

CITY COUNCIL

Public Safety Committee

**Monday, May 3, 2010
Agenda
5:00 p.m.**

Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershitz

COMMITTEE OF THE WHOLE **5:00 pm**

- I. Review Draft Response Letter re Bernhart's Park Remediation Plan**
- II. Business Privilege License Revocation Ord – Tabled at 4-26 Reg. Mtg.**

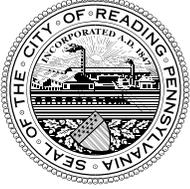
PUBLIC SAFETY COMMITTEE **6:00 pm**

- IV. Vehicle Noise (Waltman)**
- V. Housing Permit Audit re properties in backlog for Expedited Approval Process**
- VI. Special Event Permit Ordinance Tabled at 4-26 Reg. Mtg.**
- VII. Codes Ticketing System Ordinance (W. Heim)**
- VIII. Property Insurance Requirement – Commercial Bldgs**
 - a. Property Insurance for Commercial Properties above X Square Feet**
 - b. Requiring properties without insurance to pay the Emergency Escrow Fee**
- IX. Handicapped Parking Resolution Amendment – Tabled at 4-26 Reg. Mtg.**

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Public Safety Goals

- Goal 1: Coordination of Police, Codes and Zoning Services
- Goal 2: Support Problem Oriented Policing
- Goal 3: Surveillance Camera Project - *underway*
- Goal 4: Support Consolidation of Fire Departments - *underway*
- Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - *underway*
- Goal 6: Support Health and Safety Review Ordinances
- Goal 7: Support Cops and Codes Sweeps
- Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - *complete*
- Goal 9: Support Implementation of Sidewalk Vendor Ordinance -*complete*
- Goal 10: Support Public Safety at City Schools



CITY COUNCIL

Public Safety Committee

Monday, April 5, 2010
5:30 p.m.

Committee Members Attending: D. Sterner, Chair, J. Waltman

Others Attending: D. Kersley, L. Kelleher, C. Younger, C. Geffken, W. Heim

Housing Permit Application Process – Committee of the Whole

This Committee of the Whole Session also included Ms. Reed, Mr. Acosta, and Ms. Katzenmoyer.

Mr. Kersley gave an introduction to the ordinance drafted for the rental registration and zoning permit application process. He stated that this draft ordinance was crafted through the HPO housing permit team process. He stated that this ordinance tightens the criteria, removes anonymity through employee certification for those eligible for the expedited process, and provides an audit of properties slated for the expedited process, etc. Before moving properties into the expedited zoning hearing approval process the City Auditor shall audit 10-15 percent of the properties on the list and shall issue a memorandum of findings that the properties meet the required criteria.

Mr. Sterner stated that 4F requires the applicant to submit a listing of addresses of all rental properties owned in the City. He inquired about those who do not comply with that specific requirement. Mr. Kersley stated that failure to provide a list of all rental property addresses will make individual properties ineligible for the expedited process.

Ms. Reed inquired about the number of properties that could fall into this category and the enforcement. Ms. Kelleher stated that approximately one-third (1/3) of landlords who own multiple rental properties within the City have rental permits for some, but not others. She stated that under current practice Codes notifies the landlord that he must complete housing permit applications for those properties without the proper permits. The landlord is then provided with time to comply. Mr. Waltman noted the need to correct this process, as again the City is providing a reminder service. Mr. Younger stated that if the ordinance allows, the property can go to citation.

Mr. Waltman stated he has an issue with using an expedited process based on the old AHO

process. He suggested stepping back and rebuilding some new process using a blank slate.

Mr. Waltman also questioned number three, which requires property maintenance staff to check the Hansen database and physical records. He stated that historically, the City has not had reliable data. He stated that he will not support the use of the AHO process as it has extended too long. He stated that the AHO process was intended to be used for a two (2) year period, as a type of amnesty program to encourage people to come into compliance with City regulations. He stated that he will be more comfortable with the redefined process; however will remain concerned about the existence of gaps.

Mr. Kersley noted the importance of the certification process through the various steps. City employees will need to complete a certification sheet attesting to the fact that the properties are in compliance with the City's regulations. He also stated that this new process corrects one of the initial breaks. In the old process, applications and property files were immediately transferred to Zoning who would have to research property maintenance files. He stated it makes more sense to have the Property Maintenance Division review the files and complete their own certification sheet prior to transferring to the Zoning office. Mr. Waltman stated again that he has no faith in the City's data.

Ms. Reed noted the egregious approval of a specific multiple-unit property located in an R-1 area within District 5. She stated that this property should not have been forwarded through the expedited process; however now there is little that can be done as the zoning permit was approved approximately a year and a half ago. Mr. Kersley explained the steps Property Maintenance will take prior to sending the application to Zoning. He stated that this initial step should correct that break.

Mr. Waltman inquired about the number of properties currently in the backlog that are eligible for expedited approval. He reminded everyone that the results of the audit showed that 45% of the properties that moved through the AHO process did not meet five (5) basic criteria and 100% that went through the AHO process did not meet all the criteria. Mr. Kersley agreed and noted that two (2) of the items listed on the criteria sheet were completely ignored.

Ms. Reed inquired about addressing properties that were improperly approved through the AHO process. Mr. Waltman stated that the subject was discussed before and the committee is waiting for a report back from Mr. Younger. He noted that this issue needs further discussion.

Mr. Waltman also stated that the properties that are not in compliance with the City's regulations are placarded; however currently no follow through is provided after the property is placarded. He noted a home in his block has had a placard for well over one (1) year.

Mr. Kersley stated that an audit for the properties in the backlog is currently underway and will determine how many require zoning permits and are eligible for the new expedited process.

Mr. Waltman noted the need for the process to be reengineered in a way that corrects the various

breakdowns so properties can move forward safely and correctly.

Mr. Waltman again stressed the need to have better definition to address those properties who improperly went through the AHO process without complying with the City's criteria. He also noted the City's ability to address those deficient properties through their business privilege license or Codes. He noted that part of the initial AHO battle was lost; however limits and penalties can be applied elsewhere, as needed.

Business Privilege License – Committee of the Whole

Mr. Waltman stated that this ordinance was introduced last year; however the Administration asked for additional time to review the draft and redesign it, along with the implementation process.

Mr. Kersley stated that this ordinance was also drafted through the HPO Business license revocation team. He thanked Ms. Kelleher for her work on both these ordinances.

Mr. Kersley stated that at the beginning of this process several members of the team were resistant to this initiative; however as the ordinance was drafted revisions were made and the Administrative policy was created, people came on board

Mr. Waltman recalled that the original ordinance was drafted using a model from Philadelphia. Ms. Kelleher added that other cities such as Harrisburg and York also have business privilege revocation ordinances. Mr. Kersley stated that this draft was modeled off one currently used in Kansas.

Mr. Waltman questioned Section 13.4.09 License Revocations, 1A which states that the existence of chronic unsanitary conditions occurs. Mr. Kersley stated that the use of *chronic* refers to a business that places a strain on the City's Public Safety resources.

Mr. Kersley stated that the ordinance allows businesses that do not have business privilege licenses to go immediately to the penalty Section 13.4.13, which carries a fine of not less than \$600 but no more than \$1000 for each day a violation exists and cease operations order under Section 13.4.10, which applies to licensed businesses who have violated one or more the criteria listed under Section 13.4.09 Licensed Revocation, resulting in the business activity being shut down until compliance is achieved.

Mr. Waltman expressed the belief that this ordinance represents a good start; however he noted that some tweaking may be necessary along the way.

Ms. Kelleher inquired if the committee is ready to move the ordinance forward for introduction. Those present agreed that the ordinance should be moved forward to introduction at the April 12th regular meeting of Council.

Email Policy relating to Privacy Investigation and Process – Committee of the Whole

Mr. Waltman inquired who can initiate a review or audit of employee emails. It was noted that the attached policy does not cover that responsibility. Mr. Geffken suggested drafting a policy for Council review and approval. He noted the need for the policy to build in appropriate checks and balances. He suggested that authorization be approved by the Mayor, Managing Director, or Finance Director.

Mr. Acosta suggested that the Mayor be permitted to issue that executive order solely. There was next a discussion on the pros and cons of the Mayor having that sole executive authority. Also noted was the need for the policy to require just cause prior to an audit or review of employee emails.

Mr. Sterner questioned who currently who has the ability to undertake this activity. Mr. Geffken stated that at this time only the IT manager has this ability.

The Committee asked the Ms. Kelleher to research other City policies. This topic will be revisited at the May meeting.

Ban of the Use of Cell Phones While Operating Motor Vehicles Ordinance –Committee of the Whole

Ms. Reed stated that she asked Council staff to research and draft an ordinance that would ban the use of cell phones while operating motor vehicles. She thanked Ms. Katzenmoyer for completing the assignment. She stated that this draft was based on others used in cities such as Allentown and Harrisburg. She noted the dangers of using handheld devices while driving. She distributed some materials that support the ban. She stated that although this is an issue that should be legislated at the state level, there is a need for some definition locally. She noted that the Allentown ordinance excludes specific highways as they crossover into various jurisdictions. She suggested that the Reading ordinance be modeled in the same way.

Mr. Sterner inquired about the ability of the police to enforce this new ordinance.

Chief Heim stated that an officer could stop a vehicle for erratic driving.

Mr. Acosta inquired if this ordinance would be applied in the same manner as the seatbelt requirements. Cars can't be stopped because a passenger is not wearing a seatbelt; however if passengers are not wearing seatbelts when the car is stopped for another reason are eligible for a secondary fine.

Chief Heim stated that he reviewed a case appealing a local ban. The decision noted the need for state rather than local legislation on this issue. He stated that it seems that the state bill covering this ban is making some making progress through the state legislators and suggested waiting for the legislation to be passed at the state level. He inquired if any other states in our area utilize this ban. Mr. Geffken and Ms. Kelleher stated that both New York and New Jersey have adopted the ban. Ms. Reed suggested drafting a resolution encouraging state legislators to enact a law at the state level.

The Committee of Whole setting ended and groups split into the Public Safety and Administrative Oversight Committee settings.

Special Event Permit Ordinance

Chief Heim stated that the draft ordinance reviewed by Council at the March Work Session was revamped based on Council's comments. He stated that he also ratified input made by command staff.

Chief Heim stated that language referring to the lawful right of free speech and assembly was added to Section 15.12.03, Permit Required under Exceptions.

The Chief stated that the Law department has not reviewed this ordinance. The committee asked Chief Heim to work with Ms. Butler to review and finalize this ordinance. The ordinance was referred for introduction at the April 12th meeting.

Codes Ticketing Ordinance

Chief Heim stated that he recently learned that the Hansen database can handle the ticketing process. He stated that the ordinance is being refined. He added that the City will not need to purchase special software or programs, as it can be done internally through the Hansen software. Mr. Geffken noted that handheld computers will need to be purchased. The models will be similar to those used by the Parking Authority. He stated that information contained in the handhelds will be down/up loaded nightly.

Mr. Waltman noted the need for the ordinance to include an implementation plan that will include a media blast and education program that will compliment this program. He suggested a two tier penalty whereby the first citation would be a soft fine but the second citation would be more financially stern.

Chief Heim stated that basic quality of life issues such as snow removal, uncut grass and weeds, dog dirt, etc. would be covered by this program.

Mr. Sterner requested an update at the May meeting.

Property Insurance Requirement at Commercial Buildings

Mr. Waltman noted the variety of catastrophes that have occurred since 1996, whereby properties owned without property insurance have been involved in catastrophic fires or collapse leaving the City on the hook for the demolition cost. He noted the difficulty in obtaining reimbursement for these expenses. He noted that the collapsed warehouse at 216 Buttonwood Street does not have property insurance; therefore the property owner is unable to pay for the required repairs to neighboring properties and to address the collapsed building itself.

There was next a discussion on the need for properties to have property insurance. Mr. Younger stated that so far he has seen nothing that says the City can't require property insurance; however

he has also not seen anything that says the City can require property insurance. He explained the need to do further research on the insurance statutes.

There was next a discussion on insurance registration at commercial properties or an escrow payment requirement. The committee asked Ms. Kelleher to research other City policies.

The Public Safety Committee adjourned at approximately 6:45 p.m.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Issues for Follow-Up:

- Policy Email Audit and Review
- Update: Codes Ticketing
- Property Insurance at Commercial Buildings
- Audit of Housing Permit/Zoning Applications Currently in the Backlog

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

Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades by renaming Part 12 Parades, Special Events and Public Gatherings and amending as attached

SECTION 1. City Council wishes to establish a standard process for permitting Special Events by the public and private sector using City Streets, facilities, or services. It is recognized that Special Events provide benefits to the City of Reading through the creation of unique venues for expression and entertainment. However, certain Special Events, due to their size and special requirements, may place unique demands on public resources or pose a danger to public health, safety, and welfare. In order to plan for these demands on public resources and to ensure that the public health and safety of its citizens is protected, the City of Reading must receive advance notice of any Special Events that are to occur within its boundaries. The provisions of this Ordinance are intended to address those concerns and are not intended to place an unreasonable burden on individuals' rights of association or freedom of expression. It is the intent of the Reading City Council to protect the rights of its citizens to engage in free speech activities, yet allow for the least restrictive and reasonable regulation of time, place, and manner of those activities within the overall context of rationally regulating Special Events that have an impact on public facilities and services.

SECTION 2. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 as attached

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

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

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Police Chief/Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

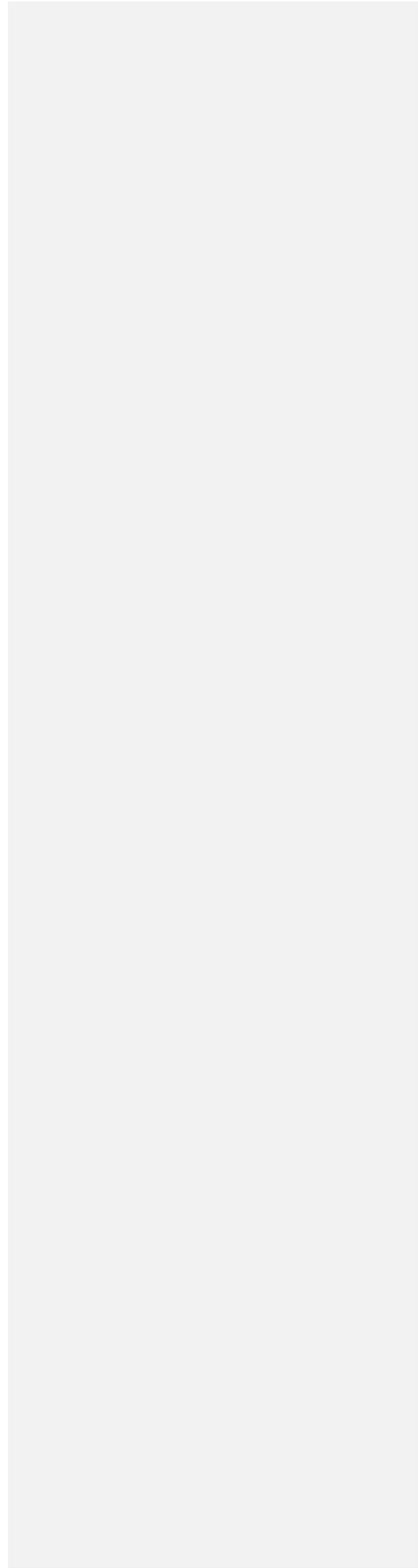
Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



PART 12

PARADES, SPECIAL EVENTS, AND PUBLIC GATHERINGS

§15-1201. Short Title.

This Part shall be known and cited as the "Parade *and Special Events*" Ordinance of the City of Reading, Pennsylvania."

§15-1202. Definitions.

APPLICANT - *a person who has filed a written Application for a Special Event Permit*

CHIEF OF POLICE - the Chief of Police of the City of Reading, Pennsylvania

CITY - the City of Reading, *Pennsylvania*

COMMUNITY EVENT SITE RESERVATION - means a temporary event, gathering, or organized activity on any City Street, public property, or in any City park, building, or other facility, when use of a site is desired by a community or group of citizens but no disruption of other citizen's passage occurs or any use of city services is needed.

Neighborhood groups requesting block parties may request the use of city barricades for a fee. Site Reservation Permit must be filed within 30 days of the planned event.

Examples of Site Reservation activities are small gathering of person distributing information and/or literature on advocacy, political, religious, or other topics while exercising the rights of free speech and peaceful assembly.

COMMUNITY EVENT SITE RESERVATION PERMIT - written, signed authorization to hold a site reservation shall be on an abbreviated application form and issued by the Reading Police Department and approved by Reading's Risk and Safety Coordinator, and the City Solicitor.

PARADE - any parade, march or procession of any kind in or upon any street or public park within the City

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind

SIDEWALK - that portion of a Street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians

SPECIAL EVENT - means a temporary event, gathering, or organized activity on any City Street, public property, or private property, or in any City park, building, or other facility, when an organized activity is conducted involving one (1) or more of the following factors:

1. Closing of a public Street, Sidewalk, or alleyway;
2. Blocking or restricting public property;
3. Blocking or restricting access to private property of others;
4. Use of pyrotechnics or special effects;
5. Use of open flame, explosions, or other potentially dangerous displays or actions;
6. Use or display of animals, aircraft, or watercraft;
7. Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;
8. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property; or on private property where otherwise prohibited by Ordinance;
9. Placement of portable toilets on public property; or on private property where otherwise prohibited by Ordinance;
10. Placement of "No Parking" signs or barricades in a public right-of-way;
11. Amplification of music, voices, sounds, or activities that require a noise permit;
12. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities, or public safety services in response thereto;
13. Examples of Special Events include but are not limited to: Concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, block parties, community events, marathons and other running events, bicycle races and tours, football games, basketball games, baseball games, golf tournaments, boat races, and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community promotion, or charity.
14. The Police Department Traffic Unit shall determine if a Special Event Permit is required.

SPECIAL EVENT PERMIT - written, signed authorization to hold a Special Event issued by the Reading Police Department and approved by Reading's Risk and Safety Coordinator, the City Solicitor, the Public Works Director, and the Fire and Police Chief

SPECIAL EVENT VENUE - that area for which a Special Event Permit has been issued

STREET - the entire width between the boundary lines of every publicly-maintained right-of-way when any part thereof is open to use by the public for the purpose of vehicular traffic

§15-1203. Permit Required.

1. Except as provided in this Ordinance, no person or entity shall conduct, facilitate, promote, manage, aid, or solicit attendance at a Special Event or Community Event Site Reservation activity until an applicable permit has been issued by the City of Reading

Exceptions. This Part shall not apply to:

- A. Funeral processions by a licensed mortuary.
- B. House moving and construction activities
- C. Activities of a governmental agency acting within the scope of its authority
- D. Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed.
- E. A governmental agency acting within the scope of its functions.
- F. Students traveling to and from classes or participating in school district sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities.

§15-1204. Application.

An individual requiring a Special Event Permit shall pick up and submit a completed Application for a Special Event Permit at the City's Police Department Traffic Office. Each Applicant shall be required to pay a Processing Fee and a Security Deposit Fee, neither of which will be waived, as specified in Exhibit B: Fee Schedule. A copy of the receipt from the city's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

A Special Event Permit shall be submitted to the City at least sixty (60) days (two [2] months) but no more than one hundred eighty (180) days (six [6] months) prior to the date proposed for the Special Event. The Mayor, where good cause is shown, may, but is not required to, consider an Application filed less than sixty (60) days prior to the proposed date of said event or activity only if all requirements for the permit can be met.

A Community Event Site Reservation Permit is an abbreviated application and is free of charge and without need for a security deposit, except for a fee for Block Parties and the use of city barricades, and must be filed within 30 days of the planned event.

Filing Period. An application for a special event permit shall be filed with the Chief of Police not less than 60 days before the date on which it is proposed to conduct the parade or special event. A Community Event Site Reservation Permit must be filed within 30 days of the planned event. The application shall be signed by the applicant or its authorized agent.

Contents. The application for a special event permit shall set forth the following information:

A. The name, address and daytime telephone number, fax, cell phone number, and email address of the person seeking to conduct such event.

B. If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

C. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.

D. The location of the event.

E. The purpose of the event.

F. The date, days, and times when the event is to be conducted.

G. The setup, tear-down, and cleanup dates and times.

H. The route to be traveled, the starting point and the termination point for parades.

I. The approximate number of persons who, and animals and vehicles which, will constitute the parade; the type of animals and description of vehicles.

J. The hours, when such event will start and terminate.

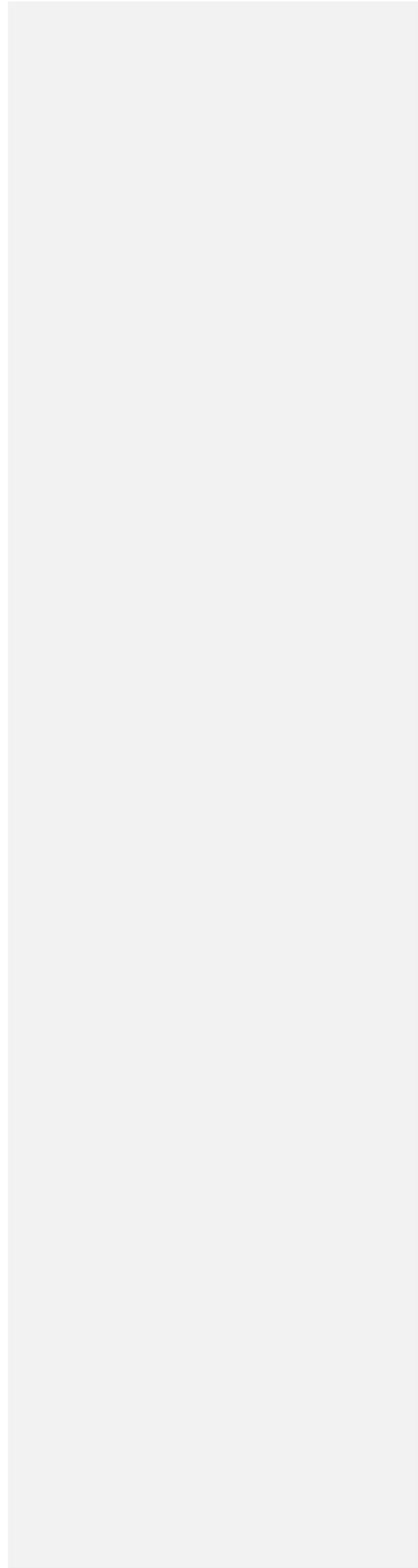
K. A statement as to whether the event will occupy all or only a portion of the width of the streets proposed.

L. The location by streets of any assembly areas for such event.

M. Maps detailing proposed site locations and/or routes along with written descriptions of the following:

- a. Amplification Devices: Types used and for what purposes.
- b. Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.
- c. Emergency Medical Stations: First aid or emergency medical services based on Special Event risk factors, as determined by the City Manager or City Manager's designee.
- d. Equipment: Types of equipment used to service Special Event and/or to be showcased in the event.
- e. Fire Lanes: Contingency plan for access by fire-fighting and emergency medical vehicles, equipment, and personnel.
- f. Fireworks or Pyrotechnic Displays: Amount, type, and fire safety plans, including proof of application for state permit. All pyrotechnic/fireworks/flame display plans must be reviewed by the Fire Marshal's office and a member of the Fire Marshal's staff must be present at the time of the display.
- g. Litter Control: Number, size, and location of trash receptacles, as well as trash removal and disposal.
- h. Parade, Race, Other Similar Activities: Including but not limited to marathons, "fun-runs," "walk-a-thons," trail rides, cycle and motorbike tours, watercraft events, scavenger hunts, etc. Show start and finish locations.
- i. Portable Toilets: The number of portable sanitation facilities based on the Portable Sanitation Association International (PSAI) policy, City policies, and City codes, including quantity that will be ADA accessible.

- j. Signage: Type of proposed on-site and off-site signage, including quantity, dimensions, and materials.



- k. Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the Streets, Sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.
- l. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies.
 - (a) If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant.
- m. Vendors: List each vendor, including products and services offered. Pennsylvania law requires valid tax ID number for each vendor.
- n. Vehicles: Types of vehicles used to support services to the Special Event and/or to be showcased in the event.

N. Admission Fees: The cost of admission, if any, and whether the event is a public or private event.

O. Alcoholic Beverages:

- a. Conditions and restrictions on the use of alcoholic beverages.
- b. Submit a list all vendors who will be providing alcohol, along with copies of their TABC certificates.

Note: Alcoholic Beverages are prohibited in all City parks, playgrounds and facilities except as specifically authorized by the city and in compliance with the PLCB .

P. Animals: A description of the types of animals anticipated to be part of the Special Event, if any. Refer to the Animal Control Ordinance for requirements for proper control and handling of animals and animal waste during Special Events.

Special Events applications including the use of animals will be reviewed by the Animal Control Agency.

Q. Attendance:

- a. The approximate number of persons who will be attending the Special Event each day for the duration of the Special Event Permit.
- b. The approximate number of persons who will participate in the event as volunteers or workers.

Note: The PA Department of Health requires an ambulance on standby at the event for all events expecting 5,000 or more people.

R. Insurance: Proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00), naming the City of Reading as additional insured. Also, include additional affected entities, i.e., BEDC.

S. Miscellaneous: Any special or unusual requirements that may be imposed or created by virtue of the nature or operation of the proposed Special Event activity, as well as any other information required by the Police Traffic Office.

T. Water/Wastewater: If applicable, a plan for the disposal of waste water, including capture and containment, which plan shall be approved by the Public Works Department. All water generated must be disposed of through an approved sanitary sewage system that is constructed, maintained, and operated according to law.

U. Liability insurance covering the City for any claim or claims by any persons or entities arising out of the conducting of said parades or special events shall be required as a condition to granting the applications with respect to those parades or special events which considering the nature thereof, and the activities involved, in the discretion of Chief of Police, on the recommendation of the Safety and Risk Manager of the City, require insurance in such amounts as the Chief of Police shall determine on the advice of the Safety and Risk Manager of the City.

V. Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

Late Applications. The Chief of Police, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than 60 days before the date of such special event is proposed to be conducted.

§15-1205. Fees, Time Limit, and Cost

Fees. Due and payable at the time of filing Application. A copy of the receipt from the city's Treasury Office must accompany the application through the approval process in order for the permit to be issued.

1. Processing Fee will NOT be waived:

- a) With proof of non-profit status (i.e., document of incorporation or, 501-C status): One hundred dollars (\$100.00).
- b) All others: Three hundred dollars (\$300.00).
- c) For Community Special Event Site Registration – Block Parties requiring barricades: Fifty dollars (\$50.00).
- d) If the event is cancelled or not held after the permit has been issued by the city, the processing fee will be refunded, minus a \$50 administrative processing fee.

2. Security Deposit will NOT be waived:

- a. Five hundred dollars (\$500.00).
- b. Refundable if the location of the Special Event is clean and free of litter and damage and city services costs are paid.
- c. The Security Deposit must be paid with a separate check so that it can be placed in escrow for easy return if applicable.

3. Use of City Personnel Resources for Event:

- a. Fire and EMS, Police, and Public Works will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular city operations.
- b. Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.
- c. Cost estimates will be provided to the Applicant at least 14 days prior to the event. Estimated city services that will cost above \$500 require one-half payment seven days before the event. Failure of the permit holder to reimburse the city for services will result in the costs being taken from the security deposit and undertake collection procedures.

d Any complaints concerning the amount and cost of personnel needed to provide a clean and safe event will be heard and decided by the director of Finance or the City Managing Director.

§15-1206. Time Limit for Filing and Changes.

A timely Application for Special Event Permit shall be filed no less than sixty (60) days and no more than one hundred and eighty (180) days prior to the date on which the proposed Special Event shall occur.

The Mayor, where good cause is shown, may, but is not required to, consider an Application filed less than sixty (60) days (two [2] months) prior to the proposed date of said event or activity.

Any proposed changes to the Application prior to the date of the event must be approved by the Police Department with possible consultation with Public Works, Fire, Risk and Safety and the City Solicitor.

§15-1207. Date of Special Event Not Confirmed Until Permit Issued

Notwithstanding the Police Traffic Unit's acceptance of a completed Application, no date for a Special Event shall be considered confirmed until an Applicant has fully complied with all necessary requirements and the Special Event Permit has been approved and issued by the City of Reading. If an Application for a Special Event has been submitted for a specific date but is waiting for approval, no other Application can be accepted for that same date until a decision on the first Special Event Application has been made.

Certain annual Special Events have a "standing tentative reserved date," such as the Holiday Parade and the Labor Day Parade. These dates will be honored providing the Applicant submits the Special Event Permit Application in accordance with this Ordinance.

To avoid double-booking a City facility, the person responsible for City facilities should be notified immediately of the proposed date and event so that the venue can be tentatively reserved for said date.

§15-1208. Conditions for Issuance of a Special Event Permit

The City of Reading Police Traffic Office may issue a Special Event Permit when:

1. An Application is successfully completed and filed in accordance with this ordinance;
and
2. All of the following conditions are satisfied:

- a. The Special Event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.
- b. The Special Event will not require the diversion of police officers, fire department personnel or other department employees so as to significantly impact the City department's ability to respond appropriately to regular City duty throughout the remainder of the community.
- c. The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.
- d. The Special Event is not being conducted for an unlawful purpose, nor will it violate any Ordinance of the City or any other applicable law.
- e. The Special Event will not substantially interfere with any other Special Event for which a Special Event Permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.
- f. The Special Event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.
- g. All sponsor(s), participants, and attendees at special events are subject to all laws, ordinances, and regulations not specifically exempted by the special event permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a special event that becomes disorderly or hazardous.

§15-1209. Denial or Revocation of a Special Event Permit

The Police Department Traffic Office, in consultation with the City Mayor or Managing Director, may deny or revoke a Special Event Permit Application if the Applicant fails to satisfy or violates any of the requirements set forth in this ordinance; or

1. The Applicant has made or permitted the making of a false or misleading statement or omission of material fact on the Special Event Permit Application; or
2. The Applicant has violated this Ordinance or has had a Special Event Permit revoked within the preceding twelve (12) months.
3. The Applicant violates or has violated within the past twelve (12) months another City Ordinance or State law

§15-1210. Notice of Decision

If the Application is rejected, the Police Department Traffic Office shall provide by facsimile transmission, e-mail, telephone, and/or U.S. mail directed to the Applicant within ten (10) business days after the date upon which the Application was filed, a notice of its action, stating the facts and conclusions which are the basis for the denial of the Permit.

§15-1211. Street Activity and Route Restrictions

Special Events shall comply with the following restrictions. The Police Department and/or City Managing Director may alter the time restrictions stated herein upon review of the Special Event's location, time, type, safety concerns, the City's capabilities, and proximity to residential properties.

1. Special Events held on public property within the City limits or on a publicly maintained right-of-way may begin staging (setting up) at 6:00 a.m. and shall disband (shut down) at 10:00 p.m. Cleanup must be completed by midnight.
2. Special Events held primarily in a residential area may begin staging (setting up) at 10:00 a.m. and shall disband (shut down) by 8:00 p.m. Cleanup must be completed by 10:00 p.m.
3. Special Events held primarily in a residential area and requiring street closures, the appropriate safety/security measures must be approved by the Chief of Police and/or the Managing Director for the duration of the Special Event and at the expense of the Applicant.
4. Noise levels for such Special Events shall not exceed maximum permissible sound levels in accordance with City noise Ordinance. This includes but is not limited to air horns and other horn blowing apparatus, whistles, and amplified music, speech, and other sounds.
5. Throwing any items, including but not limited to candy, gum, food, beads, confetti, balloons, and toys, from any and all kinds of moving vehicles, equipment, trailers, bicycles, motorcycles, animals, etc. during Special Event parades is strictly prohibited. However, such items may be handed to individuals curbside.
6. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

§15-1212. Temporary Signs for Special Events

It is unlawful for any person to place, post, paint, erect, display, secure, or maintain any sign, banner, lighting, or advertising without the prior written approval of the Public Works Department. In case of conflict with the City's sign regulations in the Code of Ordinances, the City's sign Ordinance shall control.

All Special Event signs, banners, flyers, or advertisements of any kind shall be contained within the boundaries of the event location and shall be removed within twenty-four (24) hours of the completion of the Special Event. A Special Event sign not removed in compliance with this section may be removed by the City at the expense of the Applicant to include costs incurred by the City for removal of same. If a Special Event sign, banner, flyer, or advertisement becomes a hazard to the public's safety or welfare due to inclement weather, inadequate maintenance, accidental damage, or other cause, the City shall remove the sign immediately at the sole cost of the Applicant. After removal by the City, the City may store, dispose, destroy, or otherwise handle the sign as it deems appropriate and shall have no liability to the Applicant or sign owner related to same. All banners not picked up by the Applicant or designee within one (1) week after completion of said Special Event, may be disposed, destroyed, or otherwise handled as deemed appropriate with no liability on the part of the City.

§15-1213. Appeal Procedure.

Any person aggrieved by the action of the Chief of Police shall have the right to have the action of the Chief of Police reviewed by the Mayor of the City upon written request to the Mayor delivered by registered mail at the Mayor's office. The Mayor shall thereupon review the action of the Chief of Police and the reasons for his action and notify the aggrieved party by mail within 10 days of the receipt of the appeal of his action thereon.

Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the aggrieved party. Failure to issue a permit within 3 days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§15-1214. Alternative Permit.

The Chief of Police in denying an application for a special event permit shall be empowered to authorize the conduct of the special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within 5 days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate special event permit shall conform to the requirements of, and shall have the effect of a special event permit under this Part.

§15-1215. Notice to City and Other Officials.

Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- A. The Mayor.
- B. The City Solicitor.
- C. The Fire Chief.

§15-1216. Duties of Permittee.

A permittee hereunder shall comply with all permit directions and conditions and with applicable laws and ordinances.

Possession of Permit. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§15-1217. Public Conduct During Special Event.

Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any special event or with any person, vehicle or animal participating or used in a special event.

Driving Through Events. No driver of any vehicle shall drive between the vehicles or persons comprising an event when such vehicles or persons are in motion and are conspicuously designated as a special event.

Parking on Special Event Routes. The Chief of Police, Police Traffic Supervisor, City Managing Director or designated representative shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event.

§15-1218. Inspections

Amusement rides and/or attractions associated with Special Events shall conform to statutory rules and regulations set forth in the Commonwealth of Pennsylvania. Copies of inspection or approval reports shall be required prior to use in the City limits and verified by authorized City personnel. Amusement rides in enclosed areas greater than one thousand (1,000) square feet are required to be "fire-sprinkler-ready" with an external Fire Department connection (FDC) and be inspected by the Fire Marshal's office.

All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies. If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant. And shall be inspected by the Fire Marshal's office.

Special electrical and water/wastewater needs must be inspected prior to the event.

§15-1219. Animal Waste

Refer to the Animal Control Ordinance for requirements related to Special Event activities involving animals. Applicants are responsible for properly controlling and handling all animals and animal waste.

§15-1220. Insurance Required to Conduct Special Event

An Applicant for a Special Event must provide proof of comprehensive general liability insurance in the amount of one million dollars (\$1,000,000.00) to protect the City against loss from liability imposed by law for damages on account of bodily injury and/or property damage arising from any aspect of the Special Event. Such insurance shall name the City of Reading, its officers, employees, agents, and, if required, any other public entity involved in the Special Event, as additional insured on a separate endorsement maintained for the duration of the Special Event. Notice of limitation, reduction, or cancellation of insurance coverage shall be provided immediately to the City of Reading by the carrier and the Applicant.

The insurance required shall encompass all liability insurance requirements imposed for other permits required under other sections of this Ordinance and is to be provided for the benefit of the City and not as a duty, expressed or implied, to provide insurance protection for spectators or participants.

The insurance required must be submitted to the Police Traffic Office no later than two (2) weeks prior to the event. Before this time, a letter of intent to insure from the event's insurance agency must be on file with the Application that states the City of Reading will be additionally insured. Failure to provide the insurance or the letter of intent for insurance could result in the denial/revocation of the Special Event Permit.

§15-1221. Indemnification

The Applicant for a Special Event Permit shall indemnify and hold harmless the City, its officers, employees, agents, and representatives against all claims of liability and causes of action resulting from injury or damage to persons or property arising out of the Special Event.

§15-1222. Conditions for Premises After the Special Event

The Applicant is required to bring the premises back to the same or better condition; and failure to comply, will result in no future events to be held by the Applicant or organization.

§15-1223. Revocation of Permit.

The Chief of Police shall have the authority to revoke a special event permit issued hereunder upon violation of the standards for issuance as herein set forth.

§15-1224. Penalties.

1. It shall be unlawful for any person to stage, present, or conduct or attempting to stage, present or conduct an event without first having obtained a permit therefore as herein provided or who shall otherwise violate any of the provisions of this Part.

§15-1225. Penalty for Violations of Ordinance

A person commits a **summary** offense if he/she:

1. Knowingly commences or holds a Special Event without a Special Event Permit or with a permit that has expired or has been revoked; or
2. Knowingly violates any terms or provisions of this Ordinance; or
3. Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.
4. This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in the City of Reading Code of Ordinances.

5. The penalty upon conviction of any violation of this section is \$500.00

§15-1226. Fee Schedule

Fees for All Special Events	
Processing Fee with proof of non-profit status	\$100.00
Processing Fee for all others	\$300.00
This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.	
Fee for cancelled events	\$50.00
Security Deposit for damages/cleanup	\$500.00
This fee will <u>not</u> be waived. Due at time of filing Application. Pay at Treasurer's Office Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.	

<p>Inspection Fee required for amusement rides, temporary structures, and special electrical and water/wastewater needs</p> <p>Applicant is responsible for fee. This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.</p>	\$50.00
<p>Re-inspection Fee required for above-described items</p> <p>This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.</p>	\$75.00

Fees Include the Following Services Where Applicable

Administrative time	
Ant and mosquito spraying as needed	
Banner Permit	
Bathrooms cleaned and stocked with paper products	
Mowing and other preparations	
Street closures with placement of cones and barricades	
Traffic, Crowd, and/or parking control	
Trash receptacles and disposal of contents	
Other:	

NOTE: *If damages or cleanup fees exceed the \$500.00 Security Deposit Fee, the Applicant is responsible for procuring payment of said incurred costs. The applicant is responsible for payment of said incurred costs.*

If additional costs are incurred during the production of a Special Event, such as the rental of rugs, equipment, etc., the Applicant is responsible for payment of said incurred costs. Invoice(s) will be sent to Applicant upon receipt of same.

CHAPTER 2-106

PROPERTY INSURANCE

Section2-106.1	Fire Legal Liability and Casualty Insurance
Section2-106.2	Escrow of Fire Insurance Proceeds When Fire Damage Exceeds \$7,500.00
Section2-106.3	Properties in Which Fire Damage is Sixty Percent (60%) or More of Policy Coverage
Section2-106.4	Procedure When More Than One Insured
Section2-106.5	Miscellaneous
Section2-106.99	Penalty

CROSS REFERENCES

See the Insurance Company Law of 1921 §508: Act of May 17, 1921, P.L. 682, No. 284, as amended (40 P.S. §638)

2-106.1 FIRE LEGAL LIABILITY AND CASUALTY INSURANCE

(a) In order to protect the health, safety and welfare of the residents of the City, it is hereby declared to be the policy of the City to require casualty and fire legal liability insurance for all landlords letting property in the City.

(b) All landlords owning property in the City shall be required to obtain a minimum of fifty thousand dollars (\$50,000.00) in fire legal liability insurance and casualty insurance in an amount sufficient to either restore or remove the building. Further, in the event of any fire or loss covered by such insurance, it shall be the obligation of the property owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property, adhering to applicable housing or building code provisions.

(c) Said landlords shall be required to place their insurance company name, policy number and policy expiration date on their City real estate tax remittances or, in the alternative, to provide the City with a copy of their actual casualty and fire legal liability insurance policies. (Ord. 22-1990.)

2-106.2 ESCROW OF FIRE INSURANCE PROCEEDS WHEN FIRE DAMAGE EXCEEDS \$7,500.00

(a) When the fire loss to any property in the City is more than seven thousand five hundred dollars (\$7,500.00), no insurance company, association or exchange ("Insurer") shall pay a claim of an Insured for fire damage to a building or other structure located within the City ("structure"), unless said Insurer is provided with a Municipal Certificate from the City Treasurer and unless there is compliance with all of the procedures and provisions of this chapter.

(b) The request shall be made in writing by the named Insured to the City Treasurer and shall specify the tax number of the property, the name and address of the Insurer(s), the total amount of insurance on the property, the date of the fire, and documented proof of the date the loss was reported to the Insurer(s).

(c) The City Treasurer shall respond to such request within fourteen (14) days.

(d) The Municipal Certificate shall state whether all City taxes, liens, utilities, assessments, penalties, user charges, and other costs have been paid for the property.

(e) If delinquent sums are due, the City Treasurer shall attach a municipal bill to the Certificate, indicating what sums are due, including all City taxes, liens, utilities, assessments, penalties, and user charges as well as all costs incurred by the City for the removal, repair or securing of the structure. An unpaid tax or charge is deemed delinquent at the time a lien could have been filed by the City. For all municipal utilities, a lien can be filed at the time the utilities are provided.

(f) The Municipal Certificate shall bear the signatures of the Director of the Bureau of Codes Administration, the Director of the Bureau of Operations & Revenue, the City Solicitor, and the City Treasurer.

(g) No Insurer shall pay any fire claim to the Insured until all sums listed on the Municipal Certificate have been paid in full.

(h) The City Treasurer shall have no duty to supply the Municipal Certificate until the property owner requests said Certificate.

(Ord. 1-1995.)

2-106.3 PROPERTIES IN WHICH FIRE DAMAGE IS SIXTY PERCENT (60%) OR MORE OF POLICY COVERAGE

(a) If fire damage to a property is sixty percent (60%) or more of policy coverage, the Insurer shall pay the City two thousand dollars (\$2,000.00) for every fifteen thousand dollars (\$15,000.00) of the claim.

(b) The City Treasurer shall place said sums into an Escrow Account established for this purpose and shall be entitled to retain said funds until such time as the insured repairs or removes the fire-damaged structure or until such time as alternative arrangements are made between the City and the insured.

(c) If the Insured does not repair or remove or otherwise make alternative arrangements with the City, the City shall, after giving reasonable notice and an opportunity for response, repair or remove said structure. If the City has to correct the damage, the costs to the City are to be deducted from the fund, and any remaining principal amounts are to be applied first to any delinquent taxes, liens, delinquent utilities, assessments, penalties, and user charges due and owing to the City, and the remainder of the principal amounts may be returned to the Insured. If any principal amount remains, then the Insured shall also be entitled to accrued interest, if any. If no principal amount remains after all taxes, liens, delinquent utilities, assessments, penalties, costs, and user charges are paid, then the City shall be entitled to retain any accrued interest.

(d) If the City has not incurred any costs for the repair, removal or securing of the structure and all taxes, liens, delinquent utilities, assessments, penalties, costs, and user charges have been paid, the

amounts that have been transferred to the City by the Insurer shall be paid over to the Insured when the City Treasurer receives confirmation from the Codes Administrator that repair, removal or securing of the structure has been completed.

(e) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency.

(f) Nothing in this section shall be construed to prohibit the City and the Insured from entering into an agreement that permits the transfer of funds to the Insured after some other reasonable disposition of the damaged property has been negotiated.

(Ord. 1-1995.)

2-106.4 PROCEDURE WHEN MORE THAN ONE INSURED

(a) If a property is insured by more than one policy, the transfer of proceeds to the City Treasurer shall be on a pro rata basis by all Insurers insuring the structure.

(b) Policy proceeds remaining after the assessment of delinquencies and costs, if any, shall be allocated on a pro rata basis among all Insurers insuring the structure and shall be disbursed in accordance with instruction from the Insurers. (Ord. 1-1995.)

2-106.5 MISCELLANEOUS

(a) It shall be the duty of the Insurer to provide the City with the name and mailing address of the Insured, if the request for a Certificate is made by an Insurer on behalf of the Insured.

(b) The City shall notify the Insured, in writing, when appropriate proceeds have been received by the City and that the procedures of this Chapter shall be followed in order for the proceeds to be disbursed to the Insured.

(c) The City Clerk shall file with the Department of Community Affairs a certified copy of this chapter upon its effectiveness and identify for said department the municipal official designated by the Mayor as responsible for compliance with this chapter.

(d) No report shall be released by the Bureau of Fire unless the Insured has requested from the City Treasurer a Municipal Certificate if required by Section 2-106.2 of this Chapter.

(Ord. 1-1995.)

2-106.99 PENALTY

Any person who violates the provisions of this chapter shall be subject to the General Code Penalty, Section 1-301.99, of these Codified Ordinances.

ORDINANCE 2006-35

*ESTABLISHING A REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES;
REQUIRING ALL OWNERS OF RESIDENTIAL RENTAL PROPERTIES TO DESIGNATE AN AGENT
FOR SERVICE OF PROCESS; AND PRESCRIBING DUTIES OF OWNERS AND AGENTS; DIRECTING
THE DESIGNATION OF AGENTS; ESTABLISHING FEES FOR THE COSTS ASSOCIATED WITH THE
REGISTRATION OF RENTAL PROPERTY; AND PRESCRIBING PENALTIES FOR VIOLATIONS*

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAZLETON and it is hereby
ordained and with the authority of the same as follows:**

SECTION 1. DEFINITIONS AND INTERPRETATION. *The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; words in the singular shall include the plural, and words in the masculine shall include the feminine and the neuter.*

- a. **AGENT** - *Individual of legal majority who has been designated by the Owner as the agent of the Owner or manager of the Property under the provisions of this ordinance.*
- b. **CITY** - *City of Hazleton.*
- c. **CITY CODE** – *the building code (property Maintenance Code 1996 as amended or superseded) officially adopted by the governing body of the City, or other such codes officially designated by the governing body of the City for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.*
- d. **ZONING ORDINANCE** – *Zoning ordinance as officially adopted by the City of Hazleton, File of Council # 95-26 (as amended).*
- e. **OFFICE** – *The Office of Code Enforcement for the City of Hazleton.*
- f. **DWELLING UNIT** – *a single habitable unit, providing living facilities for one or more persons, including permanent space for living, sleeping, eating, cooking and bathing and sanitation, whether furnished or unfurnished. There may be more than one Dwelling Unit on a Premises.*
- g. **DORMITORY** - *a residence hall offered as student or faculty housing to accommodate a college or university, providing living or sleeping rooms for individuals or groups of individuals, with or without cooking facilities and with or without private baths.*
- h. **INSPECTOR** - *any person authorized by Law or Ordinance to inspect buildings or systems, e.g. zoning, housing, plumbing, electrical systems, heat systems, mechanical systems and health necessary to operate or use buildings within the City of Hazleton. An Inspector would include those identified in Section 8 – Enforcement.*
- i. **FIRE DEPARTMENT** – *the Fire Department of the City of Hazleton or any member thereof, and includes the Chief of Fire or his designee.*

- j. **HOTEL** – a building or part of a building in which living and sleeping accommodations are used primarily for transient occupancy, may be rented on a daily basis, and desk service is provided, in addition to one or more of the following services: maid, telephone, bellhop service, or the furnishing or laundering of linens.
- k. **LET FOR OCCUPANCY** – to permit, provide or offer, for consideration, possession or occupancy of a building, dwelling unit, rooming unit, premise or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement or contract for the sale of land.
- l. **MOTEL** – a building or group of buildings which contain living and sleeping accommodations used primarily for transient occupancy, may be rented on a daily basis, and desk service is provided, and has individual entrances from outside the building to serve each such living or sleeping unit.
- m. **OCCUPANT** – a person age 18 or older who resides at a Premises.
- n. **OPERATOR** – any person who has charge, care or control of a Premises which is offered or let for occupancy.
- o. **OWNER** – any Person, Agent, or Operator having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a Court of competent jurisdiction.
- p. **OWNER – OCCUPANT**- an owner who resides in a Dwelling Unit on a regular permanent basis, or who otherwise occupies a non-residential portion of the Premises on a regular permanent basis.
- q. **PERSON** – any person, partnership, firm, association, corporation, or municipal authority or any other group acting as a single unit.
- r. **POLICE DEPARTMENT** – the Police Department of the City of Hazleton or any member thereof sworn to enforce laws and ordinances in the City, and includes the Chief of Police or his designee.
- s. **PREMISES** – any parcel of real property in the City, including the land and all buildings and structures in which one or more Rental Units are located.
- t. **RENTAL UNIT** – means a Dwelling Unit or Rooming Unit which is Let for Occupancy and is occupied by one or more Tenants.
- u. **ROOMING UNIT** – any room or groups of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- v. **TENANT** – any Person authorized by the Owner or Agent who occupies a Rental Unit within a Premises regardless of whether such Person has executed a lease for said Premises.

SECTION 2. APPOINTMENT OF AN AGENT AND/OR MANAGER

Each Owner who is not an Owner-occupant, or who does not reside in the City of Hazleton or within a ten (10) mile air radius of the City limits, shall appoint an Agent who shall reside in the City or within a ten (10) mile air radius of the City limits.

SECTION 3. DUTIES OF THE OWNER AND/OR AGENT

- a. *The Owner has the duty to maintain the Premises in good repair, clean and sanitary condition, and to maintain the Premises in compliance with the current Codes, Building Codes and Zoning Ordinance of the City of Hazleton. The Owner may delegate implementation of these responsibilities to an Agent.*
- b. *The duties of the Owner and/or Agent shall be to receive notices and correspondence, including service of process, from the City of Hazleton; to arrange for the inspection of the Rental Units; do or arrange for the performance of maintenance, cleaning, repair, pest control, snow and ice removal, and ensure continued compliance of the Premises with the current Codes, Building Codes and Zoning Ordinance in effect in the City of Hazleton, as well as arrange for garbage removal.*
- c. *The name, address and telephone number of the Owner and Agent, if applicable, shall be reported to the Code Enforcement Office in writing upon registering the Rental Units.*
- d. *No Dwelling Unit shall be occupied, knowingly by the Owner or Agent, by a number of persons that is in excess of the requirements outlined in 2003 International Property Maintenance Code, Chapter 4, Light, Ventilation, and Occupancy Limits, Section PM-404.5, Overcrowding, or any update thereof, a copy of which is appended hereto and made a part hereof.*

SECTION 4. NOTICES

- a. *Whenever an Inspector or Code Enforcement Officer determines that any Rental Unit or Premises fails to meet the requirements set forth in the applicable Codes, the Inspector or Code Enforcement Officer shall issue a correction notice setting forth the violations and ordering the Occupant, Owner or Agent, as appropriate, to correct such violations. The notice shall:*
 - 1) *be in writing;*
 - 2) *describe the location and nature of the violation; and*
 - 3) *establish a reasonable time for the correction of the violation.*
- b. *All notices shall be served upon the Occupant, Owner or Agent, as applicable, personally or by certified mail, return receipt requested. A copy of any notices served solely on an Occupant shall also be provided to the Owner or Agent. In the event service is first attempted by mail and the notice is returned by the postal authorities marked "unclaimed" or "refused", then the Code Enforcement Office or Police Department shall attempt delivery by personal service on the Occupant, Owner or Agent, as applicable. The Code Enforcement Office shall also post the notice at a conspicuous place on the Premises. If personal service directed to the Owner or Agent cannot be accomplished after a reasonable attempt to do so, then the notice may be sent to the Owner or Agent, as*

applicable, at the address stated on the most current registration application for the Premises in question, by regular first class mail, postage prepaid. If such notice is not returned by the postal authorities within five (5) days of its deposit in the U.S. Mail, then it shall be deemed to have been delivered to and received by the addressee on the fifth day following its deposit in the United States Mail.

- c. For purposes of this Ordinance, any notice hereunder that is given to the Agent shall be deemed as notice given to the Owner.
- d. There shall be a rebuttable presumption that any notice that is given to the Occupant, Owner or Agent under this ordinance shall have been received by such Occupant, Owner or Agent if the notice was served in the manner provided by this ordinance.
- e. Subject to paragraph 4.d above, a claimed lack of knowledge by the Owner or Agent, if applicable, of any violation hereunder cited shall be no defense to closure of rental units pursuant to Section 9, as long as all notices prerequisite to such proceedings have been given and deemed received in accordance with the provisions of this ordinance.
- f. All notices shall contain a reasonable time to correct, or take steps to correct, violations of the above. The Occupant, Owner or Agent to whom the notice was addressed may request additional time to correct violations. Requests for additional time must be in writing and either deposited in the U.S. Mail (post-marked) or hand-delivered to the Code Enforcement Office within five (5) days of receipt of the notice by the Occupant, Owner or Agent. The City retains the right to deny or modify time extension requests. If the Occupant, Owner or Agent is attempting in good faith to correct violations but is unable to do so within the time specified in the notice, the Occupant, Owner or Agent shall have the right to request such additional time as may be needed to complete the correction work, which request shall not be unreasonably withheld.
- g. Failure to correct violations within the time period stated in the notice of violation shall result in such actions or penalties as are set forth in Section 10 of this ordinance. If the notice of violation relates to actions or omissions of the Occupant, and the Occupant fails to make the necessary correction, the Owner or Agent may be required to remedy the condition. No adverse action shall be taken against an Owner or Agent for failure to remedy a condition so long as the Owner or Agent is acting with due diligence and taking bona fide steps to correct the violation, including but not limited to pursuing remedies under a lease agreement with an Occupant or Tenant. The City shall not be precluded from pursuing an enforcement action against any Occupant or Tenant who is deemed to be in violation.

SECTION 5. INSURANCE

In order to protect the health, safety and welfare of the residents of the City, it is hereby declared that the city shall require hazard and general liability insurance for all property owners letting property for occupancy in the City.

- a. Minimum coverage; use of insurance proceeds. All Owners shall be required to obtain a minimum of fifty thousand (\$50,000.00) dollars in general liability insurance, and hazard and casualty insurance in an amount sufficient to either restore or remove the building in the event of a fire or other casualty. Further, in the event of any fire or loss covered by such insurance, it shall be the obligation of the Owner to use such insurance proceeds to

cause the restoration or demolition or other repair of the property in adherence to the City Code and all applicable ordinances.

- b. Property owners to provide City with insurance information. Owners shall be required to place their insurance company name, policy number and policy expiration date on their Rental Property Registration form, or in the alternative, to provide the Code Enforcement Office with a copy of a certificate of insurance. A registration Certificate (see Section 6 below) shall not be issued to any Owner or Agent unless the aforementioned information has been provided to the Code Enforcement Office. The Code Enforcement Office shall be informed of any change in policies for a particular rental property or cancellation of a policy for said property within thirty (30) days of said change or cancellation.

SECTION 6. REGISTRATION AND LICENSE REQUIREMENTS

- a. No Person shall hereafter allow to be occupied, advertise for occupancy, solicit occupants for, or let to another person for occupancy any Rental Unit within the City for which an application for license has not been made and filed with the Code Enforcement Office and for which there is not an effective license. Initial application and renewal shall be made upon forms furnished by the Code Enforcement Office for such purpose and shall specifically require the following minimum information:
- 1) Name, mailing address, street address and phone number of the Owner, and if the Owner is not a natural person, the name, address and phone number of a designated representative of the Owner;
 - 2) Name, mailing address, street address and phone number of the Agent of the Owner, if applicable;
 - 3) The street address of the Premises being registered; and
 - 4) The number and types of units within the Premises (Dwelling Units or Rooming Units).

The Owner or Agent shall notify the Code Enforcement Office of any changes of the above information within thirty (30) days of such change.

- b. The initial application for registration and licensing shall be made by personally filing an application with the Code Enforcement Office as outlined in Section 6D, below. Thereafter, any new applicant shall file an application before the Premises is let for occupancy, or within thirty (30) days of becoming an Owner of a currently registered Premises. One application per property is required, as each property will receive its own license.
- c. Upon receipt of the initial application or any renewal thereof and the payment of applicable fees as set forth in Section 7 below, the Code Enforcement Office shall issue a Rental Registration License to the Owner within thirty (30) days of receipt of payment.
- d. Each new license issued hereunder, and each renewal license, shall expire on December 31st of each year. This Ordinance shall require registrations beginning for calendar year 2007. The Code Enforcement Office shall mail 2007 license applications by February 28, 2007. Subsequent license renewal applications shall be sent to the Owner or designated Agent on or before November 1st of each year. Renewal applications and fees may be

returned by mail or in person to the Code Enforcement Office. A renewal license will not be issued unless the application and appropriate fee has been remitted.

SECTION 7. FEES.

a. **Annual License Fee.** *There shall be a license fee for the initial registration and license and an annual renewal fee thereafter. Fees shall be assessed against and payable by the Owner in the amount of \$5.00 per Rental Unit, payable at the time of initial registration and annual renewal, as more specifically set forth in Section 6 above.*

SECTION 8. ENFORCEMENT

a. *The following persons are hereby authorized to enforce this Ordinance:*

1. *The Chief of Police*
2. *Any Police Officer*
3. *Code Enforcement Officer*
4. *The Fire Chief*
5. *Deputy Fire Chief of the City of Hazleton*
6. *Health Officer*
7. *Director of Public Works*

b. *The designation of any person to enforce this Ordinance or authorization of an Inspector, when in writing, and signed by a person authorized by Section 8.a to designate or authorize an Inspector to enforce this Ordinance, shall be prima facie evidence of such authority before the Magisterial District Judge, Court of Common Pleas, or any other Court, administrative body of the City, or of this Commonwealth, and the designating Director or Supervisor need not be called as a witness thereto.*

SECTION 9. FAILURE TO CORRECT VIOLATIONS.

If any Person shall fail, refuse or neglect to comply with a notice of violation as set forth in Section 4 above, the City shall have the right to file an enforcement action with the Magisterial District Judge against any Person the City deems to be in violation. If, after hearing, the Magisterial District Judge determines that such Person or Persons are in violation, the Magisterial District Judge may, at the City's request, order the closure of the Rental Unit(s), or assess fines in accordance with Section 10 below, until such violations are corrected. Such order shall be stayed pending any appeal to the Court of Common Pleas of Luzerne County.

SECTION 10. FAILURE TO COMPLY WITH THIS ORDINANCE; PENALTIES

- a. *Except as provided in subsections 10.b and 10.c below, any Person who shall violate any provision of the Ordinance shall, upon conviction thereof after notice and a hearing before the Magisterial District Judge, be sentenced to pay a fine of not less than \$100.00 and not more than \$300.00 plus costs, or imprisonment for a term not to exceed ninety (90) days in default of payment. Every day that a violation of this Ordinance continues shall constitute a separate offense, provided, however, that failure to register or renew or pay appropriate fees in a timely manner shall not constitute a continuing offense but shall be a single offense not subject to daily fines.*

SECTION 11. APPLICABILITY AND EXEMPTIONS TO THE ORDINANCE

The provisions of the ordinance shall not apply to the following properties, which are exempt from registration and license requirements:

- a. *Hotels and Motels.*

SECTION 12. CONFIDENTIALITY OF INFORMATION

All registration information collected by the City under this Ordinance shall be maintained as confidential and shall not be disseminated or released to any individual, group or organization for any purpose except as provided herein or required by law. Information may be released only to authorized individuals when required during the course of an official City, state or federal investigation or inquiry.

SECTION 13. SAVING CLAUSE

This ordinance shall not affect violations of any other ordinance, code or regulation existing prior to the effective date thereof and any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

SECTION 14. SEVERABILITY

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable without the invalid portion. The City reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 15. EFFECTIVE DATE

This Ordinance shall become effective immediately upon approval.

SECTION 16. *This Ordinance is enacted by the Council of the City of Hazleton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and all other laws enforceable the State of Pennsylvania.*

ORDAINED AND ENACTED by Council this 28th day of December, 2006.

First Reading
(December 13, 2006)

Second Reading
(December 28, 2006)

Third Reading
(December 28, 2006)

<u>Presented</u> <u>Graham</u>	<u>Presented</u> <u>Graham</u>	<u>Presented</u> <u>Graham</u>
<u>Seconded</u> <u>Mundie</u>	<u>Seconded</u> <u>Mundie</u>	<u>Seconded</u> <u>Mundie</u>
<u>Gabos</u> <u>Y</u>	<u>Gabos</u> <u>Y</u>	<u>Gabos</u> <u>Y</u>
<u>Graham</u> <u>Y</u>	<u>Graham</u> <u>Y</u>	<u>Graham</u> <u>Y</u>
<u>Mundie</u> <u>Y</u>	<u>Mundie</u> <u>Y</u>	<u>Mundie</u> <u>Y</u>
<u>Nilles</u> <u>Y</u>	<u>Nilles</u> <u>Y</u>	<u>Nilles</u> <u>Y</u>
<u>Yannuzzi</u> <u>Y</u>	<u>Yannuzzi</u> <u>Y</u>	<u>Yannuzzi</u> <u>Y</u>

ORDINANCE PASSED 12/28/06

ARTICLE 1512

Fire Insurance Escrow Act

1512.01 Purpose. 1512.05 Limits of liability.

1512.02 Definitions. 1512.06 Insurance requirements.

1512.03 Responsibilities and 1512.98 Severability.

duties. 1512.99 Penalty.

1512.04 Claim recoverable by

insuring agent for fire loss.

CROSS REFERENCES

Municipal certificate required prior to payment of fire loss

claims - see 40 P.S. Sec. 638

1512.01 PURPOSE.

The Commonwealth of Pennsylvania has enacted Act 98 of 1992 effective on September 7, 1992 amending the Insurance Company Law of 1921 to provide procedures for the payment of certain fire loss claims. It is the purpose of such legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration. Council desires to adopt an ordinance pursuant to Section 508 of the Insurance Company Law of 1921 to provide for the payment of proceeds from certain fire loss claims to the City, and to this end, Council enacts this article.

(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.02 DEFINITIONS.

As used in this article, certain terms are defined as follows:

(a) "City" means the City of York, Pennsylvania.

(b) "Building Official" means the Building Official of the City of York, Pennsylvania.

(c) "Insuring agent" means any insurance company, association or exchange.

(d) "Named insured" means the person or persons who are insured for the building or structure where the fire occurred.

(e) "Treasurer" means the City Treasurer of the City of York, Pennsylvania.

(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.03 FIRE PREVENTION CODE 18

1512.03 RESPONSIBILITIES AND DUTIES.

(a) The Treasurer or his designee is hereby appointed as the designated person who is authorized to carry out all responsibilities and duties stated herein.

(b) When a fire occurs on a property, all property owners are to supply all insurance information to the Treasurer that is required for this article.

(Ord. 15-98. Passed 11-4-98.)

1512.04 CLAIM RECOVERABLE BY INSURING AGENT FOR FIRE LOSS.

No insuring agent doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500), unless the named insured or insuring agent is furnished by the Treasurer with a municipal certificate pursuant to Section 508 (B) of Act 98 of 1992 and unless there is compliance with Section 508 (C) and (D) of Act 98 of 1992 and the provisions of this article.

(Ord. 24-1992 Sec. 1. Passed 10-6-92; Ord. 14-1994 Sec. 1. Passed 12-20-94.)

1512.05 LIMITS OF LIABILITY.

Pursuant to Section 508 (B)(1)(I) of Act 98 of 1992, the Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided however, that if the loss is agreed upon by the named insured and the insuring agent equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

(a) The insuring agent shall transfer from the insurance proceeds to the City in the lesser of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) of a claim or the estimate amount less than the amount calculated under the foregoing transfer formula.

(b) If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the City from the insurance proceeds the amount specified in the estimate.

(c) The transfer of proceeds shall be on pro rata basis by all insuring agent's insuring the building or other structure.

(d) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.

(e) Upon receipt of proceeds under this section, the City shall do the following:
19 Fire Insurance Escrow Act 1512.06

(1) The Treasurer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the City. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) It is the obligation of the insuring agent when transferring the proceeds to provide the City with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed.

(3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Building Official, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the

City shall transfer the remaining funds to the named insured.

(4) To the extent that interest is earned on proceeds held by the City pursuant to this section, and not returned to the named insured, such interest shall belong to the City.

(f) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the City and the named insured from entering an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

(Ord. 24-1992 Sec. 1. Passed 10-6-92; Ord. 14-1994 Sec. 2. Passed 12-20-94.)

1512.06 INSURANCE REQUIREMENTS.

(a) All owners of tenant occupied properties in the City shall be required to obtain and maintain current property insurance in an amount sufficient to either restore or remove the structure in compliance with current City ordinances. Any insuring agent who cancels coverage based on notification by the owner or failure by owner to pay for such coverage shall notify the Treasurer in writing of the cancellation. In the event of any fire or loss covered by such insurance, it shall be the obligation of the property owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property, adhering to all applicable Housing or Building Code provisions.

(b) Owners of residential tenant occupied properties shall be required to report their insurance company name, policy number and policy expiration date, and proof of an amount of coverage equal to or greater than the insurance company's determination of the actual cash value, minimal of fifteen thousand dollars (\$15,000), of the structure when applying for an annual license to operate tenant occupied property through the Department of Fire/Rescue Services. The cancellation of or the failure to report such information or failure to acquire the required insurance as stated above, will result in forfeiture of license as stated in Article 1761.

1512.98 FIRE PREVENTION CODE 20

(c) Owners of non-residential tenant occupied properties shall maintain current proof of insurance and proof of an amount of coverage equal to or greater than the insurance company's determination of the actual cash value, minimal of fifteen thousand dollars (\$15,000), of the structure and shall produce such proof as part of any application for or renewal of a certificate of occupancy. Any insuring agent who cancels coverage based on notification by the owner or failure by owner to pay for such coverage shall notify the Treasurer in writing of the cancellation. The cancellation of or the failure to produce such proof, or failure to acquire the required insurance as stated above, will be grounds to refuse to issue or renew a certificate of occupancy. Falsifying such proof will result in forfeiture of an issued certificate of occupancy. (Ord. 42-2003. Passed 11-5-03.)

1512.98 SEVERABILITY.

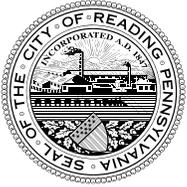
The provisions of this article are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.99 PENALTY.

Any owner of property, any named insured or any insuring agent violating the provisions of this article shall, upon conviction, be fined not less than five hundred dollars (\$500.00) per offense nor more than one thousand dollars (\$1,000) per offense, plus costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than ninety days (90 days).

(Ord. 1-2009. Passed 1-6-09.)



AGENDA MEMO

TO: Public Safety
PREPARED BY: Tonya Butler
MEETING DATE:
AGENDA MEMO DATE: April 19, 2010
REQUESTED ACTION: Council approve a Resolution amending Resolution #39-2009 (Handicap Parking).

RECOMMENDATION:

Council approve a resolution amending Resolution #39-2009 (Handicap Parking).

BACKGROUND:

This amendment would put the City's handicap parking laws in concert with existing State requirements.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

SUBSEQUENT ACTION:

None

RECOMMENDED BY:

RECOMMENDED MOTION:

Approve the resolution amending Resolution #39-2009 (Handicap Parking).

RESOLUTION NO. _____

AMENDING RESOLUTION #39-2009:

WHEREAS, by Resolution No. 473-86, the Council of the City of Reading enacted a handicapped parking policy procedure; and

WHEREAS, ~~it has become necessary to modify that parking policy procedure as a result of the overwhelming requests received for handicapped parking spaces~~ **the population of the City of Reading consists of citizens with numerous handicaps or disabilities, some of whom by reason of their handicap or disability, require reasonable accommodations in order to have equality of opportunity relating to their public accommodations;** and

WHEREAS, ~~there are currently issues in excess of five hundred (500) handicapped parking spaces; and~~ **discrimination because of a person's handicap or disability is contrary to the laws and policies of the City; and**

WHEREAS, the handicapped parking space designation may be established by the City of Reading; and

WHEREAS, the use of such designated handicapped parking space is not permitted to be exclusive to the applicant; and

WHEREAS, there is a need to monitor the applications for and continued use of handicapped parking spaces; ~~and.~~

WHEREAS, ~~it has been determined that the criteria for granting requests for handicapped parking spaces should be made more stringent.~~

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

SECTION 1. Any resident of the City of Reading, ~~after acquiring a handicapped or disabled veterans license plate or placard from the State, may make application to the City for a handicapped parking space.~~ **who has a qualified disability status as defined in the Application for Residential Parking for People with Disabilities and who has been issued by the Commonwealth of Pennsylvania a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability, shall be eligible for the installation of a sign indicating that parking in such space is restricted to those vehicles bearing handicapped license plates or placards in front of or as reasonably close thereto said person's residence.** All applications for original status will be reviewed by the City Health Officer, who will be the individual responsible for making the final determination on whether or not an individual claiming handicapped status should be granted a restricted handicapped parking space. All applications for renewal will be reviewed by the Department of Public Works, ~~Traffic Engineering Office.~~

SECTION 1.1. ~~_____~~ **A restricted handicapped served parking space in front of a residence, or reasonably close to a residence, is a special privilege granted by the City of Reading only to people who have severe physical disabilities as evidenced on their application by their physician's certification of their current disability status. Such a space will be granted only to those who are mobility impaired to the extent that they cannot manage without it.**

SECTION 1.2. Parking at a restricted handicapped parking space is permitted by anyone who has been issued a handicapped license plate or disabled veterans license plate or placard from the State or on whose behalf said license plate has been issued pursuant to Section 1338 of the Vehicle Code because of a handicap or disability. The restricted handicapped parking space does not belong to the applicant.

SECTION 2. In making the final determination, the City Health Officer shall be limited to granting no more than two (2) handicapped parking spaces per block where there is parking permitted on both sides of the street, and one (1) handicapped parking space per block where parking is permitted on only one (1) side of the street. Any such handicapped parking space permits having previously been granted prior to the effective date of this resolution where there is an excess of two (2) per block where applicable, or one (1) per block where applicable shall be permitted to remain in effect. In the event handicapped parking permits exceed the two (2) per block or the one (1) per block limit set forth above, the City Health Officer shall refrain from granting handicapped parking spaces for such block or blocks until such time as handicapped parking spaces as a result of failure to renew or cancellations fall below the per block limit set forth above. The application for a restricted handicapped parking space shall be made on a form provided by the Department of Public Works, ~~Traffic~~ **Engineering Office**. The application information shall include the identity of the handicapped person and said person's place of residence. It shall be accompanied by a Driver's License and documentation evidencing issuance of a handicapped plate or placard by the Commonwealth of Pennsylvania as well as a physician's certification of disability.

SECTION 3. In making the final determination for renewal of **restricted** handicapped parking spaces, the Department of Public Works, ~~Traffic Engineering Office~~, shall apply the criteria existing prior to date of passage of this resolution for the renewal of all parking spaces currently granted, **with the exception of any numerical space limitations**. Once a permit is not renewed for any reason, any new application by the same applicant for such parking permit shall be considered a new application and shall be governed by the criteria set forth in Section 4 of this **Resolution**.

SECTION 4. In making such final determination **for an original application**, the applicant or someone residing in the applicant's residence shall meet the following criteria:

- a) There is legal parking in the street in front of **or reasonably close to** the applicant's residence.
- b) The **disabled person** applicant:
 1. ~~Must be wheelchair confined, and/or,~~
 2. ~~Must have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class IV according to the standards set by the American Heart Association, and/or,~~
 3. ~~Caring for a minor child with a severe physical or mental disability, and/or,~~
 1. ~~Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than 60 mm/hg on room air at rest. **shall have a disability as defined in the Application for Residential Parking for People with Disabilities.**~~
 2. **shall have an address on his or her Driver's License that matches the address where the handicapped parking sign is requested.**

- e) ~~There is at least twenty-five (25') feet of parking space directly in front of the property. If not, signatures of the persons who own the adjacent properties must be obtained indicating that they have no objections to the installation of the Handicap zone.~~
3. must be eligible for, and have in his or her possession, a HCP, PD or DVHP license plate or placard from the PA Department of Transportation for his or her vehicle.

SECTION 5. **ANNUAL CERTIFICATION** Approved applicants will be required to pay a fee of Seventy Dollars (\$70.00) for the materials and labor involved in the installation of the sign. Each permit granting a handicapped parking space may be renewed on an annual basis by filing an application for renewal together with a Five Dollar (\$5.00) renewal fee. Each application whether for an original permit for a handicapped parking space or for a renewal permit for a handicapped parking space shall contain the information required by the application form and the renewal application form. An incomplete application form or renewal application form shall be grounds for denial of the request for a permit. Applications for renewal permits shall be submitted to the City Health Officer not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.

- (a) *Each renewal period shall be twelve (12) months.*
- (b) *Application for renewal must be filed with the Department of Public Works, ~~Traffic Engineering Office~~ Chief not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term.*
- (c) *The Department of Public Works, ~~Traffic Engineering Office~~ Chief will not accept the application for renewal unless it is also accompanied by a sworn document containing the following averments:*
- (1) *The applicant continues to be disabled.*
 - (2) *The applicant continues to drive the identified automobile or is being driven by another identified individual because of applicant's disability.*
 - (3) *The applicant resides at the same address.*

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SECTION 5.1 FAILURE TO FILE COMPLETED APPLICATION

Failure to file a completed initial application or a timely application for renewal shall result in such application being denied. In the event an individual fails to file a completed application for recertification within the times allowed, that is, on an annual basis prior to expiration of the individual's eligibility, the right to such sign shall be forfeited, and the sign shall be removed by the Department of Public Works.

SECTION 6. The criteria set forth for final determination as set forth in Section 4 and the fee for the original application and any renewal application may be changed from time to time by written directive of the executive branch provided that at least prior thirty (30) days notice thereof shall be published in a newspaper of general circulation in and for Berks County. An incomplete application form or renewal application form shall be grounds for denial of the request for a permit. Applications for renewal permits shall be submitted to the City Health Officer not less than thirty (30) days or more than sixty (60) days prior to the expiration of each one (1) year term. **REMOVAL OF SIGN**

In addition to the removal of the sign for failure to properly apply for renewal, a handicapped parking restriction sign may be removed after notice to the applicant if, upon investigation, the City determines that the applicant is not, in fact, handicapped, that the applicant has moved or that the privilege is being abused in a manner inconsistent with its intent. The notice to the individual shall state the reason(s) for the anticipated removal of the sign and shall give the handicapped individual twenty (20) days in which to request a hearing before the Director of Public Works or his designee.

Any change of address or change of circumstance shall be reported to the Department of Public Works, ~~Traffic Engineering Office~~ within thirty (30) days of such occurrence so that the restricted handicapped sign can be removed from said location.

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SECTION 6.1 INSTALLATION OF SIGNS

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Upon determination that the application for handicapped restricted parking meets the requirements of this chapter, the City Health Officer shall refer the same to the Department of Public Works, ~~Traffic Engineering Office~~ for installation of a restricted handicap parking sign.

~~SECTION 7. This resolution shall take effect immediately upon enactment.~~

Residents who obtain restricted handicapped parking spaces must comply with all provisions under the City of Reading Codified Ordinances, Chapter 15, Motor Vehicles and Traffic; including, but not limited to: Part 4, Stopping and Parking; Part 5, Parking Meters; Part 6, Short Term Daytime Parking Requirements and Part 9, Snow and Ice Emergency.

SECTION 8. Penalties. An individual who submits a false application to the City of Reading shall, upon conviction thereof, be fined five hundred dollars (\$500.00) and costs, or imprisonment for not more than ninety (90) days, or both. Each false application submitted to the City of Reading shall constitute a separate offense.

Section 9. The criteria set forth for final determination as set forth in this Resolution may be changed from time to time by written directive of the ~~executive branch~~ City of Reading City Council provided that at least ~~prior~~ thirty (30) days ~~prior~~ notice thereof shall be published in a newspaper of general circulation in and for Berks County.

Comment [m1]: Should this be Council?

SECTION 10. This resolution shall take effect immediately upon enactment.

PASSED COUNCIL _____ 2010

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

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