis in the Codes office.

Mr. Waltman noted that Council developed criteria to streamline the housing permit approval process. He stated that rental properties located in high-density residential areas that have had permits for five (5) consecutive years and rental properties located in low-density residential areas having housing permits for ten (10) consecutive years were to follow a streamlined process. He questioned the use of the criteria developed. Mr. Mayes stated that the contractor hired to cover the Zoning office, until a Zoning Administrator was hired, did not attend to the Zoning portion of the housing permit process.

Ms. Kelleher stated that to date, approximately six (6) out of the approximate 70 rental properties located between Hampden Blvd. and North 13th Street, between Marion and Union Street, have gone through the AHO process. She inquired when the Zoning office will be considering the remainder of those applications.

Fee Increase Recommendations

Mr. Hottenstein stated that he and Ms. Kelleher have been meeting to review the recommendations in the Maximus Report and have prepared a sheet showing the recommended increases. He distributed a handout showing the current fees proposed by Maximus and the fees recommended by Mr. Hottenstein and Ms. Kelleher.

Mr. Waltman inquired if the housing permit fee considers only one inspection every three (3) to five (5) years. Mr. Hottenstein stated that the proposed fee contained a proration of a housing inspection every three (3) to five (5) years. Mr. Hottenstein explained why some fee areas should be subsidized by city tax payers and others need to be covered by users. Ms. Kelleher stated that the initial report distributed to Council did not contain fee recommendations for Zoning and Planning. She stated that in addition to the housing permit fee, these fees also jumped significantly. She stated that she and Mr. Hottenstein collected data showing the fees charged in other Berks County municipalities. The fees proposed by Maximus agree with that charged in other Berks municipalities.

Ms. Goodman-Hinnershitz suggested retaining the current Pagoda rental fee schedule until

the foundation is in place. She also noted the need for the consideration of the condition of the facilities when assigning a rental fee.

Mr. Marmarou inquired who controls the baseball fields at Angelica Park. Mr. Hottenstein stated that as Alvernia has paid for the rehabilitation and repair of these facilities Alvernia should control and collect the rental fees.

Councilor Marmarou questioned the continuation of the barricade rental program. He noted the various safety issues this could create when different neighborhoods hold block parties. Mr. Hottenstein stated that the registration fee for a block party can contain the cost of barricades.

Ms. Kelleher inquired how Council would like to proceed with the fee increase recommendations. She stated that Council could consider fee areas individually or consider the complete package. City Council requested that fee recommendations come for Council review in groups. Ms. Kelleher suggested that Mr. Hottenstein prepare an ordinance that will cover Public Works Engineering and Fire Special Services.

Mr. Spencer noted the recent *In Our Opinion* article in the newspaper claiming that the Maximus Report and various fee increases are Council driven. He stated that a cross study of this nature should be prepared every five (5) to eight (8) years. He noted that it has been at least 15 years since the City did a proper study of its fees and associated costs. He stated such studies of this nature help the public understand that the cost of various fees that cover the cost of programs.

Mr. Spencer reminded everyone of the following meetings in the last week in May:

- Wednesday, May 27th at 6 pm at St. Anthony's Church, regarding the Hazel Street tunnel.
- Properties of Merit program kickoff on Thursday, May 28th at the Sovereign Performing Arts Center at 7 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

FOLLOW-UP ISSUES

- Amendment to the Prop. Maintenance Code to allow ticketing system
- Update on the rental housing issue (Codes and Zoning)
- Business Privilege Tax Revocation
- Fee Increase Review (Maximus)
 - Fire

- Codes
- Planning
- Recreation
- Zoning
- Copy of DEP report on WWTP

HOUSE BILL

No. **2294** Session of

2005

INTRODUCED BY DIVEN, CALTAGIRONE, CREIGHTON, MUSTIO, PISTELLA
AND W. KELLER, DECEMBER 5, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 5, 2005

AN ACT

1 Amending the act of July 10, 1987 (P.L.246, No.47), entitled "An
2 act empowering the Department of Community Affairs to declare
3 certain municipalities as financially distressed; providing
4 for the restructuring of debt of financially distressed
5 municipalities; limiting the ability of financially
6 distressed municipalities to obtain government funding;
7 authorizing municipalities to participate in Federal debt
8 adjustment actions and bankruptcy actions under certain
9 circumstances; and providing for consolidation or merger of
10 contiguous municipalities to relieve financial distress,"
11 further providing for contents of the coordinator's plan.
12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 241 of the act of July 10, 1987 (P.L.246,
15 No.47), known as the Municipalities Financial Recovery Act,
16 amended June 30, 1992 (P.L.336, No.69) and repealed in part
17 October 13, 1994 (P.L.596, No.90), is amended to read:

18 Section 241. Contents.

19 A plan formulated by the appointed coordinator shall be
20 consistent with applicable law and shall include any of the
21 following factors which are relevant to alleviating the
22 financially distressed status of the municipality:

1 (1) Projections of revenues and expenditures for the
2 current year and the next two years, both assuming the
3 continuation of present operations and as impacted by the
4 measures in the plan.

5 (2) Recommendations which will:

6 (i) Satisfy judgments, past due accounts payable,
7 and past due and payable payroll and fringe benefits.

8 (ii) Eliminate deficits and deficit funds.

9 (iii) Restore to special fund accounts money from
10 those accounts that was used for purposes other than
11 those specifically authorized.

12 (iv) Balance the budget, avoid future deficits in
13 funds and maintain current payments of payroll, fringe
14 benefits and accounts through possible revenue
15 enhancement recommendations, including tax or fee
16 changes.

17 (v) Avoid a fiscal emergency condition in the
18 future.

19 (vi) Enhance the ability of the municipality to
20 negotiate new general obligation bonds, lease rental
21 debt, funded debt and tax and revenue anticipation
22 borrowing.

23 (vii) Consider changes in accounting and automation
24 procedures for the financial benefit of the municipality.

25 (viii) Propose a reduction of debt due on specific
26 claims by an amortized or lump-sum payment considered to
27 be the most reasonable disposition of each claim possible
28 for the municipality considering the totality of
29 circumstances.

30 (3) [Possible changes in collective bargaining
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1 agreements and permanent and temporary staffing level changes
2 or changes in organization.] R_e_c_o_m_m_e_n_d_e_d

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10 (4) Recommended changes in municipal ordinances or
11 rules.

12 (5) Recommendations for special audits or further
13 studies.

14 (6) An analysis of whether conditions set forth in
15 section 261 exist, whether specific exclusive Federal
16 remedies could help relieve the municipality's financial
17 distress and whether filing a Federal debt adjustment action
18 under Subchapter D is deemed to be appropriate.

19 (7) An analysis of whether the economic conditions of
20 the municipality are so severe that it is reasonable to

21 conclude that the municipality is no longer viable and should
22 consolidate or merge with an adjacent municipality or
23 municipalities.

24 (8) An analysis of whether functional consolidation of
25 or privatization of existing municipal services is
26 appropriate and feasible and recommendations for where and
27 how this could be done.

28 (9) A capital budget which addresses infrastructure
29 deficiencies.

30 (10) Recommendations for greater use of Commonwealth

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1 economic and community development programs.

2 Section 2. This act shall take effect in 60 days.

Financially Distressed Municipalities Act

The Financially Distressed Municipalities Act (Act of 1987, P.L. 246, No. 47), also known as Act 47, empowers the Pennsylvania Department of Community and Economic Development to declare certain [municipalities](#) as [financially distressed](#). It provides for the [restructuring of debt](#) of financially distressed municipalities, limits the ability of financially distressed municipalities to obtain [government funding](#); authorizes municipalities to participate in Federal [debt adjustment](#) actions and [bankruptcy](#) actions under certain circumstances; and provides for consolidation or merger of [contiguous](#) municipalities to relieve financial distress.

History

Most provisions of Act 47 initially remained suspended until the termination of the Pennsylvania Intergovernmental Cooperation Act (Section 708 of Act 1991, June 5, P.L. 9, No 6).

The cities of [Erie](#) and [Altoona](#), among others, have narrowly avoided Act 47 designation. Their mayors seek legislative changes to the binding arbitration rules of Act 111, as well as a reduction in the designation of tax-exempt properties, to improve their financial health.

Distressed municipalities

The following municipalities were designated as part of the Municipalities Financial Recovery Program as of the date indicated. Any dates of imposition and lifting of sanctions, and the rescinding of the initial designation are also noted.

Municipality	County	Designated	Sanctioned	Sanction rescinded	Designation rescinded
Aliquippa	Beaver	December 22, 1987			
Ambridge	Beaver	April 10, 1990			April 16, 1993
Braddock	Allegheny	June 15, 1988			
Chester	Delaware	April 6, 1995			
Clairton	Allegheny	January 19, 1988			
Duquesne	Allegheny	June 20, 1991			
East Pittsburgh	Allegheny	November 13, 1992			December 27, 1999
Farrell	Mercer	November 12, 1987			
Franklin	Cambria	July 26, 1988			
Greenville	Mercer	May 8, 2002			

<u>Homestead</u>	<u>Allegheny</u>	<u>March 22, 1993</u>		<u>March 28, 2007</u>
<u>Johnstown</u>	<u>Cambria</u>	<u>August 21, 1992</u>		
<u>Millbourne</u>	<u>Delaware</u>	<u>January 7, 1993</u>		
<u>Nanticoke</u>	<u>Luzerne</u>	<u>May 26, 2006</u>		
<u>New Castle</u>	<u>Lawrence</u>	<u>January 5, 2007</u>		
<u>North Braddock</u>	<u>Allegheny</u>	<u>May 22, 1995</u>		<u>April 11, 2003</u>
<u>Pittsburgh</u>	<u>Allegheny</u>	<u>December 29, 2003</u>		
<u>Plymouth</u>	<u>Luzerne</u>	<u>July 27, 2004</u>		
<u>Rankin</u>	<u>Allegheny</u>	<u>January 9, 1989</u>		
<u>Scranton</u>	<u>Lackawanna</u>	<u>January 10, 1992</u>	<u>January 1, 1999</u>	<u>November 22, 2002</u>
<u>Shenandoah</u>	<u>Schuylkill</u>	<u>May 20, 1988</u>		<u>April 16, 1993</u>
<u>West Hazleton</u>	<u>Luzerne</u>	<u>March 27, 2003</u>		
<u>Wilkesburg</u>	<u>Allegheny</u>	<u>January 19, 1988</u>		<u>November 10, 1998</u>

[List of Act 47 Municipalities](#)

References

See also

[Municipalities Financial Recovery Act, Third Edition, January 2001](#)

[Pittsburgh Act 47 Plan](#)

Pittsburgh Recovery Plan

Executive Summary

The City of Pittsburgh, already in fiscal distress, now stands on the precipice of full-blown crisis. In August 2003, the City laid off 446 employees, including nearly 100 police officers. City recreation centers and public swimming pools were closed, and services from police mounted patrol to salt boxes were eliminated. In October and November 2003, the City's credit ratings were downgraded repeatedly, leaving Pittsburgh as the nation's only major city to hold below-investment-grade "junk bond" ratings.

With the City's most recent independent audit questioning the City's ability to continue as a going concern, a looming cash shortfall now threatens pension payments and payroll later this year. In response, the City has filed for and been determined to qualify for distressed status in accordance with the Municipalities Financial Recovery Act, Act 47 of 1987 ("Act 47"), triggering the requirement to develop this Recovery Plan. Working concurrently and equally with the Intergovernmental Cooperation Authority for Cities of the Second Class ("ICA"), an important vehicle for change formed by Act 11 in February 2004, the team selected to develop this Recovery Plan has confirmed the severity of the current crisis. Absent corrective action, Pittsburgh will strain to pay its bills through the end of 2004, and will essentially exhaust its remaining reserves. As shown in the table and graph below, mounting annual deficits would then grow from approximately \$72 million in 2005 to nearly \$115 million for FY2009 alone.

Budget Gap FY2004-FY2009

While these projected deficits are indeed daunting, they are by no means insurmountable. Despite decades of population decline, the Commonwealth's second-largest city remains the hub for Allegheny County and southwestern Pennsylvania. Pittsburgh is home to 330,000 residents, sustains a strong and active business community, and is home to world class educational, healthcare, and cultural institutions.

Revenues	365,975	365,126	376,666	384,913	392,624	403,474
Expenditures	400,339	437,055	455,079	474,857	495,897	518,707

\$0.0						
\$20.0						
\$40.0						
\$60.0						
\$80.0						
\$100.0						
\$120.0						
\$140.0						
	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009

Gap (Millions)

Act 47 Recovery Plan 2 Executive Summary
 City of Pittsburgh, PA

By adopting a balanced approach, Pittsburgh can not only regain budgetary stability, but also harness the growing energy generated by the transformation of the former steel city

into an economically diverse and technologically innovative engine for regional growth. Accordingly, the major elements of this Recovery Plan, including dozens of revisions based on broad community input during a formal public comment period, include the following:

Scores of changes to the way the City does business. In tough times, the City simply cannot keep asking taxpayers to bear an ever-growing burden without also aggressively demonstrating commitment to more efficient, more effective, and less expensive government.

- 15 percent cuts in the budgets of the Mayor’s Office, City Council and Clerk, and City Controller;

- Fire department restructuring;

- Police civilianization;

- Elimination of cable TV production;

- Elimination of a separate Engineering and Construction Department, with economies captured as functions are allocated to the Department of Public Works;

- Reductions to the City’s take-home fleet;

- Targeted elimination of multiple programs and positions;

- Across-the-board reductions in materials, supplies, and miscellaneous services; and,

- Highly limited restorations of services central to quality of life – for example, recreation centers and pools – at levels more moderate and sustainable than in the past.

29 intergovernmental cooperation initiatives, including increased cooperation with Allegheny County, the Pittsburgh School District, and other regional public sector entities.

- 911 call center merger;

- Consolidation of purchasing;

- Transfer of arson investigation to the County;

- Transfer of pet licensing to the County;

- Potential joint facility management;

- Potential joint information technology management; and,

- Potential consolidation of tax collection.

Multiple outsourcing and managed competition initiatives to ensure that the City operates efficiently and focuses its very limited resources on the direct provision of core services.

- Fleet maintenance competition;

- Asphalt plant sale;

- Outsourced EMS billing and collections;

- Managed competition for trash collection;

- Potential outsourcing of parking ticket collection;

- Potential outsourcing of custodial services; and,

- Competitive contracting for animal control services.

Containment of fast-growing employee compensation, applied to non-represented managers and union workers alike.

- A two year wage and step freeze;

- Health benefits restructuring, including a 15 percent employee contribution to monthly premiums;

- Overtime and premium pay reductions;

- Enhanced workers’ compensation controls; and,

- Changes in benefits for future hires, such as the elimination of City-funded retiree health benefits, which will improve long-term fiscal health.

Act 47 Recovery Plan 3 Executive Summary
 City of Pittsburgh, PA

Strengthened financial management practices and strategic investment in long-term fiscal health;

- Establishment of pay-as-you-go capital funding to reduce reliance on debt;
 - Capitalization of a Productivity Bank to finance City government efficiency investments;
 - Best practices in municipal budgeting, such as enhanced interim reporting and target budgets;
 - Appointment of a professional Risk Manager to oversee claims management and loss control;
 - More timely payment of pension obligations so as to reduce long-term liabilities;
 - Pursuit of State legislative reforms to pension assistance programs;
 - Exploration of the long-term potential for a Community Foundation to endow City services;
 - Formalization of a Fund Balance policy and the gradual rebuilding of prudent reserves;
- and,
- Coordination of a new, consensus economic and community development strategy for the City and region, capitalizing on new Commonwealth initiatives.

Overall, the Act 47 team has identified over 200 non-tax initiatives, with quantified measures ranging from \$5,000 to over \$10 million per year. In the aggregate, expenditure measures will eliminate more than half of the City’s projected FY2009 deficit. To close the remaining gap, the Act 47 team has developed two alternative revenue generation approaches.

Gap and Gap-Closing Initiatives

Workforce Initiatives	\$24 million	\$23 million	\$29 million	\$35 million	\$42 million
Expenditure Reduction					
Initiatives	\$9 million	\$21 million	\$22 million	\$22 million	\$23 million
Revenue and Fee Initiatives	\$10 million	\$12 million	\$12 million	\$14 million	\$16 million
Tax Package	\$41 million	\$41 million	\$40 million	\$40 million	\$40 million

Both proposed revenue options include:

- enhanced local user charge rates and collection;
- a more entrepreneurial approach to non-tax revenue generation;
- an increased local realty transfer tax from 1.5 percent to 2.0 percent;
- a reduced parking tax from 50 to 30 percent, the highest such tax in the nation; and,
- higher payments of at least \$6 million annually from tax-exempt institutions.

\$0.0						
\$20.0						
\$40.0						
\$60.0						
\$80.0						
\$100.0						
\$120.0						
\$140.0						
	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009

Value (Millions)

Workforce Initiatives Expenditure Reduction Initiatives

Revenue and Fee Initiatives Tax Package Gap

Act 47 Recovery Plan 4 Executive Summary

City of Pittsburgh, PA

In addition, the “preferred” package features new State-authorized taxes and local tax changes designed to update the City’s tax structure with increased equity and fairness:

- An increase in the Occupational Privilege Tax to \$145 per year in 2005, with an increase in the exemption floor from \$1,000 to \$12,000 per year;
- A revised suite of business taxes balancing reductions in the Business Privilege Tax (BPT) and Mercantile Tax with a new Payroll Tax featuring per head and gross payroll components; or
- An alternative tax package that might be developed by the General Assembly and Governor meeting the Plan’s goals of financial and economic sustainability, for example, via a larger Payroll Tax so as to enable complete elimination of the current BPT and Mercantile Tax. The Act 47 team believes that this preferred revenue package is fair, equitable, and achievable. However, the Pennsylvania legislature through Act 47 requires that this Recovery Plan be balanced with revenues that the City currently controls, or with other revenues within the purview of the Coordinator. Because some of the recommended changes – including an increased Occupational Privilege Tax and a new Payroll Tax – would require approval by the General Assembly and the Governor before they could be implemented, this Recovery Plan is required to include an alternative revenue package that includes only items that can be put into place by the City with or without the intervention of the Act 47 Coordinator.

This alternative “safety net” tax package is based on high-impact property tax and commuter earned income tax (EIT) increases.

- Petition the Allegheny County Court of Common Pleas to raise the EIT rate from 1.0 to 1.37 percent for City residents and from 1.0 percent to 1.27 percent for non-residents; and
- Increase the local real property tax to 11.34 mills.

If this Recovery Plan is approved, but the Coordinator, the City, and others are unsuccessful in persuading the Legislature and the Governor to authorize the preferred revenue package, the safety net alternative will become the source of necessary revenue to fund the remaining financial gap. In such an event, this alternative revenue package will generate adequate short-term resources, however, it will unfortunately not ensure long-term fiscal stability. Not only would this alternative package further erode the City’s already weakened economic competitiveness, but it would also be based on a higher EIT that would evaporate once Act 47 distressed status is eventually lifted. Moreover, this tax requires annual reauthorization by the County’s Court of Common Pleas, and home rule suburban jurisdictions can effectively capture the revenue themselves by raising their EIT to match Pittsburgh’s non-resident rate. For these reasons, the Act 47 team strongly urges enactment of the preferred revenue alternative and the Recovery Plan as a whole at the earliest opportunity. With a statutory timetable indicating City Council and Mayoral action before the end of June, and serious threats to cash flow during the second half of the year, the urgency of beginning to rebuild the City’s fiscal foundation requires swift action. Given the challenges at hand, regaining sustained fiscal health for the City of Pittsburgh will be neither simple nor painless. But given the fundamental strengths of

the City and its people, working together, recovery is fully achievable. It is the sincere hope of the Act 47 team that this Recovery Plan will help to guide the City back to a more positive direction.

- Limiting the number of pets per household to six (6) animals over six (6) months of age – similar regulations used in Shillington, Wyomissing, Sinking Spring, Allentown, Bethlehem, Lancaster, Harrisburg. State regulations allow up to 25 pets/animals per household.
- Allowing the revocation of the permit for failure to maintain the care and standards established in the ordinance.
- Requiring compliance with the denial or revocation of the permit within 30 days and requiring an inspection of the property within 45 days of the denial or revocation of the permit.
- Creating an application process whereby the Animal Control Board will consider the applicants ability to properly care for more than six (6) animals, the quality of life issues that may affect neighboring properties, how the animals will be restrained, provides for the inspection of the property where the animals will be housed, etc.
- Creating a permit for citizens who wish to keep more than six (6) pets per household - \$50 first year and \$25 for annual renewal – to cover administrative and inspection costs.
- Adding references to the impoundment and confinement requirements of the Pa Dog Act.
- Requiring all attacks/bites to be reported to the City's Health Officer within 48 hours, who will then report to the State.
- Allows Animal Control to determine the rules and regulations necessary to enforce the ordinance

AN ORDINANCE

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

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

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

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 Codified Ordinances or any other City Ordinance or resolution that is in direct conflict within this Amendment are hereby repealed.

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

SECTION 5. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. Effective Date of Ordinance. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Animal Control Board & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A
CHAPTER 2
ANIMALS
PART 1
ANIMAL CONTROL

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

PART 2
PIGEONS

- §2-201. Coop Size and Number of Pigeons
- §2-202. Sanitary Maintenance; Loud Noises Prohibited
- §2-203. Feeding Prohibited

§2-204. Human Disposition of Pigeons at Large
§2-205. Penalty

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

PART 11 ANIMAL CONTROL

§2-101. Purpose.

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

§2-102. Definitions.

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

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

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

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

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

ANIMAL SHELTER - any facility operated by the City or ~~humane society~~ *designated animal control authority* for the temporary care, confinement

and detention of animals and for the humane euthanasia and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Any animal that is found running at large.
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.
- (3) Any animal that damages any property other than that of its owner.
- (4) Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored

shall be governed by the City of Reading Codified Ordinance Chapter 10, Part 2, "Noise Control," §10-204.

(5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

(6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

(7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.

(8) Any animal that chases motor vehicles in a public right-of-way.

(9) Any animal that attacks domestic animals.

(10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

(11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

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

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

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

§2-103. Nuisances.

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(Ord. 72-2005, 11/14/2005, §1)

§2-104. Keeping of Exotic Animals, Domestic Agricultural Animal, or Native Wildlife Animal.

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

The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerks Office along with a fee in the amount of \$75.00. The fee shall be disbursed \$40.00 to the designated animal control authority and \$35.00 to the City to cover the costs of inspections and administration.

§2-105. Caring for Animals.

PA Code Animal Regulations - 18 Pa.C.S. §5511.

§2-106. Limitation on the Number of Animals

1. Purpose. The purpose of this section is to regulate the maintenance, keeping or possession of animals within the City of Reading in order to promote the health, safety and general welfare of its inhabitants.

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

2. Limitation on Number of Animals.-- Except for species of fish, it shall be unlawful to keep more than six (6) animals six (6) months of age or older on any premises, regardless of the number of owners; provided, however, that this section shall not apply to any premises for which a kennel license has been obtained pursuant to the Dog Law of the Commonwealth of Pennsylvania, as the same may from time to time be supplemented or amended, nor shall this section apply if a permit has been issued and is in effect pursuant to this ordinance.

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

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

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

2. The purpose of keeping such animals.

3. The period for which the permit is requested.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
2. The permittee shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
3. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear, or to be abused, tormented or annoyed.
4. The permittee shall maintain the premises so as to eliminate offensive odors or excessive noise.
5. The permittee shall not permit any condition causing disturbance of the peace and quiet of his/her neighbors.
6. Animals must be maintained in quarters so constructed as to prevent their escape. The permittee assumes full responsibility for recapturing any animal that escapes from his/her premises. The permittee shall make adequate provisions and safeguards to protect the public from the animals.
7. Every person shall conform to all present and future laws of the Commonwealth of Pennsylvania and the United States of America, the ordinances of the City of Reading and the rules and regulations that may accompany this chapter in any way connected with animals, specifically including anticruelty laws.

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

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

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

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

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

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

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

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

§2-107. Sanitation.

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

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

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

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

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

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

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

§2-108. Restraining and Confinement Generally.

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

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

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

4. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§2-109. Restraint of Guard Dogs.

1. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a fence at least 6 feet in height and shall be topped with an anticleimbing device

constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

2. All anticleimbing devices shall extend inward at an angle of not less than 45 degrees nor more than 90 degrees when measured from the perpendicular.
3. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape proof.
4. The provisions of this Section shall not apply to dogs owned or controlled by government law enforcement agencies.

§2-110. Restraining of Dangerous Dogs or Aggressive Dogs.

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

1. Upon licensing a vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.
2. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six (6) feet high and contain no less than fifty (50) square feet of ground space. All pens shall comply with city zoning guidelines so as not to be offensive to the neighboring residents.
3. Every person harboring a dangerous dog or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.
4. No person owning or harboring a dangerous or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three (3) feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.
5. Once a dog is deemed to be dangerous; it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

§2-111. Property Owners May Impound.

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

§2-112. Return of Animal to Owner.

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

§2-113. Disposition of Large Animals.

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

§2-114. Dangerous Dog and/or Aggressive Dog Permits.

~~1. **Permit Required.** No person shall own, keep, or harbor any dangerous and/or aggressive dog over the age of 3 months within the City unless such dog has a permit as provided in this Part.~~

~~2. **Application.** Application for such permit shall be made available by the owner on a form to be provided by the City and made available at the designated animal control authority for any dangerous and/or aggressive dog over 3 months of age; providing, that any owner moving to the City for the purpose of establishing residence or becoming a resident as a result of annexation, and otherwise required to obtain a permit, shall have until 10 days after moving or annexation to obtain such a permit. [Ord. 20 1999]~~

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

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

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

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

~~(Ord. 72-2005, 11/14/2005, §1)~~

§2-114. Permit Tags; Identification.

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

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

~~(Ord. 72-2005, 11/14/2005, §1)~~

1. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this ordinance and pay a fee of one hundred dollars (\$100.00) for such registration to the designated Animal Control Authority.

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

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

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

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

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

E. Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued the Animal Control Authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

APPEAL PROCEDURE

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

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

§2-115. Impoundment.

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

- A. Any dog without a valid permit tag or license.
- B. Any animal at large.
- C. Any animal constituting a public nuisance or considered a danger to the public.
- D. Any animal that is in violation of any quarantine or confinement order of a Health Officer.
- E. Any unattended animal that is ill, injured or otherwise in need of care.
- F. Any animal that is reasonably believed to have been abused or neglected.
- G. Any animal that is reasonably suspected of having rabies.
- H. Any animal that is charged with being potentially dangerous, aggressive or displays aggressive behavior where an Animal Control Officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.
- I. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.
- J. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.
- K. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

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

§2-116. Notice to Owner and Redemption.

1. Upon impoundment of an animal, the ~~Humane Society~~ designated Animal Control Authority shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.
2. An owner reclaiming an impounded animal shall pay a fee of \$25 for each day the animal has been impounded. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.
3. Any animal not reclaimed by its owner within 48 hours shall become the property of the City and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the ~~Humane Society~~ designated Animal Control Authority.
4. Any dangerous dog or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the ~~Humane Society~~ designated Animal Control Authority.

§2-117. Animal Control Board Established.

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

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

- A. Two members shall be appointed as representatives of the community at large.
 - B. Two members shall be appointed representatives of animal humane societies and animal shelters.
 - C. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.
 - D. Two alternates shall be appointed as representatives of the community at large.
3. The term of each member shall be 3 years, or until a successor takes office.

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

1. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and the conduct of hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of the City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the Office of the City Clerk.
2. The Board shall also have the authority to do the following:
 - A. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.
 - B. Make determinations of aggressive dogs as defined under "Definitions," §2-102.
3. The Board shall meet at the call of the Chairperson to take the following actions:
 - A. Prepare and present the Animal Control Board budget to the Director of Finance.
 - B. Recommend to the City Council changes in the law regarding the control of animals.

§2-119. Sanctions and Remedies.

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

§2-120. Appeals.

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

§2-121. Enforcement.

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

§2-122. Violations and Penalties.

1. It shall be violation of the Part to:

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

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

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

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

(Ord. 72-2005, 11/14/2005, §1)

PART 22

PIGEONS

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

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

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

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

§2-203. Feeding Prohibited.

No person shall intentionally feed pigeons at large.

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

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

§2-205. Penalty.

Any person, firm or corporation who shall violate this Part shall be, upon conviction thereof sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(*Ord. 31-1965, 7/7/1965, §5; as amended by Ord. 14-2001, 5/29/2001*)

DRAFT APPLICATION

City of Reading
815 Washington St.
Reading, PA 19601

Dear Applicant:

Enclosed please find an application for the **Permit of More Than Six (6) Animals**. It is very important that this application be filled out completely and legibly. An application that is incomplete, illegible or otherwise not filled out in compliance with the explicit instructions given on the application will be returned to the applicant without action.

This form shall be submitted to the City Clerk's Office along with a non-refundable fee in the amount of \$50.00 to cover administrative and inspection costs. *Please also attach to your application a registered veterinarian's health certificate for each animal to be covered by the permit.*

If the application is approved, the quarters in which the animals will be living will be inspected by the Animal Control Authority or a Police Officer. The inspection must take place, even if the application is approved, and the permit will not be granted until said inspection is complete.

If the application is denied or the permit is revoked, the applicant has 30 days to comply with the limitations and provisions as stated in Bill No. ____ - 2009. Within 45 days of application denial or permit revocation, the Animal Control Authority or Police Officer shall conduct an inspection of the property to determine if the applicant or permittee is in compliance with said regulations (penalties for not being in compliance are outlined in said Bill).

You will be notified in writing as to whether your application has been approved or denied.

Please also note that if a permit is granted, it is only valid for the first calendar year or part thereof. All such permits must be renewed annually upon resubmittal of this application and a \$25.00 renewal fee.

City of Reading
City Clerk
815 Washington St. RM 2-21
Reading, PA 19601
610-655-6205

Application for the Permit of More Than Six (6) Animals

APPLICANT INFORMATION:

First and Last Name of Applicant: _____
Address of Applicant (where animals will live): _____
City: _____ State: _____ Zip Code: _____ **(No PO Boxes Allowed)**
Phone Number: _____ Cell Phone: _____

Please also list the information of any other person to be placed in charge of the animals:

First and Last Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____ **(No PO Boxes Allowed)**
Phone Number: _____ Cell Phone: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY:

1. In the space provided, please write a brief description explaining your knowledge about the animals in question and your experience in handling said animals.

2. In the space provided, please list (if applicable) any earlier charges and/or citations for violation of statutes and/or ordinances governing animals, and/or health and/or safety.

ANIMAL INFORMATION:

Type of Animal (please include all relevant specifications):	Number of Animals:
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(If your request pertains to more than 6 different types of animals, please attach the additional information in the same format to your application.)

PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY:

1. In the space provided, please provide a brief explanation as to the purpose of keeping such animals.

2. In the space provided, please provide a brief description of the living quarters in which the animals will be kept, including all relevant information and specifications.

3. In the space provided, please describe the circumstances, if any, under which the animals will be removed from their quarters.

4. In the space provided, please describe the security with which the animals will be restrained.

Period for which the permit is requested (check one):

- Full Calendar Year
- Portion of Calendar Year
(Please specify: _____)

Note: Please be aware that your neighbors **will be contacted** to determine whether or not the animals pose a quality of life problem. If you would like to give them advanced notice of this, they may send a letter regarding the matter to the City Clerk's Office, noting any relevant information that may lead to the approval or denial of your submitted application.

APPLICANT'S CERTIFICATION

I am aware that it is my responsibility to file a **complete** application. I understand that the application will be returned to me if it is found to be incomplete, illegible, or otherwise not filed in compliance with the instructions.

I certify that the information contained herein is true and correct to the best of my knowledge and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa C.S. Section 4904, relating to unsworn falsifications to authorities.

Applicant's signature

Date

Proposed Changes to the Rental Inspections Program by Eric Weiss

Date: February 3, 2009, based on our January 22, 2009 meeting
Presented to City Council February 17, 2009

1. Enter property information into Hanson regarding placarded (tagged unfit) properties during January 2009. This will require follow-up inspections to be carried out over the following month for approximately 75 properties to verify use and occupancy along with enforcement actions as needed. All tagged unfit properties found to be occupied will be prioritized for enforcement until complied or vacated.
2. Create Divisions of responsibilities of staff by program or specialty, similar to divisions among the lines of business of a corporation. This specialization will improve effectiveness while allowing for adjustments to staffing in each division as needed during the year in order to address fluctuations in the workload. By February 1, 2009, deploy inspections staff as follows:
 - a. 6 rental health & safety inspectors
 - b. 4 complaints inspectors
 - c. 2 illegal use inspectors
 - d. 2 “floating” inspectors to respond to temporary workload increases
 - e. 1 inspector handling health inspections
3. By April 1, 2009, to resolve the Housing Permits backlog problem, issue Housing Permits to approximately 1,500 owners who have applied and have had zoning verified. Defer the requirements for BPL and housing inspections on these properties to resolve the backlog and to clear the path for the commencement of the 5 year systematic inspections cycle. These Permits should indicate the conditions of issuance, that is: must be inspected, must comply with BPL requirements, etc.
4. Begin the 5-year, systematic rental inspections cycle by separating the Magisterial Districts into 5 one-year (2009 through 2013) geographic rental inspections areas. The number of rental dwelling units for inspection should be approximately equated each year and care should be taken not to overload challenging Districts into one year. This establishes goals and timetables with achievement expectations for administration, elected officials, staff, property owners and the general public and will transform the current reactive efforts into a proactive, mission-driven systematic process.
5. By June 30, 2009, to resolve the Rental Unit Invoices backlog, make the necessary ordinance amendments to establish a Registration provision for qualified rental units in chapter 11- Housing Rental. Registered Rental Units will be units documented by the City and based on the owner’s application and payment of a yearly fee. A unit will remain Registered, providing the yearly fee is paid, until a Rental Permit is issued when the unit is brought into compliance with all requirements in Chapter 11 following inspection during the five (5) year inspections cycle. The Registration does not

warrant the zoning, safety, condition or habitability of these units. It merely documents the owner's application for inclusion of the units(s) in Reading's Rental Unit Permitting process.

In resolving the invoice backlog, the 2008 and 2009 Rental Unit Invoices for units that are in compliance should be sent as Rental Permit Fee invoices. Rental units for which compliance is pending or units that have not been brought into compliance with the Rental Housing Ordinance requirements, should have 2008 and 2009 invoices sent as Rental Registration Fee invoices.

2007 Rental Fee Invoices, already in progress, can remain as Rental Permit Fee Invoices.

This will bring the rental billing cycle current without mandating all units be in compliance with all requirements while allowing Registered Units to remain Registered until they are included in the five (5) year inspection cycle and achieve their Rental Permit.

6. List all permitted rental units on a Master Rental Permit posted in a common area (lobby) of every rental property. The permit will list all legal units identifying them by number or letter or location (example: 2nd floor rear). This will document the permitted allowable rental units in every rental building at an accessible location open to public view.

Additional Programmatic Changes:

1. By April 1, 2009 institute Sweep Ticketing Program. Sweep Ordinance is being revised to include all anticipated violations to be addressed by the ticketing process. The process initially will be by standard ticket book issuance similar to the Allentown Program. Potential benefits to using hand-held computers for ticketing will be looked into. Consortium of Code Officials in Reading, Allentown, Bethlehem and Easton has been formed and will best practice solutions, including the Sweep Ticketing Program, to common code problems among the cities.
2. By January 2009 decide on, measure staff size requirements, purchase and issue uniforms to inspectors. The inspectors "uniforms" will be khaki pants and a button down shirt rather than either a more law enforcement officer or a more maintenance worker style uniform. Projected first day for uniforms to be worn is the middle of February.
3. Zoning files are the City's official record of a property's legal allowable use. Having clear, complete, official municipal records of every property's allowable use is essential to a City's success by several measures. It is recommended that a sufficient number of staff be assigned to investigate and resolve issues of allowable uses for properties in rental inspections yearly geographic workload prior to

inspections. Consider fee increases for rental housing permits and/or zoning applications to cover additional staff to verify allowable use and to gain compliance of zoning violations. Maximus Company is evaluating Reading's fee structure. We can review the Maximus draft when it is ready.

Additional note:

Look into the optimal use of State Act 97 by putting a procedure in place to have fire inspectors gather fire insurance coverage information at every fire response and transfer this information to a program coordinator who will assure that insurance providers adhere to the provisions of Act 97 by escrowing with the City Treasurer the required portion of the insurance proceeds. Compliance signed off by the Building Inspections staff when the CO is issued following building restoration should be required prior to release of these funds to the owner/insured. If the owner/insured balks or fails to restore the building, the City should proceed to use the escrowed funds for the repairs. If no insurance is in place at the time of the fire, public nuisance abatement procedures using public funds should be employed to repair the building damage to at least a condition that will not allow further deterioration nor negatively impact surrounding properties. Code enforcement action, blighted property review procedures or municipal lien execution should follow until the fire damaged building is restored.

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE FEES, COMMUNITY DEVELOPMENT DEPARTMENT, DIVISION OF PLANNING FEES AND FINANCE DEPARTMENT, TAX DIVISION BUSINESS LICENSE FEES. THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Community Development Department, Division of Planning Fees and Finance Department, Tax Division Business License Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part here.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

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: _____

EXHIBIT A

Department	Division	Item	Old Fee	Year of Old Increase	New Fee
CD	Planning	RLD Sketch or Revision 1-5	\$100	2002	\$780
CD	Planning	RLD Sketch or Revision 6-40	\$200	2002	\$810
CD	Planning	RLD Sketch or Revision 40+	\$300	2002	\$970
CD	Planning	RLD Prelim 1-5	\$200	2002	\$1,235
CD	Planning	RLD Prelim 6-40	\$400	2002	\$1,465
CD	Planning	RLD Prelim 40+	\$600	2002	\$1,520
CD	Planning	RLD Final 1-5	\$500	2002	\$1,345
CD	Planning	RLD Final 6-40	\$700	2002	\$1,670
CD	Planning	RLD Final 40+	\$900	2002	\$1,720
CD	Planning	CLD Sketch or Revision < 2 acre	\$100	2002	\$790
CD	Planning	CLD Sketch or Revision 2-10 acre	\$200	2002	\$830
CD	Planning	CLD Sketch or Revision 10+ acre	\$300	2002	\$1,010
CD	Planning	CLD Prelim < 2 acre	\$200	2002	\$1,400
CD	Planning	CLD Prelim 2-10 acre	\$400	2002	\$1,640
CD	Planning	CLD Prelim 10+ acre	\$600	2002	\$1,675
CD	Planning	CLD Final < 2 acre	\$500	2002	\$1,500
CD	Planning	CLD Final 2-10 acre	\$700	2002	\$1,840
CD	Planning	CLD Final 10+ acre	\$900	2002	\$1,880
CD	Planning	SD/Annex Sketch or Revision 1-5	\$50	2002	\$675
CD	Planning	SD/Annex Sketch or Revision 6-25	\$100	2002	\$745
CD	Planning	SD Annex Sketch or Revision 25+	\$200	2002	\$820
CD	Planning	SD/Annex Prelim 1-5	\$100	2002	\$920
CD	Planning	SD/Annex Prelim 6-25	\$200	2002	\$1,110
CD	Planning	SD/Annex Prelim 25+	\$300	2002	\$1,120
CD	Planning	SD/Annex Final 1-5	\$200	2002	\$900
CD	Planning	SD/Annex Final 6-25	\$300	2002	\$1,080
CD	Planning	SD/Annex Final 25+	\$600	2002	\$1,100
CD	Planning	Parking lot review 50 or less	\$100	2002	\$820
CD	Planning	Parking lot review every 10 over 50	\$10	2002	\$900
Finance	Tax	Business License Fee	\$35	2003	\$55

ZONING

Zoning performs inspections to assure compliance with applicable codes and ordinances adopted

by the City. Zoning ensures consistent conformance with applicable laws regulating the use of land and buildings in the City.

All persons or entities desiring to undertake any new construction, structural or site alteration, razing, grading, or changes in the use of a building or lot shall apply to the Zoning Administrator for a zoning permit by completing the appropriate application form and by paying all required fees.

The following is a summary of the cost and fee analysis.

Summary of Zoning Costs

The cost distribution for the Zoning user fee analysis was comprised of three (3) components: 2008 budget appropriations, 2006 indirect costs, and 2008 divisional support. The 2008 budget appropriations for Zoning were derived directly from the City's adopted budget. The 2006 indirect costs are from the City's 2006-based full cost allocation plan. The divisional support costs from Codes Administration, Planning, and City Clerk was calculated through separate MAXFEE analyses, respectively. In the 2008 budget the Zoning Administrator position was in Codes Administration. In order to accurately distribute the labor costs, the portion of Codes Administration support costs related to salaries and fringe benefits for the Zoning Administrator position was included in the 2008 budget appropriations for Zoning.

The actual/estimated quantities (units of service) were derived from Zoning's permit database for the period January 1, 2008 through October 31, 2008. The data was sorted by permit code to arrive at the total number of units for each fee area. The total units for the sample period were then annualized to arrive at a projected total number of units for a calendar year. It should be noted that the total number of rental housing units was computed based on 50% of the three year (2006-2008) average housing stock as reported by the City Auditor's report of the number of real estate transfer transactions. This method of computing total rental housing units was recommended by the City Manager.

CITY OF READING, PENNSYLVANIA Analysis of Fees for Services Report

April 17, 2009 Page 94 **MAXIMUS**

Zoning

Cost Summary

(All Costs Shown in Dollars)

2008 Budget Appropriations

Salary and Wages \$ 136,011

Benefits 45,905

Operating Expenses 2 4,000

Total Direct Budgeted Costs \$ 205,916

2006 Full Cost Allocation Plan \$ 36,061

Total Indirect Costs \$ 36,061

Divisional Support

Codes Admin. \$ 44,039

Planning and City Clerk 7,467

Total Divisional Support \$ 51,506

Total Zoning Costs \$ 293,483

Of the total cost of \$293,483 for the fee-related services considered, \$134,700 was considered to be non-fee related leaving \$158,783 or 54.10% of the total costs as the fee related costs.

**PART 5
BUSINESS PRIVILEGE TAX**

A. Business Privilege Tax Ordinance

§24-501. Short Title.

This Part shall be known as the "Business Privilege Tax Ordinance."
(*Ord 52-1975, 12/3/1975, §I*)

§24-502. Definitions.

As used in this Part, certain terms are defined as follows except where the context clearly indicates a different meaning:

BUSINESS - any activity carried on or exercised for gain or profit in the City including, but not limited to, the sale of merchandise or other tangible personalty or the performance of services and the rental of personalty and/or realty.

CALENDAR YEAR - the period January 1 to December 31, inclusive.

CITY - the City of Reading.

LICENSE YEAR - the period from January 1 to December 31, inclusive.

PERSON - any individual, partnership, limited partnership, association, firm or corporation. Whenever used in any clause prescribing or imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

TAXPAYER - a person subject to the payment of the tax imposed by this Part.

TAX MANAGER - the person duly appointed by Council to administer the tax.

TAX YEAR - the period from January 1 to December 31, inclusive.

TREASURER - the Director of Finance of the City of Reading.

WHOLESALE DEALER or WHOLESALE VENDOR - any person who sells to dealers in or vendors of goods, wares and merchandise and to no other person.
(*Ord 52-1975, 12/3/1975, §II; as amended by Ord. 14-2001, 5/29/2001*)

§24-503. Tax Levied; Rate; Business Volume Computed; Exemptions.

There is hereby levied for the tax year 1976 and annually thereafter a tax for general revenue purposes on the privilege of doing business as herein defined in the City as follows:

A. **Rate and Basis of Tax.** The rate of the tax on each dollar volume of gross annual receipts of every person engaged in occupations or business in the City shall be 1½ mills, 1½ mills shall mean \$1.50 per \$1,000 volume of gross annual receipts, except that the rate of the tax on each dollar volume of gross annual receipts by wholesale dealers or wholesale vendors engaged in business in the City shall be 1 mill. All nonwholesale businesses of such wholesale dealers or wholesale vendors shall be taxed at the general rate of 1½ mills.
[*Ord. 10-2007*]

B. Computation of Volume of Business.

(1) Every person subject to the payment of the tax hereby imposed who has commenced his business prior to the full calendar year prior to the tax year shall compute his annual estimated gross volume of business upon the actual gross amount of business transacted by him during the immediately preceding calendar year.

(2) Every person subject to the payment of the tax hereby imposed who has commenced or who commences his business before the beginning of the tax year but after the beginning of the full calendar year prior to the tax year, shall compute his estimated annual gross volume of business for the tax year upon the gross volume of business transacted by him during prior calendar year, taking the monthly average during such period and multiplying the same by 12. In the event that he shall be in business fewer than 90 days in the prior calendar year, he shall be permitted to use sufficient days in calendar year in which the tax year begins to equal 90 successive days after commencement of business, to take a monthly average thereon, and to multiply the average by 12.

(3) Every person subject to the payment of the tax hereby imposed who has commenced or commences his business subsequent to the beginning of the tax year, if there shall be less than 3 months from the commencement of his business to the end of the tax year, shall compute his annual gross volume of business upon the actual gross amount of business

transacted by him during the tax year; if there shall be more than 3 months from the commencement of his business to the end of the tax year he shall compute his estimated gross volume of business for such tax year upon the gross volume of business transacted by him during the period from the commencement of his business to the end of the tax year, taking the monthly average during the first 3 months of business and multiplying the same by the number of months from the commencement of business to the end of the tax year.

(4) Every person subject to the payment of the tax hereby imposed who engages in a business temporary, seasonal or itinerant by nature, shall compute his estimated gross amount of business to be transacted by him for the period such person engages in such temporary, seasonal or itinerant business within the City by a method to be determined by the Tax Manager.

(5) The Tax Manager is hereby authorized to accept payment under protest of the amount of business privilege tax claimed by the City in any case where the taxpayer disputes the validity or amount of the City's claim for tax. If it is thereafter judicially determined by a court of competent jurisdiction that the City has been overpaid, the amount of the overpayment shall be refunded to the taxpayer. The provisions of this section shall be applicable to cases in which the facts are similar to those in a case litigated in a court of competent jurisdiction.

(6) Payments made under the mercantile license tax for business to which this tax is applicable shall be credited to this tax and vice versa.

C. Persons, Business and Receipts Exempted.

(1) **Persons and Businesses.** Persons employed for a wage or salary, nonprofit corporations or associations organized for religious, charitable or educational purposes, agencies of the government of the United States or of the Commonwealth of Pennsylvania and the business of any political subdivision, or of any authority created or organized under and pursuant to any act of assembly are exempt from the provisions of this Part.

(2) No such tax shall be assessed and collected on a privilege, transaction, subject, or occupation which is subject to a State tax or license fee, and which tax or license fee has been held by the Courts of Pennsylvania to be the basis for exemption from the imposition of a business privilege tax by a municipality.

(3) **Utilities.** No such tax shall be assessed and collected on the gross receipts from utility service of any person or company whose rates of service are fixed and regulated by the Pennsylvania Public Utility Commission; or on any public utility service rendered by any such person or company or on any privilege or transaction involving the rendering of any such public utility service.

(4) **State Tax on Tangible Property.** No such tax shall be assessed and collected on the privilege of employing such tangible property as is subject to a State tax except on sales of admission to places of amusement or on sales or other transfers of title or possession of property.

(5) **Production and Manufacture.** No such tax shall be assessed and collected on goods, articles and products, or on by-products of manufacture, or on minerals, timber, natural resources and farm products manufactured, produced or grown in the City, or on the preparation or processing thereof for use or market, or on any privilege, act or transaction relating to the business of manufacturing, the production, preparation or processing of minerals, timber and natural resources or farm products, by manufacturers, producers and farmers with respect to the goods, articles and products of their own manufacture, production or growth or any privilege, act or transaction relating to the business of processing by-products of manufacture or on the transportation, loading, unloading, dumping or storage of such goods, articles, products or by-products.

D. Determination of Gross or Whole Volume Business. Gross or whole volume of business upon which the tax hereunder is computed shall include the gross consideration credited or received for or on account of sales made, rentals and/or services rendered, subject only to the following allowable deductions and exemptions:

(1) The dollar volume of business transacted by wholesale and retail dealers derived from the resale of goods, wares and merchandise taken by any dealer as trade-in or as part payment for other goods, wares and merchandise, except to the extent that the resale price exceeds the trade-in allowance.

(2) Refunds, credits or allowances given by a taxpayer to a purchaser on account of defects in goods, wares or merchandise sold, or on account of goods, wares or merchandise returned.

(3) Any commissions paid by a broker to another broker on account of a purchase or sales contract initiated, executed or cleared with such other broker.

(4) Bad debts, where the deduction is also taken in the same year for Federal income taxation purposes.

(5) Taxes collected as agent for the United States of America, Commonwealth of Pennsylvania or the City.

E. Partial Exemptions. Where gross or whole volume of business in its entirety cannot be subjected to the tax imposed by this Part by reason of the provisions of the Constitution of the United States or any other provision law, the Tax Manager with the approval of Council shall establish rules and regulations and methods of allocation and evaluation so that only

that part of the gross or whole volume of business which is properly attributable and allowable to doing business in the City shall be taxed hereunder.

F. Rate When Same Tax is Imposed by Two Taxing Bodies. If any person is liable for the same tax on the same subject imposed under the Local Tax Enabling Act 1965, December 31, P.L. 1257 and its amendments, to the City and one or more political subdivisions of the State, then and in that event the tax shall be apportioned by such percentage as may be agreed upon by such political subdivisions, but, in no event, shall the combined taxes of both subdivisions exceed a maximum rate of tax as fixed by the Enabling Act permitting the imposition of such taxes.

G. Records. The taxpayer, to obtain the foregoing enumerated exclusions and deductions, shall keep books and records of his business so as to show clearly, accurately and separately the amount of such sales and services as are excluded from the tax and the amounts of such sales and services which he is entitled to deduct from the gross volume of business as hereinbefore provided.

(Ord 52-1975, 12/3/1975, §III; as amended by Ord. 14-2001, 5//29/2001; and by Ord. 10-2007, 1/22/2007, §1)

§24-504. Returns; Payment; Interest Penalty.

1. Every return shall be made upon a form furnished by the Tax Manager. Every person making a return shall certify the correctness thereof by affidavit.
2. Every person subject to the tax imposed by this Part who commenced his business on or before January 1 of the full calendar year previous to the beginning of any tax year shall on or before February 15 of the tax year file with the Tax Manager a return setting forth his name, his business, business address and such other information as may be necessary in arriving at the actual gross amount of business transacted by him during the preceding calendar year, and the amount of the tax due.
3. Every person subject to the tax imposed by this Part who has commenced his business before the beginning of the tax year but after January 1 of the full calendar year previous to the beginning of the tax year shall on or before February 15 of the tax year file with the Tax Manager a return setting forth his name, his business, business address and such other information as may be necessary in arriving at the estimated gross amount of business transacted by him as calculated under §24-503(B)(2) and the amount of tax due, provided 100 days have elapsed from the commencement of the business to February 15 of the tax year. If a taxpayer has not been in business for 100 days as of February 15 of the tax year, whether or not he commenced business within the tax year, his return shall be filed within 100 days of the commencement of his business.

4. Every person subject to the payment of the tax imposed by this Part who engages in a business temporary, seasonal or itinerant by its nature shall at the time application is made for the business privilege license file a return with the Tax Manager setting forth his name, his business, his business address and such information as may be necessary in arriving at the estimated gross amount of business to be transacted by him as calculated in accordance with §24-503(B)(4).

5. **Going Out of Business.** Any person going out of or ceasing to do business shall, within 7 days from the date of ceasing to do business, file a return showing the actual gross volume of business conducted and done by such person during the tax year in which such person ceased doing business, and pay the tax due as computed thereon at the rate herein provided for at the time of filing such return. If such tax has been previously paid based upon estimated gross receipts, the taxpayer shall be entitled to a refund, without interest, of any excess tax paid for the tax year in which business was terminated.

6. **Payment of Tax and Penalties for Late Payment.** The business privilege tax levied pursuant to this Part shall be due and payable on the date on which the taxpayer is required to file a return as set forth above. If the tax is paid within two months after the due date a discount of 2% shall be allowed. All taxpayers who shall fail to pay the tax for 4 months after the due date, shall be charged a penalty of 10% plus an additional 1% per month or fractional part of a month, commencing with the penalty period, until the tax is paid.

[*Ord. 49-1976*]

7. **Receipt.** The City Director of Finance shall, upon payment to him of the business privilege tax, give the person paying the same a receipt therefor.

(*Ord. 52-1975, 12/3/1975, §VI; as amended by Ord. 49-1976, 12/22/1976, §§1-4; and by Ord. 14-2001, 5/29/2001*).

§24-505. License.

As of January 1, 2003, any person desiring to conduct or to continue to conduct any business, as herein defined, within the City shall file with the Tax Administration Manager, an application for a business privilege license and shall pay a fee of \$35 for the initial license and \$35 for each renewal thereof. EXCEPT, that any person with whole or gross volume of business transacted within the territorial limits of the City less than \$600 for any given year shall pay a fee of \$15.

(*Ord. 52-1975, 12/3/1975, §V; as amended by Ord. 96-1986, 12/10/1986, §1; by Ord. 26-1997, 11/24/1997, §1; and by Ord. 67-2002, 12/9/2002, §1*)

§24-506. Posting Licenses.

The license issued shall be conspicuously posted in the place of business for which the license is issued, and shall remain in effect for the license year or fraction of year for which such license was issued. In cases where more than one place of business is conducted, a separate license shall be issued

for each place of business. Any taxpayer who is in default in payment of tax due hereunder shall be refused a license until such tax is paid in full.
(*Ord. 52-1975, 12/3/1975, §VI*)

§24-507. Penalty.

1. Whoever conducts, transacts or engages in any of the businesses subject to the tax imposed by this Part, without having first secured a business privilege license for the year, or who fails to file a tax return as required by the provisions of this Part or who willfully files a false return, or who fails to maintain such records and books of account as shall enable him to make a true and correct return in accordance with the provisions of this Part, or any person or persons subject to, or supposed to be subject to, the tax imposed by this Part who refuses to allow the Tax Manager or his deputies to examine the books, papers and records of any such person or persons or who fails to comply with any other provisions of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

2. Each day on which such person violated this Part may be considered as a separate offense and punishable as such as aforeprovided.

(*Ord. 52-1975, 12/3/1975, §VII & VIII; as amended by Ord. 53-1984, 6/20/1984, §1; and by Ord. 14-2001, 5/29/2001*)

§24-508. Duties of Tax Manager and City Director of Finance.

1. The City Director of Finance is charged with the duties of collecting and receiving the taxes, fines and penalties imposed by this Part. It shall be his duty to keep a record showing the amount received by him from each person paying the tax and the date of such receipt.

2. The Tax Manager and his duly appointed deputies under the direction of the Director of Accounts and Finance are hereby empowered with the approval of Council to prescribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this Part, including provisions for the examination and correction of returns and payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and charged with enforcing the provisions of this Part and any rules and/or regulations promulgated pursuant hereto.

3. In the event the person to be assessed neglects or refuses to make a return, then in such case the Tax Manager or his duly appointed deputies shall assess such person or persons on such an amount of whole or gross volume of business as the Tax Manager or his deputies deem reasonable and appropriate. In all cases of assessment, the Tax Manager or his duly appointed deputies shall give the parties assessed a notice in which shall be stated the trade, business, occupation or class, and the amount of the business privilege tax imposed or levied.

4. The taxpayer shall maintain such records and books of account as shall enable him to make a true and accurate return in accordance with the provisions of this Part. Such accounts and records shall disclose in detail the gross receipts and other data pertaining to the taxpayer's gross volume of business, and shall be sufficiently complete to enable the Tax Manager or his deputies to verify all transactions. The Tax Manager or his deputies are hereby authorized to examine the books, papers

and records of any person or persons subject to or supposed to be subject to the tax imposed by this Part, in order to verify the accuracy of the return made, or if no return was made, ascertain the tax due.

5. Any person aggrieved by any decision of the Tax Manager shall have the right to appeal to the Court of Common Pleas, as in other cases.

(Ord. 52-1975, 12/3/1975, §IX; as amended by Ord. 14-2001, 5/29/2001)

§24-509. Confidential nature of Information.

Any information gained by the Tax Manager or any other official, agent or employee of the City, as a result of any returns, investigations, hearings or verifications required or authorized by this Part, shall be confidential, except in accordance with proper judicial order or as otherwise provided by law.

(Ord. 52-1975, 12/3/1975, §X; as amended by Ord. 14-2001, 5/29/2001)

§24-510. Suit on Collection; Costs.

1. The Tax Manager or his duly appointed deputies shall have the power in the name of the City to institute proceedings against any and all persons who violate the provisions of this Part.

2. If for any reason the tax is not paid when due and suit is brought for the recovery of any such tax, the person liable therefor, shall, in addition, be liable for the costs of collection and interest and penalties herein imposed.

(Ord. 52-1975, 12/3/1975, §XI; as amended by Ord. 14-2001, 5/29/2001)

§24-511. Savings Clause; Separability.

1. Nothing contained in this Part shall be construed to empower the City to levy and collect the taxes hereby imposed on any person, or any business, or any portion of any business not within the taxing power of the City under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania.

2. If the tax, or any portion thereof, imposed upon any person under the provisions of this Part shall be held by any court of competent power or jurisdiction to be in violation of the Constitution of the United States or of the Commonwealth of Pennsylvania or any other provision of the law, the decisions of the court shall not affect or impair the right to impose the taxes, or the validity of the taxes so imposed upon other persons as herein provided.

3. The provisions of this Part are severable, and if any of its provisions shall be held illegal, invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intention of Council that this Part would have been adopted if such illegal, invalid or unconstitutional provisions had not been included herein.

(Ord. 52-1975, 12/3/1975, §XII)