CITY COUNCIL

Public Safety Committee

Tuesday, July 6, 2010
Agenda
5:00 p.m.

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

Although Council committee meetings are open to the public, public comment is not permitted. However, citizens are encouraged to attend and observe the committee meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation from the Committee Chair.

I. Review Ordinance re Double Parking (Parking Authority)

II. Graffiti Ordinance Amendment re Abatement Fee

III. Fire Alarm and Burglar Alarm Fee Ordinances

IV. Housing Permits & Approval

a. **Codes inspection (** *Committee requested a monthly report going back over the past year, showing the number of backlog inspections achieved.*

b. & Zoning permit backlog

V. Draft Zoning Ordinance Review

Zoning Permit Revocation *(language included in the draft zoning agenda)*

VI. Comprehensive Housing Policy

1. **False advertising**
2. **Enforcement**

VII. Review Ordinance re Property Insurance Requirement (Solicitor)

(To included all residential and non-residential properties)

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, June 7, 2010
Council Office
6 p.m.

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

Others Attending: C. Geffken, W. Heim, L. Kelleher. C. Younger, V. Spencer

Mr. Sterner called the Public Safety Committee meeting to order at approximately 6:15 p.m.

Vehicle Noise/Quality of Life

Ms. Kelleher introduced Mr. Thomas and Mr. London to the Committee, explaining that Mr. Waltman invited them to attend so they could convey to the Committee some of the quality of life issues they experience caused by vehicle noise in their neighborhood. She stated that this issue has been going on for approximately three (3) years with little improvement. Mr. London and Mr. Thomas described the quality of life issues they experience that are caused by the disrespectful and uncaring attitudes of neighbors and cab drivers over the last three (3) years.

Mr. London noted the need for the City to enforce their laws so behaviors are changed. He described his and Mr. Thomas's success by taking the issue to MDJ Lachina. Mr. Thomas stated that using this approach has caused some improvement. He noted that he and Mr. London are not being critical of the Police Department. He suggested requiring multi-unit rental properties to install doorbells and require cab companies to obtain the phone number of the party calling for cab service so they are able to call the phone number on arrival rather than repeatedly blasting on the vehicle horn.

Ms. Goodman-Hinnershitz stated that she has experienced similar issues in her East Reading neighborhood.

Mr. Thomas noted that at times Police claim they cannot issue violations if the owner is not

operating the vehicle.

Chief Heim stated that the owner is only responsible for parking tickets acquired when the vehicle is being used by another party. He added that to issue a successful citation, Police need the identity of the driver. He stated that cab services are a public utility service and cannot refuse to provide service to anyone that requests service.

Ms. Goodman-Hinnershitz noted the need for the cab clients to be ready when cabs arrive.

Mr. London again noted the isolated success they have seen when calling the Police Department to respond to this issue. He again noted the need for the City to change the behavior of those being disrespectful to basic quality of life regulations.

Chief Heim stated that the best way to achieve an improved success rate would be to seek a State law change. He suggested seeking the assistance of Senator O'Pake and Representative Caltagirone.

Mr. Waltman inquired about the City's ability to use other methods such as Business Privilege License Revocation to resolve this issue. Mr. Younger stated that he would need to research the issue further.

Housing Permits

Mr. Younger stated that the City's unable to change zoning once it is issued through the AHO process, even if the subject property did not comply with the AHO criteria.

Mr. Waltman suggested considering the revocation of zoning permits if certain behaviors exist or applying a moratorium that would require the de-conversion of properties who exhibit certain behaviors.

Mr. Younger and Ms. Kelleher noted the belief that zoning is mandated by the Pennsylvania Municipalities Planning Code and that zoning runs with the land after approval, unless the decision is appealed within thirty (30) days. Ms. Kelleher stated that an approved use can be abandoned if the use is discontinued for six (6) months to a year and the property is not marketed.

There was next a discussion on limiting rentals. Mr. Younger noted the need to provide justification to successfully win the court challenge that would follow. Ms. Kelleher explained that proper justification can be provided after the City is able to determine the location of all inner-city rental properties and then show increased public safety calls for service (Police, Fire, and Property Maintenance) when compared against the same calls made to owner-occupied properties.

Mr. Geffken stated that he has started to research Public Safety calls made to rental properties. Ms. Kelleher noted that as all rental properties are not yet identified the results of that search will

be limited.

The Committee asked Ms. Kelleher to research the City's ability to seek a moratorium or revoke zoning permits.

Chief Heim stated that a number of properties in the Code's inspection backlog is unavailable this evening. He stated that Code's officials have started to reduce the number in the backlog.

The Committee requested a monthly report going back over the past year, showing the number of backlog inspections achieved.

Quality of Life Ticketing

Chief Heim stated that the issue is again moving forward and Council will be introducing the quality of life ticketing ordinance at an upcoming Council meeting. Ms. Kelleher stated that Council will be introducing the ordinance at the Special Meeting on Friday, July 11th. She stated that Chief Heim has requested that the ordinance be in place at the end of June. If the ordinance is introduced on Tuesday, June 15th the fourteen day lay over period required by the Charter will not be achieved until the day after the next regular business meeting scheduled for Monday, June 28th. Chief Heim stated that he is excited that this issue is moving forward to fruition. He explained that the inspectors have tested the use of handheld devices and mobile printers, which will enable the inspector to immediately post properties.

Comprehensive Housing Policy

The Committee discussed the need for a comprehensive housing policy to be developed to protect and improve the City's housing stock.

Mr. Geffken stated that the Administration plans to search nationwide for someone experienced in the housing industry.

Property Placarding Process

Chief Heim explained that Codes and RAWA work cooperatively and post properties when the water utility is discontinued. He stated that approximately 80%-90% of the homes placarded are unoccupied for the period the water utilities are discontinued. Chief Heim stated that he is unsure if this same process applies to owner occupied residential properties.

Property Insurance Requirement

Mr. Younger stated that the samples provided at the last meeting focus primarily on rental properties. He inquired about the Committees disposition to add all commercial uses. He noted the difficulty property owners will have obtaining insurance for vacant buildings.

Mr. Waltman noted that this requirement could act as a deterrent for those speculators planning to purchase large commercial properties at tax sale. He suggested devising a formula that would define the proper parameters and include the requirement of an escrow payment if the property fails to acquire property insurance.

Mr. Younger stated that he would develop the ordinance requested that will include residential and non-residential buildings.

The Public Safety Committee adjourned.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Issues for Follow-Up:

- Review - Ord requiring Property Insurance for Residential and Commercial properties - Solicitor
- Audit of Housing Permit/Zoning Applications Currently in the Backlog – D. Kersley
- Review – Ordinance creating new expedited zoning approval process – D. Kersley
- Review – recommendation on expansion of Codes service hours

BILL NO. _____2010

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, SECTION 15-403 A (1) CLARIFYING THE LANGUAGE RELATING TO DOUBLE PARKING

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

15-403 A (1) to something more direct like "No person shall: stop, stand or park a vehicle in a lane of traffic". Parking in the lane of traffic is what the current wording is describing anyway so let's just bring it down to the common denominator. What do you think?

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-403 A (1) clarifying the language relating to double parking as follows:

§15-403. Parking Prohibited in Specific Areas.
Except when necessary to avoid conflict with other traffic or to protect the safety of any person or in compliance with law or the direction of a police officer or other traffic control device, no person shall:
A. Stop, stand or park a vehicle:
(1) ~~On the roadway side of any vehicle stopped or parked at the edge of the curb of a street.~~ ***No person shall: stop, stand or park a vehicle in a lane of traffic***
(2) On a sidewalk.
(3) Within an intersection.
(4) On a crosswalk.
(5) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic control devices.
(6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
(7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
(8) On any railroad tracks.
(9) In the area between roadways of a divided highway, including crossovers.
(10) At any place where official signs prohibit stopping.
(11) All non-emergency vehicles along East Wyomissing Boulevard between/from Lancaster Avenue and/to Brookline Avenue. [*Ord. 1-2008*]

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

_____
President of Council

Attest:

_____
City Clerk

(Parking Authority & Council Staff)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____2010

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 6 CONDUCT, PART 3 GRAFFITI, SECTION 6-304 REMOVAL OF GRAFFITI BY REQUIRING GRAFFITI REMOVAL COSTS TO BE BILLED TO THE OWNERS OF ALL COMMERCIAL PROPERTIES (INCLUDING RENTAL PROPERTIES) WITHIN THE CITY OF READING.

Whereas, The City of Reading has been operating a free graffiti removal program since 1998 for all commercial and residential properties within the City of Reading; and

Whereas, the County of Berks began assisting the City with graffiti abatement and enforcement for the past two (2) years, and

Whereas, the combined cost of graffiti abatement has risen to approximately $200,000 per year (labor and materials).

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6 Conduct, Part 3 Graffiti, Section 6-304 Removal of Graffiti by charging abatement costs to the owners of all commercial properties (including rental properties) within the City of Reading.

§6-304. Removal of Graffiti.

1. Wherever a Public officer becomes aware of the existence of graffiti on any property, structures or improvements within the City that is visible to the public, the Director, upon such discovery, shall give or cause to be given, notice **that the graffiti** must be ~~to~~ removed or effectively obscured ~~such graffiti~~ within 5 days from receipt of any notice given by the City, and will then inform the Director that such notice has been given. This notice shall include a description of the City of Reading ~~Graffiti Program~~ graffiti regulations. This description shall include methods approved for graffiti removal that do not require the use of chemicals ~~**and the estimated cost of removal at all commercial and rental properties**~~. The notice shall be given to the owner, agent or manager of said property, structure or improvement who shall:

A. Cause the graffiti to be removed or effectively obscured within five calendar days; or
~~B. Provide written consent and waiver of liability to authorize the Director to remove or effectively obscure any graffiti at owner occupied residential properties, at no cost to the property owner~~
~~C.~~B. Have the graffiti removed by the City without the owner's consent, consistent with provisions of this Part. ~~**Costs for all graffiti removed or obscured at all commercial and rental properties will be assessed on the property's utility bill.**~~ **Costs will be assessed at $70 per property per abatement; payment of the abatement fee shall be made within 60**

days from the date of the fee billing statement; if payment is not received within 60 days from the date of the fee billing statement, the fee owed shall automatically double, and the City may refer the billing to a collection agency which may also charge an additional administrative fee.

2. The notice may be served by:

A. Handing the notice to the owner of the property in person.

B. Posting the notice on or near the front door of the property that is defaced with graffiti.

C. If the property defaced with the graffiti does not consist of a building, the notice shall be on a placard attached to a stake driven into the ground on the property.

[*Ord. 30-2003*]

3. Where property defaced by graffiti is owned by a public entity other than the City, the Director shall cause removal of the graffiti only after securing the consent of an authorized representative of the public entity that has jurisdiction over the structure.

4. Whenever the City becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the City shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the Director of Public Works determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

~~5. Prior to entering upon private property or property owned by a public entity other than the City for the purpose of graffiti removal the City shall attempt to secure the consent of the property owner or responsible party and a release of the City from liability for property damage or personal injury.~~ If the property owner or responsible party fails to remove the offending graffiti within the time specified by this Chapter and the notice, or if the City has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the City and consistent with the terms of this Section, the City shall commence to

remove or repair the graffiti without the consent of the owner. **The cost for all graffiti removed or obscured at commercial and rental properties shall be assessed on the property's utility bill.**

[*Ord. 30-2003*]

(*Ord. 5-1998*, 3/23/1998, §1; as amended by *Ord. 30-2003*, 9/22/2003, §3)

§6-305. Graffiti Abatement Hearing.

At a hearing requested by the property owner **within three (3) days of the date that notice is issued**, the owner shall be entitled to present evidence and argue that his or her property does not contain graffiti. The determination of the Director after the hearing shall be final and not appealable. After the hearing, if the Director determines that the property contains graffiti, the Director may order that the graffiti be abated. **The abatement cost for graffiti at commercial or rental properties shall be assessed on the property's utility bill.**

(*Ord. 5-1998*, 3/23/1998, §1; as amended by *Ord. 30-2003*, 9/22/2003, §4)

§6-306. Anti-graffiti Trust Fund.
There is hereby created the City of Reading Anti-graffiti Trust Fund. Civil and criminal penalties assessed against violators of this Part and public and private sector contributions and grants to the City for graffiti abatement efforts shall be placed in the fund. The Director shall direct the expenditures of monies in the fund which shall be limited to the payment of the cost of removal of graffiti, the costs of administering this Part, public awareness programs and any such other public purpose as may be approved by City Council and the Mayor.
(*Ord. 5-1998*, 3/23/1998, §1; as amended by *Ord. 30-2003*, 9/22/2003, §4)

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

SECTION 3. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2010

_____
President of Council

Attest:

_____
City Clerk

(Business Analyst & Council Staff)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

Official Notice of Graffiti

Graffiti must be removed within five days of notice.

Graffiti has been identified as a nuisance by the City of Reading. The City is hereby notifying you of the presence of graffiti on property located at:

_____

Address

NOTICE: You have five (5) days from the notice date to remove the graffiti at this property. If you do not, pursuant to Section 6-304 of the City of Reading Codified Ordinances, the City of Reading may remove or paint over the graffiti after five days from the date of this notice.

_____

Notice Date

_____

Official Signature

BILL NO. _____2010
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 5 CODE ENFORCEMENT, PART 3 INTERNATIONAL FIRE CODE, SECTION 5-308 FEES, PART F111, BY INCREASING THE FALSE ALARM FEES, AS REQUIRED BY THE ACT 47 RECOVERY PLAN (FD06) ADOPTED JUNE 11, 2010

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 3 International Fire Code, Section 5-308 Fees, Part F111, by increasing the false alarm fees, as required by the Act 47 Recovery Plan (fd06) adopted June 11, 2010 as follows

~~F 111 Unnecessary/needless false alarms~~
~~Fourth alarm in calendar year (no charge for first - third alarm in calendar year) - $50~~

~~Increase per additional occurrence in calendar year; $25~~
~~for example: fifth call $75; sixth call $100; seventh call $125, etc.~~

F111 Unnecessary/needless false alarms

A fee shall be charged for each unnecessary / needless false alarm in a calendar year, pursuant to the chart set forth below:

ALARM IN CALENDAR YEAR	FEE
1	Free (No Charge)
2	$50.00
3	$50.00
4	$100
5	$100
6	$150
7	$150
8	$150
9	$150
10	$250
11	$250
12	$250
13	$500
For Each Alarm 14 and Greater (over 13) in a Calendar Year	$500 Per Alarm

SECTION 2. The Fee Schedule of the City of Reading is also amended in accordance herewith.

SECTION 3. All other provisions of Chapter 5 of the City of Reading Codified Ordinance shall remain effective.

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

SECTION 5. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

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

Enacted _____, 2010

_____
President of Council

Attest:

_____
City Clerk

(Business Analyst & Council Staff)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

BILL NO. _____2010

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 13 LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS, PART 1 BURGLARY AND ROBBERY SYSTEMS, SECTION 13-115 FALSE ALARMS, BY INCREASING THE FALSE ALARM FEES, AS REQUIRED BY THE ACT 47 RECOVERY PLAN (PD08) ADOPTED JUNE 11, 2010

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 13 Licenses, Permits and General Business Regulations, Part 1 Burglary and Robbery Systems, Section 13-115 False Alarms, by increasing the false alarm fees, as required by the Act 47 Recovery Plan (PD08) adopted June 11, 2010 as follows

§13-115. False Alarms.

1. Any police officer responding to an alarm which is determined to be false shall promptly notify the ~~Alarm Coordinator~~ Administrative Services Department Director of such alarm in writing and ~~the Coordinator~~ Administrative Services Department Director or their designee shall, within 5 days, have notification of such false alarm sent via U.S. mail to the person in whose name the alarm permit is registered.

2. The alarm user permit holder shall be assessed a fee for service for each false alarm in a calendar year **to be payable to the City Treasurer** as follows:

~~A $35 for each false burglary alarm after three false alarms in a 12 month period; A fee in the amount from time to time by resolution of City Council or each false burglary alarm after six in a 12 month period; and a fee in the amount as established from time to time by resolution of City Council for each false burglary alarm after nine in a 12 month period.~~

~~B. A $50 fee will be assessed for each false robbery alarm by such system, where such false alarm results in a response by the Department of Police. Such fee shall be payable to the City Treasurer.~~

ALARM IN CALENDAR YEAR	FEE
1	Free (No Charge)
2	$50.00
3	$50.00
4	$100
5	$100
6	$150
7	$150

Comment [m1]: This is defined in Ordinance

Comment [m2]: Is this a chain of command issue?

Comment [m3]: Does everyone who has an alarm have to have a permit? Is it renewed each year?

Comment [m4]: What happens to unpaid bills? Are they sent to collections like Fire?

8	$150
9	$150
10	$250
11	$250
12	$250
13	$500
For Each Alarm 14 and Greater (over 13) in a Calendar Year	$500 Per Alarm

SECTION 2. The Fee Schedule of the City of Reading is also amended in accordance herewith.

SECTION 3. All other provisions of Chapter 5 of the City of Reading Codified Ordinance shall remain effective.

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

SECTION 5. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are herby repealed.

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

Enacted _____, 2010

_____
President of Council

Attest:

_____
City Clerk

(Business Analyst & Council Staff)

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____

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. *<u>Property owners to provide City with insurance information</u>. 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. <u>Annual License Fee</u>. 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	***Second Reading***	***Third Reading***
(December 13, 2006)	*(December 28, 2006)*	*(December 28, 2006)*
Presented Graham	*Presented Graham*	*Presented Graham*
Seconded Mundie	*Seconded Mundie*	*Seconded Mundie*
Gabos Y	*Gabos Y*	*Gabos Y*
Graham Y	*Graham Y*	*Graham Y*
Mundie Y	*Mundie Y*	*Mundie Y*
Nilles Y	*Nilles Y*	*Nilles Y*
Yannuzzi Y	*Yannuzzi Y*	*Yannuzzi Y*

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 COD E 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:

(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 COD E 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.)

BILL NO. _____

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY ADDING A NEW PART 8 TO CHAPTER 6 - CONDUCT REGULATING THE REAL ESTATE ADVERTISEMENTS FOR REAL ESTATE FOR SALE IN THE CITY.

WHEREAS, the City of Reading is a community enjoying many advantages such as affordable housing; and

WHEREAS, the growth of rental housing has increased the pressure on the City's neighborhoods and housing and has put additional strain on our stable residential neighborhoods; and

WHEREAS, the conversion of single family homes and other properties to rental properties has increased quality of life problems such as overcrowding, excess noise, traffic congestion, lack of parking, trash, poor property maintenance and deterioration of housing stock; and

WHEREAS, the City of Reading City Council continues to (1) strengthen the enforcement of the housing and occupancy regulations on rentals and pursue legal action when necessary; (2) increase inspection staff and increase fees so that the inspection program becomes self-supporting; (3) continue to use code enforcement, legislation and appropriate zoning to protect single family residences; and (4) discourage the further conversion of single family homes to rentals; and

WHEREAS, the City of Reading has received complaints regarding advertisements claiming single family dwellings located in the City of Reading could be converted for rental use; and

WHEREAS, the following ordinance will prohibit certain language used in the advertisement of properties for sale in the City of Reading.

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

SECTION 1. Amending the Codified Ordinances of the City of Reading by adding a new Part 8 to Chapter 6 – Conduct regulating the real estate advertisement of properties for sale in the City of Reading.

SECTION 2. Declaration of Purpose. The City of Reading City Council finds that the overabundance of the rental properties in the City is increasing quality of life problems and complaints such as congestion, lack of available parking, noise, increased traffic, trash, etc. Council and the Administration continue to strengthen enforcement efforts on housing problems, including placing a moratorium on the conversion of single family dwellings to multi-family rentals. Council has had complaints and has seen real estate advertisements informing prospective buyers that properties could easily be converted to multi-family rental properties. Therefore, to protect the quality of life of the City's residential neighborhoods Council, through enactment of this ordinance, restricts certain advertisement practices.

SECTION 3. Prohibiting those selling properties in the City of Reading from using any language that infers or states that these properties be converted to a use that contradicts the City's Zoning Code.

SECTION 4. Requiring the those selling all properties in the City of Reading to alert the potential buyer about requirements pertaining to requirements contained in the City's Codified Ordinances to include but not limited to Chapter 4 Buildings - Historical Districts and Chapter 27 – Zoning.

SECTION 5. Penalty. Failure to comply with the terms of this ordinance shall result in a fine in an amount of no less than $1,000.

SECTION 6. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted_____, 2007

_____
President of Council

Attest:

_____
City Clerk

(Councilors Goodman-Hinnershitz and Waltman)

Submitted to Mayor: _____
Date: _____

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

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____