



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, JULY 12, 2010
7:00P.M.**

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Quentin Wallace, St. Matthew United Methodist Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. **MINUTES:** Council Meeting of June 28, 2010

B. **AGENDA:** Council Meeting of July 12, 2010

5. Consent Agenda Legislation

A. Resolution - authorizing the City of Reading to utilize previously unobligated Community Development Block Grant funds (CDBG) for street and infrastructure improvements eligible under United States Department of Housing and Urban Development (HUD) Community Development Block Grant regulations (**Com Dev**)

B. Resolution - authorizing advertising, posting, scheduling of a hearing and requesting comments from County and City of Reading Planning Commission regarding request from Quaker Maid to rezone 524 Arlington Street, 513 Crestmont Street, 512 Arlington Street, 514 Arlington Street, 520 Arlington Street, 522 Arlington Street, and 525 Crestmont Street from R-2 Zoning District to MC Zoning District (**Law**) *To be distributed Monday*

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill 29 - 2010 - re-enacting Local Revitalization Tax Assistance (LERTA) Program for the City of Reading as Codified in Part 7 Subpart B of Chapter 24 of the City of Reading Codified Ordinances and amending the same (**Law/Community Development**) *Introduced at the June 15 regular meeting*

B. Bill 30 - 2010 - authorizing the Mayor to execute any and all documents required to effectuate the transfer of ownership of certain premises situate in Ontelaunee Township, Berks County, PA from the City of Reading to Ontelaunee Township (**Law**) *Introduced at the June 15 regular meeting*

C. Bill 31 - 2010 – setting forth the salary of the Director of Administrative Services (**Law**) *Introduced at the June 15 regular meeting*

D. Bill 32 -2010 - re-enacting residential tax abatements for the City of Reading as codified in Part 7 Subpart A of Chapter 24 of the City of Reading Codified Ordinances and amending the same (**Law**) *Introduced at the June 28 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – establishing a four-way stop intersection at N. 13th St and Greenwich St in the City of Reading, Pennsylvania (**Public Works**)

B. Ordinance – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania (**Public Works**)

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 25 Trees, Part 25-104 Administration, Section 5 C by modifying the removal process for members of the Shade Tree Commission (**Council Staff**)

D. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section I GPU Stadium Commission by adding the removal process for members of the Stadium Commission and renumbering as necessary (**Council Staff**)

E. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section A Park and Recreation Advisory Committee by modifying the removal process for members of the Park and Recreation Advisory Committee (**Council Staff**)

F. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section C Human Relations Commission by adding the removal process for members of the Human Relations Commission (**Council Staff**)

G. 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 (**Bus Analyst**)

H. 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 (**Bus Analyst**)

I. 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 (**Bus Analyst**)

J. Ordinance - amending the City of Reading Codified Ordinances Chapter 10 Part 18 by creating a Mobile Vendors Section which includes licensing requirements, design and operation standards, an Appeal Board and procedures, penalties as well as renumbering the Sections as required, as attached in Exhibit A (**Law**)

K. Ordinance - amending City of Reading Zoning Map to rezone 524 Arlington Street, 513 Crestmont Street, 512 Arlington Street, 514 Arlington Street, 520 Arlington Street, 522 Arlington Street, and 525 Crestmont Street from R-2 Zoning District to MC Zoning District **(Law) To be distributed Monday**

L. Ordinance - authorizing the amendment of the 2010 Expenditure Budget for the Wastewater Treatment Plant as attached in Exhibit A **(Finance Dir)**

M. Ordinance – establishing a change in the direction of traffic from two-way to one-way on South 14th Street in the City of Reading, Pennsylvania **(Law)**

N. Ordinance – establishing a new speed limit of 25 MPH for Schuylkill Avenue in the City of Reading, Pennsylvania **(Law)**

Pending Legislation

Ordinance – approving the enactment of the new City of Reading Zoning Ordinance. *Due to the size of the ordinance the summary is attached to the agenda. A full copy of the ordinance and the proposed map can be accessed on the City's website at www.readingpa.gov under the Info & Downloads tab* **Introduced at the June 28 regular meeting – PUBLIC HEARING SCHEDULED FOR TUESDAY, JULY 20TH AT 5 PM IN COUNCIL CHAMBERS**

11. RESOLUTIONS

A. Resolution 67-2010- confirming Carl E. Geffken as Director of Administrative Services in accordance with Article VI, Section 603 of the City of Reading Home Rule Charter as amended **(Law) Tabled at the June 28 regular meeting**

B. Resolution – approving the reaffirmation of the height variance initially granted to Big Springs, Inc., by the Zoning Hearing Board **(Law) To be distributed Monday**

C. Resolution – reappointing Lisa Blount to the Human Relations Commission **(Admin Oversight)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, July 12

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, July 19

Finance Committee – Council Office – 5 pm

Public Works Committee- Council Office – 5 pm

Work Session – Penn Room – 7 pm

Tuesday, July 20

Zoning Ordinance public hearing – Council Chambers – 5 pm

Monday, July 26

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, July 12

Fire Civil Service Board – Penn Room – 4 pm

Shade Tree Commission – Planning Conference Room – 6 pm

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

Tuesday, July 13

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, July 14

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, July 15

Dare 2 Care – Bethel AME Church – 5:30 pm

Blighted Property Review Committee – Council Office – 6 pm

Southeast People's Voice – St. John's UCC – 6 pm

Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, July 16

Fire Pension Board – Penn Room – 10 am

Saturday, July 17

Minority Business Procurement Board – Penn Room – 2 pm

Monday, July 19

Library Board – 113 S 4th St – 4 pm

Tuesday, July 20

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, July 21

Officers and Employees Pension Board – Penn Room – 1:30 pm

Fire Diversity Board – Penn Room – 4:30 pm

Redevelopment Authority – Redevelopment Office – 5:30 pm

Centre Park Historic District – Member's Home – 7:30 pm

Thursday, July 22

Water Authority Meeting – Penn Room – 4 pm

Monday, July 26

DID Authority – Reading Eagle 3rd Floor Conference room – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

CITY COUNCIL MEETING MONDAY, JUNE 28, 2010

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Reverend Phillip Keevil representing First Presbyterian Church.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Mayor T. McMahon
Interim Managing Director C. Geffken
City Auditor D. Cituk
City Clerk L. Kelleher
Sergeant at Arms, Captain R. Schaeffer
Mayor's Assistant, F. Denbowski
Deputy City Clerk, S. Katzenmoyer

PROCLAMATIONS AND PRESENTATIONS

There were no proclamation or presentations made at this meeting.

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen is registered to address Council on agenda matters. He reminded the citizen of the public speaking rules.

Paul Skavrla, of South Third Street, expressed the belief that the quality of life ticketing ordinance is not citizen friendly but is unfair and may act as a deterrent for property owners. He expressed the belief that property owners should be given some leeway in performing property maintenance projects.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes from the June 11th Special meeting and the minutes from the June 15th regular meeting of Council. He stated that the agenda for this meeting requires one addition, as follows:

Resolution – authorizing the application for a \$9.5M H2O PA Grant for the Waste Water Treatment Plant

Councilor Sterner moved, seconded by Councilor Acosta, to approve the minutes from the June 11th special meeting and the minutes from June 15th regular meeting and the agenda, as amended. The motion was approved unanimously.

ADMINISTRATIVE REPORT

Interim Managing Director Geffken highlighted the report distributed to Council at the meeting covering the following:

1. Response to contract proposal from the IAFF Local 803 for the 2011-2015 contract period as per Act 111
2. Description of the purpose of the quality of life ticketing ordinance
3. Update of the implementation of the financial recovery plan
4. PILOT program scheduled for South of Penn neighborhoods for the solar trash compactors.

Councilor Waltman expressed his hope that the Administration will make the quality of life ticketing process a part of a comprehensive Codes Enforcement plan.

AUDITOR'S REPORT

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

1. 2010 Admissions Tax Collection
2. Update on Tax Exempt Properties within the City

REPORT FROM ENVIRONMENTAL ADVISORY COUNCIL

Council President Spencer announced that the Environmental Advisory Council members Harriet Rauenzahn, David Beane, Esq. and Dr. Brian Jennings will be highlighting their annual report distributed earlier.

Ms. Rauenzahn stated that the EAC's main function is to educate the public and offer aid and advice to the City on environmental issues. She highlighted the EAC members and their support staff. She also stated that over the course of the past year the EAC has assisted with issues such as the Bushong Dam, Bernhart's Park, billboards, etc.

Attorney Beane noted the EAC's desire to seek Council's approval to develop a strategic plan in conjunction with the Berks Conservancy. He also noted the EAC's desire to obtain Council comment about their needs moving forward.

Dr. Jennings described the new initiative to educate Reading elementary school students and develop an appropriate curriculum with the help of Albright College students.

Councilor Waltman suggested that the EAC assess various recycling initiatives County-wide for large materials and various hazardous fluids.

Councilor Goodman-Hinnershitz thanked the EAC for their work overall. She noted their invaluable assistance to the City on the Bernhart's issue. She also agreed with the need

to assess various environmental and recycling programs along with issues pertaining to the City's storm water system.

Councilor Reed also thanked the EAC for their work on outreach and education. She suggested that the EAC improve their educational outreach regarding the various City owned dams.

Mayor McMahon invited the EAC to assist in developing the Angelica program. He thanked the EAC for their efforts. Ms. Rauenzahn asked Mayor McMahon to contact Council staff to make meeting arrangements pertaining to the Angelica program.

Councilor Goodman-Hinnershitz suggested the EAC conduct an outreach education on the dangers in swimming in rivers.

Council President Spencer thanked the EAC for their excellent work and outreach efforts.

ORDINANCES FOR FINAL PASSAGE

Bill No. 28-2010 - establishing a quality of life violation ticket process for violation of specifically identified City Code provisions by amending Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances by adding a Part 14 (**Police**)

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 28-2010.

Councilor Goodman-Hinnershitz expressed her belief in the quality of life ticketing ordinance and noted her hope that it will be implemented with a well rounded education and outreach process.

Councilor Reed expressed her in-part agreement with comments made by Mr. Skavrla and expressed her hope that the Administration would not use this ordinance in a punitive manner, but in a way that will encourage the overall improvement with the maintenance of properties and enhancement of property values.

Bill 28-2010 was enacted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance -re-enacting residential tax abatements for the City of Reading as codified in Part 7 Subpart A of Chapter 24 of the City of Reading Codified Ordinances and amending the same (**Law**)

B. Ordinance – approving the enactment of the new City of Reading Zoning Ordinance. ***Due to the size of the ordinance the summary is attached to the agenda. A full copy of the ordinance and the proposed map can be accessed on the City's website at www.readingpa.gov under the Info & Downloads tab***

RESOLUTIONS

A. Resolution 67-2010 - confirming Carl E. Geffken as Director of Administrative Services in accordance with Article VI, Section 603 of the City of Reading Home Rule Charter as amended (Law)

Councilor Acosta moved, seconded by Councilor Marmarou, to table Resolution No. 67-2010.

Resolution No. 67-2010 was tabled by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

Council President Spencer stated that the resolution was tabled and will be considered on the evening the corresponding ordinance completes it's layover period.

B. Resolution 68-2010 That the Stipulation to Amend Decision of the City of Reading Zoning Hearing Board, attached hereto as Exhibit "A," in resolution of the matter of Reading Parking Authority, Appellant v. Zoning Hearing Board of the City of Reading, Appellee and Greater Berks Development Fund and the City of Reading, Interveners, Berks County Court of Common Pleas Docket No. 09-13041 Civil Action – Land Use Appeal is approved (Law)

Councilor Acosta moved, seconded by Councilor Marmarou, to adopt Resolution No. 68-2010.

Resolution No. 68-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

C. Resolution 69-2010 – authorizing the application for a \$9.5M H2O PA Grant for the Waste Water Treatment Plant.

Interim Managing Director Geffken explained that the City is seeking H2O PA Grant assistance for components of the Waste Water Treatment Plant project.

Resolution No. 69-2010 was adopted by the following vote:

Yea: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President - 7.

Nay: None- 0.

COUNCIL COMMENT

Councilor Marmarou noted the improper installation of a stop sign on N. 13th at Richmond Street. He described the problems caused by the installation without the proper public

notice. He also noted Councilor Acosta's lengthy attempt to obtain improved traffic control at 5th and Bingaman Streets.

Councilor Waltman noted the success of the Centre Park Garden Tour that occurred over the past weekend. He noted the great success overall of the Centre Park Historic District.

Councilor Goodman-Hinnershitz announced the July 1st opening of The Last Airbender at the IMAX theater. She stated the film has various special effects and described the special discounted tickets.

Council President Spencer expressed his belief in the quality of life ticketing ordinance as he believes it will help improve property maintenance overall. He noted that one improperly maintained property can bring down an entire neighborhood.

Council President Spencer noted the community outreach program and efforts of John Gilmore and Chad Henne who are professional football players.

Council President Spencer announced the upcoming Council meeting schedule.

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

Linda Kelleher CMC, City Clerk

Resolution No. _____

RESOLUTION AUTHORIZING THE CITY OF READING TO UTILIZE PREVIOUSLY UNOBLIGATED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) FOR STREET AND INFRASTRUCTURE IMPROVEMENTS ELIGIBLE UNDER UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS:

WHEREAS the City of Reading is an eligible recipient of U.S. Department of Housing and Urban Development Community Development Block Grant Funds; and

WHEREAS, after reviewing expenditures of previous years' Community Development Block Grant Funds, the City of Reading has determined that there are approximately \$800,000 in unexpended funds from previous program years available for eligible program activities; and

WHEREAS, the City of Reading has identified the improvement of streets and infrastructure in eligible areas of the City of Reading to be a desired and eligible use of said programs funds;

NOW THEREFORE BE IT RESOLVED, that the City of Reading hereby authorizes the Mayor, as Chief Elected Officer for the City of Reading and/or his duly appointed staff, to take action as is necessary and appropriate to utilize the \$800,000 in unexpended Community Development Block Grant Funds identified in this resolution for the purpose of street and related infrastructure improvements in eligible areas of the City of Reading.

PASSED COUNCIL _____, 2010

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

BILL NO. _____

**AN ORDINANCE RE-ENACTING LOCAL REVITALIZATION TAX ASSISTANCE
(LERTA) PROGRAM
FOR THE CITY OF READING AS CODIFIED IN PART 7 SUBPART B
OF CHAPTER 24 OF THE CITY OF READING CODIFIED ORDINANCES
AND AMENDING THE SAME**

WHEREAS, by Ordinance 107-1985 adopted on 12/31/1985 as re-enacted by Ordinance 1110-1987 on 1/6/1988, as amended Council for the City of Reading adopted a Tax Abatement Program known as the Reading Local Economic Revitalization Tax Assistance Ordinance or Reading LERTA Ordinance and

WHEREAS, the City of Reading wishes to re-enact and amend the Reading LERTA Ordinance

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

SECTION 1 The Reading LERTA Ordinance codified in Chapter 24 Part 7 Subpart B is hereby re-enacted as amended herein

SECTION 2 The Reading LERTA Ordinance is hereby amended as follows:

§24-725 Exemption Schedule, Termination for Tax Delinquency.

A portion of the assessment of a property attributable to new construction or improvements to deteriorated property as determined by the Assessment Agency to be exempted from taxation each year for ten years shall be in accordance with the schedule below:

YEAR	PERCENTAGE EXEMPTED
First	100
Second	90
Third	80
Fourth	70
Fifth	60
Sixth	50
Seventh	40
Eighth	30
Ninth	20
Tenth	10

After the tenth year, the exemption shall terminate.

§24-726. Exemption Procedure; Applicable Schedule.

1. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City at the time a building permit is secured, ~~but in no event shall a request for tax exemption be accepted any later than 6 months after the Berks County~~

~~Board of Assessment Appeals has issued their assessment on the new construction or improvement.~~ **or if no building permit or other notification of improvements is required, at the time s/he commences construction.**

§ 24-729 Termination

Unless otherwise repealed by Council, this Part shall terminate December 31, 2020. Any property tax exemption created under the provision of this Part shall be permitted to continue event if this Part expires or is repealed.

SECTION 3 All other provisions of Chapter 24 Part 7 Subpart B Reading LERTA Ordinance are hereby re-enacted.

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

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

Adopted _____, 2010

Council President

Attest:

City Clerk

BILL NO. _____-2010

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF CERTAIN PREMISES SITUATE IN ONTELAUNEE TOWNSHIP, BERKS COUNTY, PA FROM THE CITY OF READING TO ONTELAUNEE TOWNSHIP.

WHEREAS, the City of Reading is interested in conveying ownership of certain property situate in Ontelaunee Township, Berks County, Pennsylvania (See attached diagram.); and

WHEREAS, the Ontelaunee Township is willing to purchase said premises for a certain sum of \$8,500.00 per acre; and

WHEREAS, the City of Reading finds that acquisition of subject premises by Ontelaunee Township pursuant to said condition is acceptable.

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

1. **SECTION 1.** The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of certain premises situate in Ontelaunee Township, Berks County, Pennsylvania, from the City of Reading to Ontelaunee Township for the purchase price of \$8,500.00 per acre.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted _____, 2010

President of Council

Attest:

City Clerk

BILL NO._____

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE DIRECTOR OF ADMINISTRATIVE SERVICES

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

SECTION 1. The salary of the Director of Administrative Services, Carl E. Geffken, shall be NINETY-FIVE THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$95,550.00) per annum, payable in equal bi-monthly installments, or as otherwise provided for by ordinance.

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

SECTION 3. This Ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted by Council_____, 2010

President of Council

Attest:

City Clerk

BILL NO. _____

**AN ORDINANCE RE-ENACTING RESIDENTIAL TAX ABATEMENTS
FOR THE CITY OF READING AS CODIFIED IN PART 7 SUBPART A
OF CHAPTER 24 OF THE CITY OF READING CODIFIED ORDINANCES
AND AMENDING THE SAME**

WHEREAS, by Ordinance 97-1985 adopted on 12/18/1985 as re-enacted by Ordinance 110-1987 on 1/6/1988, as amended, Council for the City of Reading adopted a Tax Abatement for Rehabilitation and New Construction of Residential Properties known as the Reading Residential Tax Abatement Ordinance and

WHEREAS, the City of Reading wishes to re-enact and amends the Reading Residential Tax Abatement Ordinance

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

SECTION 1 The Reading Residential Tax Abatement Ordinance codified in Chapter 24 Part 7 Subpart A is hereby re-enacted as amended herein

SECTION 2 The Reading Residential Tax Abatement Ordinance is hereby amended as follows:

§24-703 Definitions

IMPROVEMENT - repair, construction or reconstruction commencing after the effective date of this Part, including alterations and additions, having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health or amenity, or is brought into compliance with laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement. **Improvement shall include construction to convert a multifamily structure to a single family building, if the multi family structure had originally been designed and built to serve as a single family house.**

OWNER - any person having a legal or equitable interest in the property as recorded in the official records of the State, County or Municipality as holding title to the property;

§24-705 Exemption Schedule Relating to Improvements to Deteriorated Property in Deteriorated Neighborhoods.

1. The portion of the assessment of a property attributable to improvements as determined by the assessment agency to be exempted from taxation each year for ~~five~~ ten years shall be in accordance with the schedule below:

YEAR	PERCENTAGE EXEMPTED
First	100
Second	90
Third	80
Fourth	70
Fifth	60
Sixth	50
Seventh	40
Eighth	30
Ninth	20
Tenth	10

After the ~~five~~ tenth year, the exemption shall terminate.

§24-706. Exemption procedure and Applicable Schedule Relating to Improvements to Deteriorated Property in Deteriorated Neighborhoods.

1. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City at the time a building permit is secured, ~~but in no event shall a request for tax exemption be accepted any later than 6 months after The Berks County Board of Assessment Appeals has issued their assessment on the improvement~~ or if no building permit or other notification of improvements is required, at the time s/he commences construction.

§24-708 Exemption Schedule Relating to New Residential Construction in Deteriorating Areas; Termination for Tax Delinquency.

The eligible assessed valuation of the property attributable to new residential construction as determined by the assessment agency to be exempted from taxation each year for 3 years, shall be in accordance with the schedule below:

YEAR	PERCENTAGE EXEMPTED
First	100
Second	100
Third	100

After the third year, the exemption shall terminate

§24-709. Exemption Procedure and Applicable Schedule Relating to New Residential Construction in Deteriorating Areas.

1. Requests for tax exemption as herein provided shall be made in writing on a form provided by the City, the form shall be submitted at the time the person desiring tax exemption secures the building permit or at the time he commences construction, ~~but in no event shall request for tax exemption be accepted any later than the date the structure is assessed for tax purposes.~~

§ 24-712 Termination

Unless otherwise repealed by Council, this Part shall terminate December 31, 2020. Any property tax exemption created under the provision of this Part shall be permitted to continue event if this Part expires or is repealed.

SECTION 3 All other provisions of Chapter 24 Part 7 Subpart A Reading Residential Tax Abatement Ordinance are hereby re-enacted.

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

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

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT N. 13TH ST AND GREENWICH ST IN THE CITY OF READING, PENNSYLVANIA

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

SECTION ONE. Intersection of North 13th Street and Greenwich Street is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP INTERSECTION AT N. 13TH ST AND RICHMOND ST IN THE CITY OF READING, PENNSYLVANIA

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

SECTION ONE. Intersection of North 13th Street and Richmond Street is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE _____ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 25 TREES, PART 25-104 ADMINISTRATION, SECTION 5 C BY MODIFYING
THE REMOVAL PROCESS FOR MEMBERS OF THE SHADE TREE COMMISSION**

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 25, Trees, Part 25-104, Section 5 C by modifying the removal process for members of the Shade Tree Commission as follows:

Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

1 Regulation by City - see Third Class City Code, §2403(18), 53 P.S. §37403(18).
Shade Tree Commission - see Third Class City Code, §3801 *et seq.*, 53 P.S. §38801 *et seq.*
Payment for Trees by Property Owner - see Third Class City Code, §3807, 53 P.S. §38807.
Maintenance by City - see Third Class City Code, §3809, 53 P.S. §38809.
25-3

PART 1

SHADE TREES

§25-101. Title and Short Title.

1. This Part shall be known and may be cited as the "Reading City Shade Tree Ordinance" hereinafter referred to by short title as the "Shade Tree Ordinance."
2. The official map on file in the planning Division is hereby declared to be a part of this Part and shall be known, and may be cited, as the "Reading City Master Shade Tree Plan Map" hereinafter referred to by short title as the "Shade Tree Map." [Ord. 14-2001] (Ord. 42-1973, 9/12/1973, Art. I; as amended by Ord. 14-2001, 5/29/2001)

§25-102. Purposes.

The purposes of this Part are as follows and they shall be liberally construed to promote and advance the general welfare of the City:

- A. To guide and regulate the orderly growth and development of vegetation on or near public areas in accordance with the Shade Tree Map and with long term objectives, principles and standards deemed beneficial to the interest and welfare of the people of the City.
- B. To protect the character and the social and economic value of both private and public property.
- C. To preserve and enhance the visual character and natural beauty of the City.
- D. To restore, insofar as is possible, a healthy natural environment including but not limited to photosynthesis, underground water stability, surface runoff stability, the reduction of noise, the filtration of pollutants, such as ozone, sulfur dioxide particulate matter, etc., and the propagation of animal life.
(Ord. 42-1973, 9/12/1973, Art. II)

§25-103. Definitions.

1. **Intent.** For the purposes of this Part, all words used in the present tense include future tense and all words used in the future tense include present tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the sentence dictates otherwise. The word

"shall" is mandatory and not directory. The word "located" includes "designed, intended or arranged to be located."

2. Specific Words and Phrases Defined.

CARTWAY - that portion of the right of way located between curblines.

CITY - the City of Reading.

COMMISSION - the Shade Tree Commission of the City of Reading.

COMMISSIONER - a member of the Shade Tree Commission.

COUNCIL - the governing body of the City of Reading.

CURBLINES - the lines in the right of way, constructed or proposed, which separate the portion of the public right of way dedicated to vehicular traffic from that portion dedicated to pedestrian traffic. The official City map on file in the office of the City Engineer shall be the final authority on the location of curblines should a dispute arise.

DIRECTOR OF FINANCE - the Director of Finance of the City of Reading. [Ord. 14-2001]

PEDESTRIAN WAY - that portion of the public right-of-way which exists between the curbline and the property line.

PERMIT, SHADE TREE - a certificate issued by the Shade Tree Commission Council or its designee for the planting, transplanting, cutting, trimming or removal of any shade tree governed by the provisions of this Part, or for the fastening of any sign, wire, rope or other materials to, around or through any tree, or for the deposition, placement, storage or maintenance of any stone, brick, sand, concrete or other material which might impede the free passage of water, air or fertilizer to the roots of any tree governed by the provisions of this Part. In this Part, when the word "permit" appears alone, the word shall be construed to mean shade tree permit.

PERMIT, SIDEWALK - a certificate issued by Council or its designee for the construction, reconstruction, modification or removal of any sidewalk governed by the provisions of the Reading City Sidewalk Ordinance [Chapter 21, Part 5]. ~~Council, may, at its option, allow a sidewalk modification under the shade tree permit, insofar as such sidewalk modification is necessary for the planting, transplanting, removal or protection of any tree governed by the provisions of this Part.~~ **Move to NEW Section 917.21**

PERSON - any individual, firm, association, company or corporation, public or private.

PROPERTY LINE - any of the lines forming the front, rear and sides of lots as described in the recorded title.

PUBLIC AREA - any public right of way, park or other publicly owned property.

PUBLIC RIGHT-OF-WAY - the total width of any land reserved or dedicated to the public use including any street but not including alleys or utility easements. Streets may be commonly known as boulevards, highway, places, terraces, avenues or other similar terms. The official topographic survey map of Reading, Pennsylvania, on file in the office of the Director of Public Works shall be the final authoritative document should the existence of any street, dedicated or not be disputed. [Ord. 14-2001]

SHADE TREE - any tree located in ***the front or street-view of*** any public area, herein defined, or which at maturity would protrude into a public area, or to any tree located on property of special interest to the City by right of the Zoning Ordinance [Chapter 27] or any other ordinance.

SHADE TREE ADMINISTRATIVE OFFICER - the person or persons charged by Council with the enforcement of this Part.

STREET LINE - the street line is that line determining the limit of vehicular right, either existing or contemplated, in a public right of way. Specifically, the street line is that line separating the cartway from the pedestrian way. The street line may also be referred to as the curb line. (Ord. 42-1973, 9/12/1973, Art. III)

§25-104. Administration.

1. **Enforcement.** The provisions of this Part shall be administered and enforced by the Shade Tree Administrative Officer or officers of the City who shall be appointed by the Mayor subject to the approval of Council. It shall be the duty of the Shade Tree Administrative Officer or officers to cause any premises to be inspected or examined and to order in writing the remedying of any conditions found to exist in violation of any provisions of this Part and to issue permits in accordance with this Part.

2. Relief from Personal Responsibility.

A. The Shade Tree Administrative Officer, or any employee charged with the enforcement of this Part, while acting for the City, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties shall be defended by the legal representative of the City.

B. In no case shall the Shade Tree Administrative Officer be liable for costs in any action or suit or proceeding that may be instituted in pursuance of the provisions of this Part when he and/or his subordinates perform their duties in good faith and without malice.

3. **Permits.** In no case shall a shade tree permit be issued for planting, transplanting, cutting, trimming or removing any tree or for the fastening of any sign, wire, rope or other materials to, around, or through any shade tree where such activity would be in violation of any provision of this Part.

A. When a Permit is Required. No person shall plant, transplant, cut, trim or remove any shade tree, nor shall they cause to be planted, transplanted, cut, trimmed or removed, any shade tree without first obtaining a permit to do so. Nor shall any person fasten, or cause to be fastened, any sign, wire, rope or other materials, to, around or through any shade tree without first obtaining a permit to do so. Nor shall any person deposit, place, store or maintain any stone, brick, sand, concrete or other material which may impede the free passage of water, air or fertilizer to the roots of any shade tree without first obtaining a permit to do so. Nor shall any person break, injure, mutilate, kill or in any other way harm any shade tree, nor move any building or other object on or over any public street or public right-of-way in such a manner as to damage or injure any shade tree without first obtaining a permit to do so.

B. Conditions Attached to Permits. As a condition to any permit to remove any shade tree, the City may require that the applicant plant, at his own expense, another tree in place of the one removed. The Shade Tree Commission in such case shall direct the type, size and location of the tree to be planted and the time within which the work shall be done. As a condition to any permit to move any building or object on or over any public street or other public right of way, the City may require the applicant to furnish bond in an amount sufficient to cover any damage or injury to any shade tree caused by the applicant or his agent(s) and it may direct the route of any such moving so as to minimize damage or injury to shade trees.

C. Who Shall Apply. The application for a shade tree permit shall be made by the owner or lessee, or the agent of either, of the real estate on which such tree is located or, if such tree is located on a public right-of-way, the application shall be made by the owner or lessee, or the agent of either, of the real estate nearest the tree. This provision may be waived by the Commission when the work is done at the direction of, and carried out by a City agency in behalf of, the Commission.

D. Revocation of Permit. The Shade Tree Administrative Officer may revoke a permit or approval issued under the provisions of this Part in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

E. Nullification of Permit. Any permit issued in conflict with the provisions of this Part shall be null and void and may not be construed as waiving any provision of this Part.

F. Form of Permit Application. The permit application shall be on a form prepared by the Commission.

G. Fees. The fee for the shade tree permit, if any is deemed necessary, shall be set by resolution of Council.

4. Records.

A. It shall be the duty of the Shade Tree Administrative Officer to keep a record of all applications for shade tree permits and a record of all permits issued. He shall file and safely keep copies of all plans submitted and these shall form part of the records of his office.

B. The Officer shall prepare a quarterly report for Council summarizing for the period since his last previous report all shade tree permits issued and all complaints of violation and the action taken by him consequent thereon.

C. The Shade Tree Commission shall annually report in full to Council, at Council's first stated meeting in October, its transactions and expenses for the last fiscal year of the City.

5. Shade Tree Commission.

A. **Membership.** The Shade Tree Commission is hereby created. Unless otherwise specified, the word Commission when used in this Part shall be construed to mean the Shade Tree Commission of the City of Reading. The Commission shall be composed of not fewer than three nor more than seven residents of the City appointed by resolution of Council upon the recommendation of the Mayor. One Commissioner shall serve for a term of 3 years, one for a term of 4 years and one for a term of 5 years on a Commission of only three residents. If the Commission consists of more than three members, the time sequence provided for a three member commission shall be repeated. On the expiration of the term of any Commissioner, a successor shall be appointed to serve for a term of 5 years. The Commission shall notify Council promptly of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
[Ord. 8-1976]

B. **Organization.** The Commission shall elect from its own membership a chairman, vice-chairman and secretary who shall serve annual terms and who may succeed themselves. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Commission as a whole. The Commission shall keep full public records of its business and shall submit a report of its activities to Council at least once a year.

C. **Removal of Members.** ~~Any Commission member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote.~~ ***Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.***

D. **Expenditures for Services.** Within the limits of funds appropriated by Council, the Commission may employ or contract for secretaries, clerks, legal counsel, consultants and other technical assistance. Members shall serve without compensation except that Council may reimburse Commission members for expenses incurred in the performance of their duties.

E. Notification that Work is to be Performed. Whenever the Commission proposes to plant, transplant or remove shade trees, notice of the time and place of the meeting at which such work is to be considered shall be given in at least one newspaper of general circulation within the City once each week for 2 weeks immediately preceding the time of the meeting, as provided by law. Such notice shall specify in detail the street(s) or other public area(s) or portions thereof upon which trees are proposed to be so planted, transplanted or removed. Any property owners directly affected by such planting, transplanting or removal shall be notified by mail of such meeting at least 1 week prior to the meeting.

(*Ord. 42-1973, 9/12/1973, Art. IV; as amended by Ord. 8-1976, 2/18/1976, §1*)

§25-105. General Regulations.

1. Advice to Council. Council shall consider the advice of the Shade Tree Commission on all matters concerning the application of this Part; thirty days time shall be allowed for the Commission to report to Council. The Commission shall carry out any duties and responsibilities conferred upon it by Council including those herein conferred.

2. Commission Authority. The Shade Tree Commission may plant, remove, maintain and protect such shade trees. The Commission may require the planting or replanting of any shade tree and may direct the size and species as well as the alignment and location of such trees except that the alignment and location of any shade tree shall not prevent necessary and reasonable conduct of business or use of the streets, sidewalks or abutting property. The Commission may designate suitable persons in the employ of the City to aid it in its functions. [*Ord. 68-1995*]

3. Dead or Hazardous Trees. Should any shade tree die or in any other manner present a hazard to the public, it shall be declared a public nuisance by the Shade Tree Commission and the elimination of the hazard or the tree shall be effected pursuant to subsection (7). Notification to the Commission that a hazardous condition exists shall be the responsibility of the owner of the property upon which the hazard exists except that if the hazardous condition exists on a public right of way such notification shall be the responsibility of the owner of the property nearest such hazardous condition. Failure to so notify the Commission, in writing, shall subject the person charged with the responsibility for notifying the Commission to liability for any damages attributable to such hazard. [*Ord. 68-1995*]

4. Responsibility for Costs.

A. The cost of furnishing, planting, transplanting or removing any shade tree(s) or the necessary suitable guards, curbing or grading for the protection thereof, and the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the property on which such tree(s) are located or, if located in a public right-of-way, by the owner of the property nearest such tree(s).

B. Upon the filing of such certificate with Council, the City Clerk shall cause 30 days written notice to be given by certified mail to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and theorize and place of payment, and shall be accompanied by a copy of the certificate. The expense of such notice shall be borne by the City.

C. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with Council and, if not paid within the time stipulated, a claim may be filed and collected in the same manner as municipal claims are filed and collected.

[Ord. 68-1995]

5. Damage to Shade Trees. Should any shade tree be damaged by any person, the City may charge the person causing such damage for repairs to the tree and/or its devaluation. Should any shade tree be destroyed by any person, the City may charge the person causing such destruction for the appraised value of the tree plus the cost of its removal and replacement. Should any shade tree be damaged or felled by storm or other natural occurrence, such tree shall be repaired or removed, including stump, by the owner of the property on which the tree stands or stood, or, if located on a public right-of-way, by the owner of the property nearest the point at which the tree stands or stood. Replacement of such tree shall be made at the discretion of the Shade Tree Commission and at the expense of the owner of the property on which the tree is located, or, if located on a public right of way, at the expense of the owner of the property nearest such tree.

[Ord. 68-1995]

6. Shade Trees as Obstructions. The City shall trim branches from any shade tree overhanging a public right-of-way so that such tree(s) shall not obstruct light from any street light or traffic light, signal or sign, and so that it shall not obstruct the free passage of pedestrian or vehicular traffic over the cartway. It shall be the responsibility of the property owner nearest the shade tree to ensure that such tree does not obstruct the free passage of persons on the pedestrian way.

7. Shade Trees as Public Nuisances. Any shade tree that, in the opinion of the Shade Tree Commission, endangers the life, health, safety or property of the public, or which is afflicted with any contagious disease or insect infestation shall be declared a public nuisance by the Commission, except that when such shade tree presents a clear and present danger to the life, health, safety or property of the public, such declaration may be made by Council, the Chief Building Inspector or the Parks Administrator. The owner of the property on which such tree is located or, if located on a public right of way, the owner of the property nearest the tree shall be notified in writing of the existence of the nuisance and be given reasonable time to effect abatement of such nuisance or removal of such tree at his own expense. If the owner does not effect such abatement or removal of the nuisance within the time specified in the notification, the City shall cause the nuisance to be corrected or removed and the cost thereof shall be assessed to the owner as provided by law. *[Ord. 68-95]*

8. Tree Specifications.

A. The Shade Tree Commission shall plant, or permit to be planted, only those tree species on the approved list on file with the Commission. No tree shall be planted less than 25 feet from a curb intersection of any street or alley or less than 15 feet from any fire hydrant. No tree shall be planted less than five feet from any sewer, water, gas, electric or other line or conduit, except as permitted by the City.

B. The center of all newly planted trees shall be not less than 24 inches from the curblin. An area, open or with tiles, bricks or other materials which allows sufficient passage of air, water and fertilizer, shall be provided around the base of each shade tree; this area shall be not less than 15 square feet. The Commission may, whenever it deems necessary, waive the provisions of this Section.

9. Maintenance by City; Tax Levy.

A. The City may prune any branch that is an obstruction in the cartway. It is the responsibility of the owner of the property nearest the tree to maintain and secure the tree pit, sidewalk and prune the rest of the tree making certain no hazardous conditions exist.

B. The needed amount for City pruning shall each year be certified by the Shade Tree Commission to Council in time for inclusion in the proposed budget ordinance, and the funds provided by Council shall be drawn against, as required by the Commission, in the same manner as money appropriated for City purposes. The Commission may accept and expend contributions to achieve the purposes of this Part.

C. Council may levy a special tax, not to exceed the sum of 1/10 mill on the dollar of the assessed valuation of the property in the City, for the purpose of defraying the cost and expenses incurred by the Commission in the execution of its duties, or it may provide for such expenses by appropriations.

D. It is the responsibility of the owner of the property nearest the shade tree pit to cap empty tree pits and maintain the sidewalk around the tree pit according to the sidewalk standards established by the Department of Public Works. [Ord. 14-2001] [Ord. 68-1995] (Ord. 42-1973, 9/12/1973, Art. V; as amended by Ord. 68-1995, 7/26/1995, §II; and by Ord. 14-2001, 5/29/2001)

E. The property owner shall be responsible for the maintenance, pruning, replacement, and removal of any shade tree located in the front or street-view area of the property.

F. The Public Works Director may issue a sidewalk modification permit under the Shade Tree Permit , insofar as such sidewalk modification(construction, reconstruction, modification or removal) is necessary for the planting, transplanting, removal or protection of any tree governed by provisions of this article.

§25-106. Authority for Ordinance.

This Part is enacted pursuant to the provisions of the Third Class City Code of the Commonwealth of Pennsylvania.
(Ord. 42-1973, 9/12/1973, Art. 600)

§25-107. Interpretation.

All standards set forth in this Part are to be interpreted as minimum standards required. Nothing herein contained shall be construed to prohibit or prevent the use of higher standards.
(Ord. 42-1973, 9/12/1973, Art. 700)

§25-108. Conflict with Other Laws.

Should any provision set forth in this Part be found to conflict with any law of the United States or of the Commonwealth of Pennsylvania, such Federal and/or State laws shall govern and this Part shall be construed accordingly. Such conflict shall not affect the validity of this Part. (*Ord. 42-1973, 9/12/1973, Art. 800*)

§25-109. Violations and Penalties.

1. **Notice of Violation.** The Shade Tree Administrative Officer shall serve a notice of violation of the person in violation of this Part or of a plan approved thereunder or in violation of a permit or certificate issued under the provisions of this Part. Such notice shall direct the abatement of such violation.

2. **Prosecution of Violation.** If the violation is not abated within the time specified in the notice of violation, the Officer may request the City Solicitor to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

3. **Penalties.**

A. **Penalties.** Any person, firm or corporation who shall violate any provision of this Part or who shall fail to comply with any of the requirements thereof or who shall conduct activities in violation of a permit issued under the provisions of this Part, or who shall, without having applied for and received an approved permit, conduct activities for which a permit is required under the terms of this Part, who shall willfully, maliciously or negligently destroy or injure any shade trees shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall be deemed a separate offense. [*Ord. 14-2001*]

B. **Disposition of Penalties or Assessments.** All penalties or assessments imposed under this Part shall be paid to the City Treasurer, to be placed to the credit of the Shade Tree Commission, subject to be drawn upon by the Commission for the purposes authorized in this Part.

(*Ord. 42-1973, 9/12/1973, Art. IX; as amended by Ord. 32-1983, 8/24/1983, §1; and by Ord. 14-2001, 5/29/2001*)

§25-110. Amendments.

Council may, from time to time after public notice and hearing, amend, change or supplement the regulations herein established. Notice shall be published in a newspaper of general circulation within the City at least 14 calendar days in advance of any public hearing. Such notice shall state the time and place of the hearing and shall contain either the full text of the amendment or supplement of a brief summary thereof, and reference to a place within the City where copies of the proposed amendment or supplement may be examined.(*Ord. 42-1973, 9/12/1973, Art. X*)

ORDINANCE _____ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS COMMISSIONS
COMMITTEES AND COUNCILS, SECTION I GPU STADIUM COMMISSION BY ADDING
THE REMOVAL PROCESS FOR MEMBERS OF THE STADIUM COMMISSION AND
RENUMBERING AS NECESSARY**

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards, Departments, Commissions Committees and Councils, Section I GPU Stadium Commission by adding the removal process for members of the Stadium Commission as follows:

Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

I. GPU Stadium Commission.

§1-591. Creation and Members.

A GPU Stadium Commission ("Commission") is hereby created which shall consist of nine qualified electors of the City of Reading ("City") to serve as liaison between the "City" and the Reading Phillies organization.

(Ord. 2-2000, 2/28/2000, §1; as amended by Ord. 32-2006, 4/24/2006, §1)

§1-592. Appointments and Vacancies.

The members of the Commission shall be appointed by the Mayor and confirmed (four affirmative votes) by Council. Two of the members first appointed under this Section shall serve for terms of 1 year, two for terms of 3 years, and three for terms of 5 years, respectively, from the date of the approval of this Section and until their respective successors have been duly appointed. Appointments of successors, in each case, will be for a period of 5 years. Any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments.

(Ord. 2-2000, 2/28/2000, §2)

§1-593. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

§1-594. Compensation.

Members of the Commission shall serve without compensation.

(Ord. 2-2000, 2/28/2000, §3)

§1-595. Officers and Procedural Rules.

The members of the Commission shall elect their own chairman and secretary and select all other necessary officers to serve for a period of 1 year. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction.

(Ord. 2-2000, 2/28/2000, §4)

§1-596. Powers and Duties.

1. The Commission, in cooperation with the City and the Reading Phillies Organization, shall supervise the operation of the GPU Stadium. The Commission will assist the City and the Reading Phillies Organization in identifying the capital needs and repairs for the stadium, as listed in the revised and restated lease agreement dated October 25, 1999, "lease agreement." The Commission shall submit to the Public Works Director and City

Council, no later than July 1 of each year, its recommendation for capital repairs and improvements to the stadium for inclusion in the City's operating budget and 5 year capital plan.

2. The lease agreement transfers the responsibility of the beer sales from the City and the prior Stadium Commission to the Reading Phillies Organization. The \$4,200 retained by the prior Stadium Commission to purchase beer products for the 2000 season shall be placed in an account titled "Stadium Capital." These monies will be expended for the capital repairs to the stadium as identified by the Commission and approved by the Public Works Operations Division Manager, as outlined in the lease agreement. This account will remain independent from all other City accounts and funds and will not be combined with the City's general fund at the end of any fiscal year. The City administration will appropriate a minimum of \$5,000 per year in this account for each fiscal year.

3. The Commission will supply a copy of all meeting minutes to the City Clerk and shall make an annual report to Council on the operations of the Commission.
(*Ord. 2-2000, 2/28/2000, §5*)

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS COMMISSIONS COMMITTEES AND COUNCILS, SECTION A PARK AND RECREATION ADVISORY COMMITTEE BY MODIFYING THE REMOVAL PROCESS FOR MEMBERS OF THE PARK AND RECREATION ADVISORY COMMITTEE

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards, Departments, Commissions Committees and Councils, Section A Park and Recreation Advisory Committee by modifying the removal process for members of the Stadium Commission as follows:

Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

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Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 5

BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS

A. Park and Recreation Citizen's Advisory Committee.

§1-501. Findings and Purpose.

1. **Findings.** The City of Reading has determined that the benefits of municipal recreation and park services offer significant value to the community such as individual opportunities for physical fitness, happiness, creativity, competition, social relationships and character development. Park and recreation also brings a community together and cultivates the City's youth to be responsible and productive citizens.

2. **Purpose.** It is to be declared to be the purpose of this Part 5A to establish a Park and Recreation Advisory Committee to provide citizen input to appointed and elected officials on issues regarding park policies, recreation activities and overall park and recreation planning. (*Ord. 11-2000, 7/24/2000, §1*)

§1-502. Duties and Responsibilities.

The committee shall provide advisory recommendations to the City on matters regarding the City's parks and recreation. The duties and responsibilities are detailed as follows:

- a. Recommend policies for the use of City owned parks, open space and playgrounds.
- b. Provide guidance to the Administration on developing agreements with associations, leagues, athletic groups or other community organizations that use City parks, playgrounds and open space on a regular basis.
- c. Prepare and maintain a 10-year park, recreation and open space plan that includes the following.
 - Maintains a detailed inventory of the City's parks, playgrounds and available open space.
 - Review park and playground improvement and rehabilitation plans and provide input to Public Works
 - Identifies service areas for each of the City's parks and playgrounds based on accessibility to neighborhoods.
 - Establishes priorities for park development and identifies 10 year capital needs.
 - Evaluate and determine existing and future recreation program needs.
 - Identify revenue sources such as grants and user fees to fund recreation activities and implement the park and open space plan.
- d. Provide guidance and feedback to the Superintendent of Recreation on recreation programs and the use of recreation facilities.
- e. Facilitates neighborhood meetings to obtain feedback from the community on park and recreation needs.
- f. Make recommendations to the Public Works Director and to City Council on the naming/renaming of facilities or streets and the dedication of recreational accessories, in accordance with the Policy on the Naming of Public Facilities.

§1-503. Committee Membership.

1. The committee shall consist of a minimum of nine members and two students all of whom shall be residents of the City of Reading. Membership shall be composed of the following.

- One representative from the Reading School District,
- One representative from Olivets-PAL
- One representative from the YMCA,
- One representative from the United Way
- Two representatives from active volunteer park and recreation related associations.
- Three at large members, with consideration given to geographic representation.

a. All members of the committee shall be appointed by the Mayor with the approval of Council

2. The term of each member shall be for a period of 3 years. Members will be appointed to serve staggered terms.

3. All members of the committee shall be appointed by the Mayor with the approval of Council.

4. Chairperson shall be elected annually by committee.

5. The terms of office shall be staggered in such a manner that at least two terms expire annually.

(*Ord. 11-2000, 7/24/2000, §1; as amended by Ord. 34-2001, 9/24/2001, §1*)

§1-504. Meetings.

The committee shall hold regular meetings that occur at least once per month. The committee chair shall prepare an agenda 7 days in advance which shall be distributed to the Mayor, Managing Director, Director of Public Works and City Clerk. (*Ord. 11-2000, 7/24/2000, §1*)

§1-505. Responsibilities of the Superintendent of Recreation.

The Superintendent of Recreation shall be the staff contact with the committee and shall serve as a liaison between the committee, the administration and Council. The Superintendent of Recreation shall perform the following duties:

- A. Advise the committee of the City's strategic goals, needs and budget relating to recreation.
- B. Work with the committee chairperson to develop the monthly meeting agenda.
- C. Prepare and distribute meeting minutes.
- D. Obtain all information and documentation requested of the committee.

E. Prepare an annual report on behalf of the committee, detailing the committee's strategic goals, activities and accomplishments. (*Ord. 11-2000, 7/24/2000, §1*) Bill 9-2002

§1-505. Removal.

~~Members shall be removed automatically if they fail to attend three (3) consecutive meetings without reasonable excuse.~~

Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS COMMISSIONS COMMITTEES AND COUNCILS, SECTION C HUMAN RELATIONS COMMISSION BY ADDING THE REMOVAL PROCESS FOR MEMBERS OF THE HUMAN RELATIONS COMMISSION

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards, Departments, Commissions Committees and Councils, Section A Park and Recreation Advisory Committee by modifying the removal process for members of the Stadium Commission as follows:

Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

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

SECTION 3. This Ordinance shall be effective in ten (10) days, in accordance with Charter Section 219.

Adopted _____, 2010

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 5

BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS

C. Human Relations Commission; Discrimination.⁷⁸

§1-521. Legislative Findings and Declaration of Policy.

1. Legislative Findings.

A. The population of the City consists of people of many races, colors, religions, ancestries, sexual orientations, gender identities or expressions, national origins, ages, sex and familial status. Some suffer from handicaps. Others have previously filed charges of discrimination with the Commission of Human Relations or a similar State or Federal agency. Some of these citizens, for one or more of the above mentioned reasons, are discriminated against in employment opportunities, places of business, public accommodations, resort, recreation and amusement, housing facilities and the obtaining of loans and the extending of credit for housing accommodations. [*Ord. 53-2009*]

B. Discrimination because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous opposition to individual discriminatory practices is contrary to the constitutions, laws and policies of the Commonwealth of Pennsylvania and the United States of America. [*Ord. 53-2009*]

C. Discrimination in employment prevents the gainful employment of segments of the residents of the City, tends to impair the City's productive capacity, reduces the public revenues, imposes substantial financial burden upon the public for relief and welfare, and tends to create breaches of the peace and depressed living conditions which breed crime, vice, juvenile delinquency and disease, and is detrimental to the public safety, economic growth and general welfare of the City.

D. Discrimination in housing results in overcrowded, segregated areas with substandard, unsafe and unsanitary living conditions, which cause increased mortality, disease, crime, vice and juvenile delinquency, fires and risk of fire, intergroup tensions and other evils, all of which increase the cost of government and reduce the public revenues, and result in injury to the public safety, health and welfare of the City.

E. Discrimination in places of public accommodation, resort, recreation, amusement and places of business, causes humiliation, embarrassment and inconvenience to residents and visitors of the City, tends to create breaches of the peace, intergroup tensions and conflicts and similar evils, and is detrimental to the public safety, general welfare and economic growth of the City.

2. Declaration of Policy.⁷

⁸State Human Relations Act - see 43 P.S. §951 *et seq.*

Rental Housing Discrimination - see 35 P.S. §1680.402a.

Service Uniform Discrimination - see 18 Pa.C.S.A. §7323

A. It is hereby declared to be the policy of the City, in the exercise of its powers for the protection of the public safety and the general welfare, for the maintenance of peace and good government and for the promotion of the City's trade, commerce and manufacture, to assure the right and opportunity of all persons to participate in the social, cultural, recreational and economic life of the City and to insure equal opportunity for all persons to live in decent housing facilities, free from restrictions because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination. [Ord. 53-2009]

B. To accomplish these goals, it shall be the public policy of the City to prohibit discrimination because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination in employment, housing and places of business, public accommodation, resort, recreation or amusement. [Ord. 53-2009]
(Ord. 6-2002, 3/13/2002; as amended by Ord. 53-2009, 9/28/2009, §1)

§1-522. Scope.

This Part applies to discriminatory practices including, but not limited to, discrimination in employment, housing and public accommodations, including places of business, which occur within the territorial limits of the City and to employment, contracted for, performed or to be performed within these limits, and to housing accommodations and places of business, public accommodation, resort, recreation and amusement located within the territorial limits of the City.
(Ord. 6-2002, 3/13/2002)

§1-523. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from context:

ACCESSIBLE - with respect to covered multifamily dwellings that the public or common use areas of the building can be approached, entered and used by persons with individual handicaps.

AGE - includes any person 40 and above and shall also include any other person so protected by further amendment to the Federal Age Discrimination in the Employment Act.

AGGRIEVED PERSON - such person or persons who believe that they have been injured or will be injured by a discriminatory employment, housing or public accommodations act or practice that has occurred or is about to occur.

COMMISSION - the Commission of Human Relations established in the office of the Mayor of the City by this Part.

DISCRIMINATE and **DISCRIMINATION** - includes any difference in treatment based on race, color, religion, ancestry, sexual orientation, gender identity or expression, national

origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination. [Ord. 53-2009]

DISCRIMINATORY HOUSING PRACTICE - an act that is either unlawful under the provisions of this Part or is unlawful under §§804, 805, 806 or 818 of the Federal Fair Housing Act, or §§955 or 955(h) of the Pennsylvania Human Relations Act.

EMPLOYER - any person who employs five or more employees, exclusive of the parents, spouse or children of such person, including the City, its department, boards, commissions and authorities, and any other governmental agency within its jurisdiction. The term "employer," with respect to discriminatory practices based on a class protected under this Part, includes religious, fraternal, charitable and sectarian corporations and associations employing four or more persons in the City.

EMPLOYMENT AGENCY - any person regularly undertaking, with or without compensation, to procure opportunities for employment or to procure, recruit, refer or place employees.

FAMILIAL STATUS - one or more individuals, who have not obtained the age of 18 years being domiciled with:

- A. A parent or another person having legal custody of such individual or individuals.
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- C. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FEDERAL FAIR HOUSING ACT - Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3600-3620.

GENDER IDENTITY OR EXPRESSION - the actual or perceived gender identity, appearance, behavior, expression or physical characteristics whether or not associated with an individual's assigned sex at birth. [Ord. 53-2009]

HANDICAP - with respect to a person, a physical or mental impairment which substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

HOUSING ACCOMMODATION - any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a resident by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

LABOR ORGANIZATION - any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms of conditions of employment, or of other mutual aid or protection in relation to employment.

LENDING INSTITUTION - any bank, insurance company, savings and loan association, or any other person regularly engaged in the business of lending money or guaranteeing loans.

NONJOB RELATED HANDICAP or DISABILITY - any handicap or disability which does not substantially interfere with the ability to perform the essential functions of the employment which a handicapped person applies for, is engaged in, or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.

OWNER - includes the owner, co-owner, lessee, sublessee, mortgagee, assignee, manager, agent or any other person having equitable or security interest in any housing accommodation, including the City and its departments, boards, commissions and authorities.

PENNSYLVANIA HUMAN RELATIONS ACT - the Act of 1955, October 27, P.L. 744, No. 222, §1, as amended, 43 P.S. §951 *et seq.*

PERSON - any individual, partnership, corporation, labor organization or other organization or association including those acting in a fiduciary or representative capacity, whether appointed by a court or otherwise. The term "person," as applied to partnerships or other organizations or associations, includes their members, and as applied to corporations, includes their officers.

PUBLIC ACCOMMODATION, RESORT or AMUSEMENT - any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public including, but not limited to, inns, taverns, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or consumption on the premises; bars, stores, parks or anywhere that liquor is sold; ice cream parlors, soda fountains and all stores where beverages of any kind are sold for consumption on the premises; drug stores, clinics, hospitals, swimming pools; barber shops, beauty parlors; retail stores; theaters, movie houses; race courses, skating rinks, amusement, recreation parks and fairs; bowling alleys, gymnasiums shooting galleries and billiard and pool halls; public libraries, kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all education institutions under the supervision of this City; nonsectarian cemeteries; garages and all public conveyances operated on land or water or in the air as well as the stations, terminals and airports thereof; financial institutions; and all City facilities and services including such facilities and services of all political subdivisions thereof; but shall not include any accommodations which are in the nature distinctly private.

REAL ESTATE BROKER - any natural person, partnership, corporation or other association which for a fee or other valuable consideration manages, sells, purchases, exchanges or rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of, the real property of another, or holds itself out as engaged in the

business of managing, selling, purchasing, exchanging or renting the real property of another, or holds itself out as engaged in the business of managing, selling purchasing, exchanging or renting the real property of another, or holds itself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another or collects rent for the use of the real property of another, and includes real estate salesmen or agents or any other person employed by real estate broker to perform or to assist in the performance of his business.

SEXUAL ORIENTATION - actual or perceived heterosexuality, homosexuality or bisexuality. [*Ord. 53-2009*]
(*Ord. 6-2002, 3/13/2002; as amended by Ord. 53-2009, 9/28/2009, §1*)

§1-524. Human Relations Commission.

1. There is hereby established in the City of Reading, under the supervision of the managing director, a Human Relations Commission to administer, implement and enforce the provisions of this Part.
2. The Commission shall consist of nine members each to be appointed by the Mayor for a 4 year term. Commissioners may be reappointed to successive terms of office. Each member of the Commission shall continue to serve after his term until his successor has been appointed and qualified. Vacant seats on the Commission shall be filled within 90 days.
3. The Commission shall elect one of its members as chairman and may elect such other officers as it may deem necessary. The Chairman may, with the approval of the Commission, appoint such committees as may be necessary to carry out the powers and duties of the Commission and the Commission may authorize such committees to take any necessary action for the Commission.
4. The Commission shall adopt such rules and regulations for its own organization, operations and procedures as the Commission shall deem necessary to administer, implement and enforce this Part.
5. The Commission shall hold at least eight meetings during each calendar year. Five members of the Commission shall constitute a quorum for the transaction of business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.
6. The members of the Commission shall serve without compensation but upon resolution of Council, they may be reimbursed for all necessary expenses incurred in the performance of their duties in accordance with appropriations made by Council.
7. In the event no Commissioner shall be able and available to exercise any of the powers or fulfill any of the duties of the Commission as set forth in §1-525, the Mayor may appoint one or more Commissioners temporarily to assume the powers and/or fulfill the duties of

the Commission. Such appointment may be limited in duration of term and in scope of the power and duties of any Commissioner so appointed.
(Ord. 6-2002, 3/13/2002)

8. Removal of Members - Any member may be removed for misconduct or neglect of duty or for other just cause by a majority vote of Council taken after the member has received fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) consecutive regular meetings of the Board will constitute grounds for immediate removal from the Board by City Council. Failure of a member to attend at least 50% of the regular meetings of the Board in a calendar year will constitute grounds for immediate removal from the Board by City Council. The Chairperson of the Board shall inform the City Clerk in writing when a member has failed to comply with this attendance policy. Following such notification, City Council may vote to remove the member and seek applicants to fill the vacant position.

§1-525. Powers and Duties of Commission.

The Human Relations Commission shall have the power and it shall be its duty to:

A. Initiate, receive, investigate and seek the satisfactory adjustment of complaints charging unlawful practices, as set forth in this Part.

B. Issue subpoenas for persons and for documents which may be necessary to properly investigate a complaint of discrimination filed pursuant to this Part. Commissioners may not be subpoenaed to testify, nor may a Commissioner be deposed or otherwise interrogated with respect to any action taken on behalf of the Commission. Any complaint filed under this subsection which the Commission believes may constitute a violation of a law of the United States of America or the Commonwealth of Pennsylvania may be certified to the City Solicitor for such actions as he may deem proper.

C. Hold public hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require the production of evidence relating to any matter under investigation or any question before the Commission, make findings of fact, issue orders and publish such findings of fact and orders and do all other things necessary and proper for the enforcement of this Part.

D. In the performance of its duties, the Commission may cooperate with and, if appropriate, contact interested citizens, private agencies and agencies of the Federal, State and local governments, and enter into such agreements as may be necessary to formalize such relationships.

E. Request staff, provided by the City to the Human Relations Commission, other departments, boards and commissions of the City government to assist in the performance of its duties, and such other departments, boards and commissions shall cooperate fully with the Commission.

F. Hold investigative hearings upon request by Council in cases of racial tension and/or discrimination.

G. Assist in the enforcement of fair practices in City contracts.

H. Render, from time to time, a written report of its activities and recommendations to the Mayor and Council.

I. Adopt such rules and regulations as may be necessary to carry out the purposes and provisions of this Part. Such rules and regulations shall be in writing and be made available to parties upon request.

(Ord. 6-2002, 3/13/2002)

§1-526. Unlawful Employment Practices.

It shall be an unlawful employment practice, except where based upon applicable national security regulations established by the United States, by the Commonwealth of Pennsylvania, or by any political subdivision of the Commonwealth having jurisdiction in the City, or where based upon a bona fide occupational qualification:

A. For any employment to refuse to hire any person or otherwise, to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job related handicap, or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

B. For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job related handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

C. For any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny or to withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, and on the job training program or any other occupational training program because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, non-job related handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

D. For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, nonjob related handicap, or previous filing of a complaint of

discrimination, except when necessary to affirmatively promote minority hiring or promotion. [*Ord. 53-2009*]

E. For any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

F. For any employment agency to fall or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

G. For any employer to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this Part, to any employment agency, employment service, labor organization, training school, training center or any other employee referring source which serves persons who are predominantly of the same race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

H. For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect this status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, nonjob related handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

I. For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this Part or because he had made a complaint or testified or assisted in any manner in any investigation or proceeding under this Part or a substantially similar State and/or Federal law.

J. For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful employment practice by this Part or to obstruct or prevent any person from enforcing or complying with the provisions of this Part or any rule, regulation or order of the Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful employment practice.

K. Notwithstanding any provision of this Section, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ any person on the basis

of the sex or religion of that person in those certain instances where sex or religion is a bona fide occupational qualification because of the religious beliefs, practices or observances of the corporation or association.

(*Ord. 6-2002, 3/13/2002; as amended by Ord. 53-2009, 9/28/2009, §1*)

§1-527. Unlawful Housing Practices.

It shall be an unlawful housing practice except as otherwise provided in this Section:

A. For an owner, real estate broker or any other person to refuse to sell, lease, sublease, rent, assign or otherwise transfer, or to refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation to any person, or to represent that any housing accommodation is not available for any inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise make unavailable any housing accommodation from any person because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person), or previous filing of a complaint of discrimination, or to discriminate against, segregate or assign quotas to any person or group of persons in connection with the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold, or other interest in any housing accommodation or housing accommodations. [*Ord. 53-2009*]

B. For any person, including any owner or real estate broker, to include in the terms, conditions or privileges of any sale, lease, sublease, rental, assignment or other transfer of any housing accommodation any clause, condition or restriction discriminating against, or requiring any other person to discriminate against, any person in the use or occupancy of such housing accommodation because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age or sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

C. For any person, including any owner or real estate broker, to discriminate in the furnishing of any facilities or services for any housing accommodation because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

D. For any person to:

(1) Refuse to permit, at the expense of the handicapped person, the making of reasonable modifications to the existing premises occupied or to be occupied if such modifications may be necessary to afford the handicapped person full enjoyment of the premises, except that, in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for the requested modification on the renter's agreement to restore the interior

of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted.

(2) Refuse to make reasonable accommodations with respect to the rules, policies, practices or services as necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

E. For any person to fail, in connection with the design and construction of multifamily dwellings covered under the provisions of the Federal Fair Housing Act, and after March 13, 1991, to design and construct dwellings in such a manner that such dwellings are not accessible within the meaning of the Federal Housing Act.

F. The dwellings have at least one building entrance on an accessible re-route, unless it is impractical to do so because of the terrain or unusual characteristics of the site:

(1) With respect to a dwelling with a building entrance on an accessible route:

(a) The public use and common portions of the dwellings are readily accessible and usable by handicapped persons.

(b) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.

(c) All premises with covered multifamily dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. As used in this Section, the term "covered family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators and ground floor units in other buildings consisting of four or more units.

G. For any person, including any owner or real estate broker, to publish, circulate, issue or display, or cause to be published, circulated, issued or displayed, any communication, notice, advertisement or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer or listing of a housing accommodation or accommodations which indicates any preference, limitation, specification or discrimination based on race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status or handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person). [*Ord.* 53-2009]

H. For any person, including any bank, banking organization, mortgage company, insurance company or other financial or lending institution, or any agent or employee

thereof, regardless of whether application is made for financial assistance for the purchase, sale, lease, acquisition, brokering, appraisal, construction, rehabilitation, repair, maintenance or the purchasing of loans or providing other financial assistance for purchasing, constructing improving, repairing or maintaining a dwelling or secured by residential real estate of any housing accommodation or housing accommodations:

(1) To discriminate against any person or group of persons because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination of such person or group of persons or of the prospective occupants or tenants of such housing accommodation in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

[*Ord. 53-2009*]

(2) To use any form of application for such financial assistance or to make any record of inquiry in connection with application for such financial assistance which indicates, directly or indirectly, any limitation, specification or discrimination.

I. For any real estate broker or real estate salesman or agent, or any other person for business or economic purposes, to induce, directly or indirectly, or to attempt to induce directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to racial, religious or ethnic composition of the street, block, neighborhood or area in which such housing accommodation is located, or to communicate to any prospective purchaser or renter of a dwelling that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, sex, handicap, or familial status. [*Ord. 53-2009*]

J. For any person to deny another access to, or membership or participation in a multiple listing service, real estate brokers organization, or other service because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or to discriminate with respect to the terms or conditions of such access, membership or participation therein because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

K. For any person, whether or not a real estate broker, real estate salesman or agent, owner or lending institution to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful housing practice under this Part, or to obstruct or prevent enforcement or compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission, or to attempt, directly or indirectly, to commit any act declared by this Part to be an unlawful housing practice.

L. For any person to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Part.

M. For any person, based on the racial or ethnic composition of a community, neighborhood or development, or based on the characteristics of an individual or individuals which place such individual or individuals within a class protected by this Part, to discriminate with respect to the provision of municipal services or with respect to the provision of property, casualty, fire, hazard or other similar insurance.

N. With respect to any property held for noncommercial purpose, nothing in this Section shall bar any religious or denomination, institution or organization or charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from limiting preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is reasonable for the organization to promote the religious or fraternal principles, aims or purposes for which such organization is established or maintained unless membership in such religious or denominational institution or organization or charitable or educational organization is restricted on account of race, color or national origin.

(*Ord. 6-2002, 3/13/2002; as amended by Ord. 53-2009, 9/28/2009, §1*)

§1-528. Unlawful Lending Practices.

It shall be an unlawful lending practice for a lending institution:

A. To deny, withhold, limit or otherwise discriminate against any person or group of persons because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination, in lending money or extending credit. [*Ord. 53-2009*]

B. To establish unequal terms or conditions in the contract for loans and mortgages, or other extensions of credit because of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap (of the buyer, renter, a person residing in or intending to reside in the dwelling after it is sold, rented or made available, or any person associated with that person) or previous filing of a complaint of discrimination. [*Ord. 53-2009*]

(Ord. 6-2002, 3/13/2002; as amended by Ord. 53-2009, 9/28/2009, §1)

§1-529. Unlawful Public Accommodation Practices.

It shall be an unlawful public accommodation practice:

A. For any owner, lessor, proprietor, manager, agent or employer of any business or place of public accommodation, resort, recreation or amusement to:

(1) Refuse, withhold from or deny to any person because of his race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status handicap or previous filing of a complaint of discrimination, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges, products or goods of such place of public accommodation, resort or amusement. [Ord. 53-2009]

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, color, religion, ancestry, sexual orientation, gender identity or expression, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination, or that the patronage of any person of any particular race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination is unwelcome, objectionable or not acceptable, desired or solicited. [Ord. 53-2009]

B. For any person, whether or not included in this Section, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful public accommodations practice under this subsection.

(Ord. 6-2002, 3/13/2002; as amended by Ord. 53-2009, 9/28/2009, §1)

§1-530. Obstruction of Fair Practices.

It shall be unlawful for any person, whether or not within the named classifications set forth in this Part, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful practice under this Part, or to obstruct or prevent enforcement of compliance with the provisions of this Part or any rule, regulation or order of the Human Relations Commission or to attempt, directly or indirectly, to be an unlawful practice.

(Ord. 6-2002, 3/13/2002)

§1-531. City Contracts.

1. All contracts of the City and its contracting agencies shall obligate the contractor to comply with this Part and with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed thereunder, and shall require the contractor to include a similar provision in all subcontracts.

2. The Human Relations Commission shall promulgate rules and regulations for the processing of complaints of discrimination received under this Section.
(Ord. 6-2002, 3/13/2002)

§1-532. Procedure.

1. A complaint charging that any person has engaged, is engaging or will engage in any unlawful practice as set forth in this Part may be made by the Human Relations Commission, or to the Commission by an aggrieved person or by an organization which has one of its purposes the combating of discrimination for the promotion of equal opportunities, and any complaint may be amended by the complainant or the Commission at any time before final action has been taken by the Commission, in accordance with such rules and regulations as the Commission shall prescribe. No complaint shall be considered unless it is filed with the Commission within 180 days after the occurrence of the alleged unlawful practice.
2. The complaint shall be in writing, signed, verified and notarized and include the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof, and such other information as may be required by the Commission.
3. The Commission shall commence proceedings on any formal complaint within 30 days of the filing. The parties shall each receive promptly a copy of the complaint along with a concise statement of the procedural rights of such parties. The respondent shall be afforded the right to file an answer to such complaint within such time as not to delay the proceedings, but failure to file such answer shall not prevent the Commission from commencing its investigation as provided herein.
4. The Commission shall institute and complete the investigation of any formal complaint within 100 days of the filing of the formal complaint.
5. If, pursuant to its investigation, the Commission shall determine that there is no basis for the allegations in a complaint, the complaint shall be dismissed and the complainant and respondent notified in writing of such determination. Within 20 days from the receipt of such notice, the complainant or his attorney, if any, may file with the Commission a request for review and the Commission shall provide the parties and their attorneys an opportunity to appear before the Commission or a member thereof for such purpose. After such a review, the Commission may reverse its decision or, if the Commission or its representative determines that there is no basis for the allegation, the dismissal of the complaint shall be affirmed and there shall be no further review of such decision.
6. If the Commission determines after investigation that probable cause exists for the allegations made in the complaint, it shall promptly notify the parties in writing and may attempt to eliminate the alleged unlawful practice by means of private conferences, meetings or conciliation with all parties. Any conciliation agreement arising from such efforts shall be in writing, signed by the parties or their representative, and shall be subject to the approval of the Commission. A conciliation agreement shall be made public unless

the parties otherwise agree and the Commission determines that disclosure of the terms of the agreement is not required to further the purpose of this Part.

7. If the Commission determines that a housing accommodation or housing accommodations involved in a complaint of an unlawful housing practice under §1-527 may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission believes that judicial action is necessary to effectuate the purpose of this Part, the Commission may request the City Solicitor to seek an injunction restraining the sale, rental or other disposition of the housing accommodation or housing accommodations in accordance with the provisions of §9.1 of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, added by Act No. 533, approved January 24, 1966, as hereafter amended, supplemented or modified by the General Assembly of Pennsylvania.

8. In any case of failure to eliminate the unlawful practice charged in the complaint by means of informal proceedings, or in advance thereof, if, in the judgment of the Commission the facts so warrant, the Commission may hold a public hearing to determine whether or not an unlawful practice has been committed. Without holding such a hearing, the Commission may certify the case to the City Solicitor in accordance with subsection (7), hereof.

9. Where a public hearing is ordered, the Commission shall designate one or more members or a hearing examiner to conduct such a hearing. The Commission shall serve upon the person charged with having engaged or engaging in the unlawful practice hereinafter referred to as respondent a statement of the charges made in the complaint or amended complaint and a notice of the time and place of the hearing. In addition, the Commission shall provide the respondent with notice of procedural rights and obligations. The hearing shall be held not less than 20 days after the service of the statement of charges.

10. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing in person or to be represented by an attorney or, subject to the approval of the hearing panel, by any other person, and to examine and cross examine witnesses. The complainant shall also have the right to be represented by an attorney or, subject to the approval of the hearing panel, by any other person. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be transcribed.

11. With respect to a complaint alleging an unlawful housing practice arising under §1-527, in lieu of proceeding before the Commission pursuant to this subsection, any party may elect, within 20 days of receipt of the charge, to have the claims contained in the charge decided in a civil action tried by a court of competent jurisdiction. The party making such election shall notify the Commission and all other interested parties within 10 days of making such election. The complainant shall be represented by an attorney in a civil action instituted pursuant to an election made under this subsection. Representation

of the complainant shall be at the Commission's expense and such representation shall include presentation of the complainant's case at the public hearing.

12. Subsequent to the public hearing, a transcription of the testimony shall be ordered and, when completed, distributed to the Commissioners for review. Upon review, the Commissioners shall meet to discuss and decide the case. A vote by a majority of the Commissioners participating in the public hearing or designated as hearing Commissioners shall be necessary to find that the respondent has engaged in an unlawful practice. A decision shall be rendered within 45 days of the close of testimony or the final post hearing submission of the parties, if any.

13. If upon all the evidence presented, the Commission finds that the respondent has not engaged in any unlawful practice, it shall state its findings of fact in writing and dismiss the complaint. If upon all the evidence presented, the Commission finds that the respondent has engaged or is engaging in an unlawful practice, it shall state its findings of fact in writing and shall issue such order in writing as the facts warrant to effectuate the purposes of this Part. Such order may require the respondent to cease and desist from such unlawful practice and to take such affirmative action including, but not limited to, the hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the selling, renting or leasing of a housing accommodation or housing accommodations upon equal terms and conditions and with such equal facilities, services and privileges, the tendering of money, whether or not secured by mortgages or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, the granting, permitting, selling or admission to any of the accommodations, advantages, facilities, services or privileges, products or goods of any respondent place of public accommodation, resort, recreation or amusement, upon such equal terms and conditions to any person discriminated against or to all persons as, in the judgment of the Commission, shall effectuate the purposes of this Part and are warranted by the facts presented at the hearing, including a requirement for a report or reports of the manner of compliance. Compensatory damages may be awarded in appropriate circumstances for a violation of any of the provisions of §1-527. Copies of the order shall be served on all parties.

14. Any adjudication made by the Commission shall be in writing and dated, and shall be deemed to be a final adjudication 5 days after the date of issuance thereof. Parties shall have 30 days from the final adjudication to appeal the decision of the Commission to the Berks County Court of Common Pleas. An appeal from the Commission's order shall act as a supersedeas and stay enforcement of such order until a final disposition of the appeal.

15. The Commission shall make a final administrative disposition of a formal complaint within 1 year of the date of receipt of such complaint unless it is impracticable to do so. If the Commission is unable to dispose of the complaint within the time limitation set forth herein, it shall notify the parties in writing of such fact and the reasons therefor. Should the Commission fail to finally adjudicate or otherwise dispose of a formal complaint

within the time limit of the filing thereof, any party may commence a civil action for the enforcement of this Part in an appropriate court of competent jurisdiction no later than 2 years after the occurrence or termination of the alleged discriminatory act or practice.

16. An aggrieved person may commence a civil action whether or not a complaint has been filed under this Section and without regard to the status of any such complaint. There shall be no need for a complainant to exhaust administrative remedies with respect to a complaint that could be brought under §1-527, so long as any action brought is commenced within 1 year of the alleged discriminatory housing practice. The court in which any such action is brought shall be empowered, in appropriate circumstances, to award compensatory and punitive damages as well as equitable relief. However, if the Commission has obtained a conciliation agreement with the consent of the aggrieved person, no action may be filed by such aggrieved person with respect to the discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such agreement.

(Ord. 6-2002, 3/13/2002)

§1-533. Enforcement.

In the event the respondent refuses or fails to comply with any order of the Human Relations

Commission or violates any of the provisions of this Part, the Commission shall certify the case and the entire record of its proceedings to the City Solicitor, who shall invoke the aid of an appropriate court to secure enforcement or compliance with the order or to impose the penalties set forth in §1-534, or both.

(Ord. 6-2002, 3/13/2002)

§1-534. Penalty.

1. In addition to any other remedies provided herein, upon a finding of a violation of any provision of this Part relating to unlawful discriminatory housing practices, or any rule or regulation pertaining thereto adopted by the Human Relations Commission, or any order of the Commission, shall be subject to a civil penalty of not more than:

A. Ten thousand dollars if the respondent has not been adjudged to have committed any prior discriminatory housing practice in any administrative hearing or civil action permitted under the Fair Housing Act or any State or local fair housing law, or in any licensing or regulatory proceeding conducted by a Federal, State or local governmental agency.

B. Twenty-five thousand dollars if the respondent has been adjudged to have committed one other discriminatory housing practice in any forum set forth in subsection (A), hereof.

C. Fifty thousand dollars if the respondent has been adjudged to have committed two or more discriminatory housing practices in any forum set forth in subsection (A), hereof.

2. Respondent shall also be responsible for costs and shall be subject to imprisonment for not more than 1 year. The Commission, in its discretion, may allow the prevailing party

other than the Commission a reasonable attorney's fee and costs. Monetary awards may be given under appropriate circumstances the amount of which shall be based on the record made before the Commission and may include damages caused by humiliation and embarrassment.

(Ord. 6-2002, 3/13/2002)

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 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]

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 hereby 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: _____

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
- | | |
|--|-------|
| 1. Alarms two (2) through three (3) | \$50 |
| 2. Alarms four (4) through five (5) | \$100 |
| 3. Alarms six (6) through nine (9) | \$150 |
| 4. Alarms ten (10) through twelve (12) | \$250 |
| 5. Alarms thirteen (13 and greater) | \$500 |

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby 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: _____

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~~ 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 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.~~

- | | |
|--|-------|
| 1. Alarms two (2) through three (3) | \$50 |
| 2. Alarms four (4) through five (5) | \$100 |
| 3. Alarms six (6) through nine (9) | \$150 |
| 4. Alarms ten (10) through twelve (12) | \$250 |
| 5. Alarms thirteen (13 and greater | \$500 |

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby 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: _____

BILL NO. _____-2010
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 10 PART 18 BY CREATING A MOBILE VENDORS SECTION WHICH INCLUDES LICENSING REQUIREMENTS, DESIGN AND OPERATION STANDARDS, AN APPEAL BOARD AND PROCEDURES, PENALTIES AS WELL AS RENUMBERING THE SECTIONS AS REQUIRED, AS ATTACHED IN EXHIBIT A.

Section 1. Amending the City of Reading Codified Ordinances Chapter 10 Part 18 by creating a mobile vendors section which includes licensing requirements, design and operation standards, an appeal board and procedures, penalties as well as renumbering the sections as required.

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

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

Enacted _____, 2010

President of Council

Attest:

City Clerk

CHAPTER 10
PART 18
MOBILE VENDORS

§10-1801. Purpose

The purpose of this Part is to provide for the regulation of mobile vendors in the City of Reading. The City of Reading has the responsibility to provide public safety for pedestrians and vehicular traffic, whereby, reasonable regulation of mobile vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of mobile vendors on public and private property is necessary to promote the orderly and efficient use of City streets, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

§10-1802. Title

This Part shall be known as the “Mobile Vendors Ordinance.”

§10-1803. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

§10-1804. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

MOBILE VENDING UNIT – a self-propelled vehicle registered under the Vehicle Code of the Commonwealth of Pennsylvania or another State which operates from site to site with primary emphasis on transit while dispensing a product or rendering a service on a stop-on-demand basis only and whose use is incidental to the land use and underlying zone. This vehicle must carry insurance. The vehicle does not typically remain stationary for more than approximately ten minutes each hour.

MOBILE VENDOR - a vendor or seller of food and/or goods from a mobile vending unit.

MOBILE VENDOR LICENSE – the written authorization, issued by the City of Reading, to operate a mobile vending unit within the public right-of-way. The license must be displayed prominently on each unit, trailer and/or obstruction.

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

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trade.

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

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

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

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

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

VENDING LICENSE BOARD of Appeals – Board authorized to hear appeals of and render decisions in matters concerning aggrieved applicants whose Mobile Vendor License has been denied, suspended, revoked or is not renewed pursuant to §10-1806.

§10-1805. License Required

1. It shall be unlawful for any person to engage in the business of a mobile vendor within the City of Reading without first obtaining a license pursuant to this Section. Such mobile vending activities are permitted throughout the City of Reading.

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

Pre-existing mobile vendors operating in the City of Reading are required to comply with all regulations contained herein and shall not be “grandfathered”.

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

A. Location. A mobile vendor license shall only be issued for and restricted to vendor sales from an approved mobile vending unit. All mobile vending shall be conducted within the public right-of-way, as defined herein.

B. License Nontransferable. A mobile vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

§10-1806. License Application

1. **Notice of License Availability.** Applications for mobile vending licenses will be available in the Property Maintenance Division.

2. **Application.** Any person interested in applying for a mobile vendor’s license may make application by filing such forms containing the required information with the Property Maintenance Division with a nonrefundable application fee of \$50. The application shall at a minimum set forth:

A. True name and address of the applicant. P.O. Boxes will not be permitted.

B. Photographs and specifications of the proposed mobile vendor unit(s), to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1807 herein.

C. Sufficient detail about the proposed mobile vendor and the merchandise proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.

D. A copy of the applicant’s business privilege license.

- E. The names, addresses and percentage of stock owned by shareholders in a corporate applicant, and the percentage interest of each partner in a partnership applicant.
- F. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices, if applicable. Utility connections to neighboring properties shall be prohibited.
- G. A complete listing of the items to be offered for sale or distribution.
- H. The general areas the mobile vendor would like to operate.
- I. The dimensions of the mobile vending unit.

Applications will be initially reviewed by the Property Maintenance Division for completeness. Incomplete applications may be amended one time and resubmitted.

3. Review of Applications. The Director of the Property Maintenance Division or his designee shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a mobile vendor license if:

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

4. Each license shall be issued for one calendar year and shall be subject to review during the calendar year for adherence to the requirements of this Part.

§10-1807. Design Standards.

1. Design and Appearance.

A. General Requirements. All mobile vendor units shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Ancillary Facilities. A commissary or depot may be required when additional storage, food preparation or cleaning facilities are needed beyond the capacity of the mobile food facility. All commissaries or depots must be approved and licensed by the regulatory agency having jurisdiction over the location of the commissary or depot. A copy of the most recent inspection report of the commissary or depot from the appropriate regulatory agency must be provided upon request.

C. Required Physical Features.

(1) **Dimensions.** Fold out shelves cannot be used to provide space for customers to consume the products dispensed by the mobile vendor. Awnings and canopies, both attached and unattached from the cart, are prohibited.

(2) **Physical Features.** Floors, walls and ceilings must be smooth and easily cleanable with outer openings no larger than necessary to carry out the food operation. The mobile vendor unit must be fitted with closed, tight-fitting windows and doors. If windows or doors need to be opened for ventilation or other reasons, such as service to the customer, then screens, air curtains or other effective means must be present to protect the interior of the mobile vendor unit.

(3) **Mobility.** Mobile vendor units must be self-propelled. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(4) **License Display.** The vending license must be clearly displayed on the mobile vendor unit in such a manner and location as to be clearly visible to customers.

(5) **Trash Receptacles.** Each mobile vendor unit will have provisions for mobile vendor trash disposal. Mobile vendors are responsible for proper disposal of trash.

(6) **Carts Self-Contained.** All mobile vendor units shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the mobile vendor unit. Use of the sidewalk by a mobile vendor for product display, storage, or disposal of trash shall be prohibited.

(7) **Covered Openings.** When the mobile unit is in motion, openings must be covered with a solid material, such as doors, plastic, etc, to protect the mobile vendor unit from windblown dust and debris during travel. The driver's compartment and food preparation area must be protected against airborne contaminants and vermin, if not separated from the food facility portion of the unit.

(8) **Equipment.** All equipment must be easily cleanable, durable, free of breaks, cracks and crevices, made of appropriate materials, well constructed and adequate for the intended use. Such equipment shall be properly maintained and installed according to all appropriate federal, state or local code requirements for construction and fire safety.

(9) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the mobile vendor unit. Utility connections to neighboring properties shall be prohibited. All power equipment shall be installed to eliminate the danger of electrical shock.

(10) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all mobile vendor units utilizing a flame for any purpose.

(11) **Hand washing Facilities.** Each mobile food vendor unit must have a hand wash sink with clean, potable hot and cold water, a posted sign indicating “Employees must wash hands”, and comply with the standards as required by the Pa. Dept of Agriculture. Each hand washing station must include: soap, single use paper towels, a waste receptacle and a waste water collection container. A waste tank having a minimum of 15% greater capacity than the fresh water supply container must be provided and all wastewater must be disposed of in a sanitary sewage system outlet (not on the ground or into a storm drain).

(12) **Water Supply.** All mobile food vendor units must be provided with hot (110°F) and cold running water under pressure within the mobile vendor unit. The hot water facilities shall be functional when the vehicle is mobile or stationary. The water system must be closed from filling outlet to discharge outlet and separate hoses must exist for filling the water tank and flushing the retention tank. The water-filling inlet must be designed to prevent contamination and backflow/backsiphonage must be installed to protect water supply. The water storage tank shall have a minimum capacity for one day’s use.

(13) **Refuse.** All mobile vendor units must have a refuse receptacle with a tight fitting lid on the unit. Receptacles must be properly emptied when full or at a minimum at the close of business. All refuse must be disposed of at the vendor’s expense.

(14) **Cold and Hot Holding Units.** Refrigeration and cold holding units must be capable of reaching and maintaining 41° F or below when in use. Hot holding units must be capable of holding foods at 135° F or above, as required by the Pa. Dept of Agriculture. Hot and cold storage facilities must be capable of operation at all times. Each hot holding or cool holding unit must be supplied with an accurate, easily readable thermometer.

(15) **Dish washing.** Single service articles must be used unless adequate dishwashing facilities are available and used. Adequate facilities will include a three compartment sink (separate from the hand washing sink) set up for accomplishing a 3-step method of dishwashing. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved – as required by the Pa. Dept of Agriculture. All food contact surfaces such as cutting boards, work tables, utensils and food preparation equipment must be cleaned and sanitized after each use. Appropriate sanitizer testing devices must be available on the mobile food vendor unit at all times.

(16) **Food.** All food and beverages must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as required by the Pa. Dept of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home can only be used if that facility is licensed, registered

and inspected by the Pa. Dept of Agriculture and the City of Reading. All perishable, potentially hazardous foods must be kept cold (41°F or below) or hot (135°F or above) at all times. No bare hand contact is allowed on any ready to eat food; gloves or utensils must be used. Gloves must be changed between tasks and when gloves become soiled. All foods must be covered when not in use.

(17) **Ice.** All ice must come from a source approved by the Department of Agriculture and must be received packaged. Packaged foods, including drinks, whose packaging is NOT subject to the entry of water because of the nature of the container or packaging may be stored in ice. Personal food and drinks may not be stored with merchandise. Ice must be stored in clean, easily cleanable, non-porous, closed containers made of approved materials. Galvanized metal coolers may not be used. All ice must be dispensed using an ice scoop having an appropriate handle. Ice used as a coolant may not be used in drinks or as ingredients in food as it is considered non-potable.

(18). **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

(19) **Food Employee Certificate.** All mobile food vendors are required to obtain and maintain a Food Employee Certificate from the Department of Agriculture, as required by the State Food Employee Certification Act, within three months of the approval of their Mobile Vendor Permit. New vendors will have 90 days to comply with said requirement; existing vendors which are not in compliance due to lack of current certification, employee turnover or other loss of certified person shall have 90 days from the effective date of this ordinance or the date of loss to comply.

D. Prohibited Features.

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

E. Prohibited Conduct. No mobile vendor shall:

- (1) Leave his or her mobile vendor unit unattended while running.
- (2) Solicit or conduct business with persons in motor vehicles.
- (3) Sell anything other than that for which a license to vend has been issued.

- (4) Vend without the insurance coverage specified in Section 10-808(6).
- (5) Smoke in the mobile food unit or allow others to do so.
- (6) Sell anything containing alcohol or controlled substances.
- (7) Obstruct or interfere with traffic in any manner.
- (8) Sell items from his or her vehicle in such a way that requires customers to stand in the street while making a purchase.

F. Supervision. A Person-in-charge shall be present at all times and is responsible for overseeing food handling practices and staff hygiene, as well as excluding and restricting ill staff.

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

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

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

§10-1808. Mobile Vendor Operation Standards

1. Days and Hours of Operation. Mobile vendor sales may be conducted between the hours of 6 a.m. to 9 p.m. during the permit year.

2. Safe and Sanitary Condition. Mobile vendor units shall be maintained in a safe, broom-clean and sanitary condition at all times. Mobile vendor units licensed hereunder to sell food products shall:

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

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

3. Quiet Operations. Mobile vendors shall conduct business in an orderly fashion and shall adhere to the City of Reading noise ordinance.

4. **Use and Maintenance of Sidewalk.** No products shall be stored or displayed on a City sidewalk or any adjacent area outside the mobile vendor unit. The mobile vendor unit shall be operated so as not to impede the free movement of pedestrian or vehicular traffic.

5. **Display.** The mobile vendor license, the City of Reading health permit and any applicable State Food Employee certificate shall be posted in plain view of the customers at all times the mobile vendor is operating.

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

§10-1809. Suspension or Revocation of License

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

§10-1810. Vending License Board of Appeals

1. Any person aggrieved by a decision of the Property Maintenance Division including suspension, non-renewal, denial or revocation of a Mobile Vendor License may appeal to the Vending License Board of Appeals. Such appeal must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, within 10 working days from the date of receipt of the decision of the Property Maintenance Division.

2. Organization

A. **Membership.** The Vending License Board of Appeals shall consist of one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one representative from the Greater Reading Chamber of Commerce, one employee from the Property Maintenance Division, Reading Police Traffic Enforcement and Public Works.

B. **Oaths and Subpoenas.** The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

C. Quorum and Majority Vote. Four members shall constitute a quorum of the Board. A majority of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

3.Powers. The Board shall have the following powers:

A. Hear and Decide Appeals. To hear and decide appeals where it is alleged there is error in any decision of the Property Maintenance Division in the enforcement of this Part.

B. Grant Modification or Variance. To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

C. Grant Extension of Time. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code and other applicable sections of the City of Reading Codified Ordinance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

D. Timeliness. In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.

E. Recommend amendments to this Part to the Council of the City of Reading.

4. The Property Maintenance Division decision and all records of final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the Property Maintenance Division may prescribe reasonable regulation regarding the time and manner of inspection.

5. Affect of Appeals. Any decision issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Vending License Board of Appeals.

6. Fee and Costs. The fee for filing of an appeal to the Vending Board of Appeals shall be \$275.00. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

§10-1811-Appeal to Court of Common Pleas

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

§10-1812. Enforcement

This Part will be enforced under the jurisdiction of the Property Maintenance Division and the Reading Police Department.

§10-1813. Construction and Severability

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

§10-1814. Penalty

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

AGENDA MEMO

Environmental Division

TO: City Council

FROM: Ralph E. Johnson, WWTP Superintendent

PREPARED BY: Ralph E. Johnson

MEETING DATE: July 12, 2010

AGENDA MEMO DATE: June 24, 2010

RECOMMENDED ACTION: Approve appropriation transfer.

BACKGROUND:

Due to unscheduled generator and transfer switch purchases for tertiary treatment process, intra-fund line item transfers are needed to enable payment of future minor equipment purchases.

BUDGETARY IMPACT:

Intra-fund line item transfer - \$100,000 from Consulting Services to Minor Capital Equipment.

PREVIOUS ACTION:

None

RECOMMENDED BY:

Wastewater Treatment Plant Superintendent and Public Works Director.

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ 2010

AN ORDINANCE

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE 2010 EXPENDITURE BUDGET FOR THE WASTEWATER TREATMENT PLANT AS ATTACHED IN EXHIBIT A.

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

SECTION 1. Authorizing the amendment of the 2010 Budget Expenditures as attached in Exhibit A.

SECTION 2. 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

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE NO. _____-2010

AN ORDINANCE ESTABLISHING A CHANGE IN THE DIRECTION OF TRAFFIC FROM TWO-WAY TO ONE-WAY IN THE CITY OF READING, PENNSYLVANIA

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

SECTION ONE. The flow of traffic on South 14th Street between Perkiomen Avenue and Muhlenberg Streets is changed from two-way and hereby established as one-way in a southern direction.

SECTION TWO. It shall be unlawful to operate any vehicle on South 14th Street between Perkiomen Avenue and Muhlenberg Streets in any direction other than that so designated.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

ORDINANCE NO. _____-2010

**AN ORDINANCE ESTABLISHING A NEW SPEED LIMIT FOR SCHUYLKILL AVENUE
IN THE CITY OF READING, PENNSYLVANIA**

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

SECTION ONE. It shall be unlawful to drive any motor vehicle on Schuylkill Avenue at a speed in excess of twenty-five miles per hour.

SECTION TWO. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when traveling upon any narrow roadway or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2010

President of Council

Attest:

City Clerk

URBAN RESEARCH AND DEVELOPMENT CORPORATION

28 W. Broad St. Bethlehem PA 18018

610-865-0701

May 28, 2010

TO: Citizens and Officials of the City of Reading

FROM: URDC, Charlie Schmehl (cschmehl@urdc.com)

SUBJECT: **Summary of Major Issues Regarding the Zoning Ordinance**

This memo summarizes major policy issues regarding the proposed New Zoning Ordinance. The Zoning Map is intended to be re-adopted without any changes, except for the addition of Institutional Overlay Districts, described below.

This discussion is not intended to provide legal advice. It is essential to continue to have the City's Legal Department involved in reviewing the proposed ordinance changes.

URDC is assisting the City in the preparation of an Official Map and the updating of the Subdivision and Land Development Ordinance (SALDO). The Zoning Ordinance is much more policy oriented than the SALDO, which is more a technical document used by engineers and surveyors on larger developments.

Overview of Zoning

The zoning ordinance primarily regulates: a) the uses of land and buildings, and b) the densities of development. Different types of land uses and different densities are allowed in various zoning districts. A zoning ordinance also regulates: the distance buildings can be placed from streets and lot lines, the heights and sizes of signs, and the amount of parking that must be provided by new development.

Zoning is primarily intended to protect existing residential neighborhoods from incompatible development. However, it also can be used to avoid traffic problems, improve the appearance of new development, preserve historic buildings, and protect important natural features.

The Pennsylvania Municipalities Planning Code (the "MPC") provides municipalities with the authority to regulate development. The MPC establishes limits on the ways zoning can be used and requires that certain procedures be followed.

Ways to Address Different Uses

In each zoning district, different uses are allowed or prohibited. There are three different ways that a use can be allowed:

- as a permitted by right use, with the zoning approved by the Zoning Officer,

- as a special exception use, with the zoning approved by the Zoning Hearing Board, and
- as a conditional use, with the zoning approved by the City Council.

Intense and potentially controversial uses should only be permitted as special exception or conditional uses. This results in a public meeting that allows public comment. The Zoning Hearing Board or City Council can carefully review the application to make sure that it meets City ordinances. Also, conditions can be placed upon any approval, such as conditions to protect public safety.

- However, a special exception or conditional use is still an “allowed” use. Therefore, under the law, it is difficult to reject a special exception or conditional use if the applicant proves they meet all of the specific requirements of the zoning ordinance. Generally, in such case, the application could only be rejected if an opponent or the City was able to prove that the application violated a “general” requirement of the Ordinance. For example, it might be possible to prove that a certain type of industrial use would generate a major public safety hazard.
- Reading currently mainly uses the special exception use processes, which is proposed to be continued. (Note - With a special exception, the City Council can provide testimony before the Zoning Hearing Board, and can appeal their decisions.) A few uses are proposed to be conditional uses.

Nonconformities

Zoning primarily regulates **new** development, expansions of uses and changes in uses. Generally, an existing use that was legal when it was first established can continue to operate regardless of zoning regulations. An existing use that would not be permitted under current zoning regulations is known as a “nonconforming use.” Generally, nonconforming uses can: a) be sold to a new operator, b) be expanded within certain limits, and c) be changed to a different nonconforming use, as long as the new use is not more intense than the old use.

For example, an auto repair garage may have existed before the City adopted zoning. It is located in a residential district. It may be changed to a store, which would be less intense. However, it could not be changed to an asphalt plant, which would be more intense.

Likewise, in most cases, existing vacant lots that were legally established may be built upon – even if they do not meet the minimum size requirements of a zoning ordinance. However, any building would still need to meet setback requirements, wetland regulations and sewage requirements.

However, if a use was not legal when it first started, it has no right to continue.

Lot Sizes

Please keep the following lot sizes in mind:

One acre = 43,560 square feet (such as 150 by 290 feet)

One-half acre = approximately 22,000 square feet (such as 125 by 175 feet)

One-quarter acre = approximately 11,000 square feet (such as 80 by 135 feet)

Major Goals and Objectives

The following major goals and objectives provide direction for the Zoning Ordinance. These are generally based upon the City's Comprehensive Plan.

- Provide for compatibility between different types of development, particularly to protect residential areas from very intense business uses and nuisances.
- Encourage types of housing that are most likely to be owner-occupied, such as single family detached houses, side-by-side twin houses and townhouses.
- Seek coordinated development and traffic patterns with adjacent municipalities.
- Strengthen the sense of community in various neighborhoods.
- Seek appropriate adaptive reuses of historic buildings.
- Promote a pedestrian friendly environment that allows people to walk to nearby stores.
- Promote appropriate types of businesses in business zoning districts to attract employers and generate additional tax revenue, while avoiding the most intense business uses next to residential areas.
- Seek an attractive vegetative buffer along the Schuylkill River, the Tulpehocken Creek and Angelica Creek, and maintain Mt. Penn and Neversink Mountains in woodland.
- Meet obligations under State law to provide opportunities for various land uses.

Summary of the Proposed Zoning Districts

The following summarizes the proposed provisions for each zoning district in the City:

P Preservation District

- a. This zoning district primarily includes the portions of Mt. Penn and Neversink Mountain that are within the City, as well as the lands along the Schuylkill River, Tulpehocken Creek and Angelica Creek. This district also includes the larger parks in the City. Almost all of these lands are unsuitable for development because of proneness to flooding or the steepness of the slopes. Most of this land is in public ownership or is preserved by a conservancy or a trust, except for some areas that are intended to be turned into public recreation land. The goal is to make sure that waterways and mountains serve as amenities that tie into regional recreation, water quality and tourism efforts. This district is proposed to continue to not allow housing and to mainly allow recreational uses.
- b. Much of this district is also within the 100 year floodplain. These are areas expected to be flooded during the worst storm in an average 100 period. The City has an

ordinance to carry out Federal and State regulations on this matter. That ordinance greatly limits new construction of buildings within flood prone areas, and in some cases requires that new buildings be elevated or flood-proofed.

R-1A Low Density Residential District

This district includes the east side of Mt. Penn. It is proposed to continue to allow single family detached houses on 20,000 square feet (½ acre) lots. Removal of mature woodlands would continue to be limited. A new provision would limit construction of new principal buildings on very steeply sloped areas (over 25 percent).

R-1 Low Density Residential District

- a. This district includes areas near the City border in the southwest, northwest and northeast parts of the City, as well as along Eckert Avenue south of Mt. Penn.
- b. This district is proposed to continue to allow 6,000 square feet lots for single family detached houses. No other housing types are proposed to be allowed.
- c. To avoid over-regulation of expansions of homes and other routine changes, the draft ordinance proposes to require smaller side yard setbacks (7 feet each) and to allow higher percentages of a lot to be covered by buildings. New provisions would also make it easier to construct an unenclosed deck in a rear yard of a home.

R-2 Medium Density Residential District

- a. This district includes areas in the northeast and southwest parts of the City, including areas north and east of Lancaster Avenue.
- b. To make it easier to construct single family detached houses, the minimum lot size is proposed to be reduced to 3,000 square feet. Currently, the ordinance discourages construction of singles because they need much larger lot sizes than other housing types. This district would continue to allow for side-by-side twin homes on 2,500 square feet lots per unit and 1,800 square feet lots for townhouses.
- c. The draft ordinance would specifically prohibit the conversion of a one family home (including a single, twin or rowhouse) into two or more housing units. Apartment conversions can harm neighborhood stability, reduce property maintenance, increase transiency, increase fire hazards and cause parking shortages.
- d. Side yards are proposed to be reduced and building coverages proposed to be increased to encourage improvements to homes, and reduce the need for variances. These adjustments will also make it easier to construct rear garages.
- e. College uses and dormitories are proposed to continue to be allowed as special exception uses in R-2 and R-3. A new Institutional Overlay zoning district is described below.
- f. Churches and other places of worship would continue to be special exception uses in residential districts, except new churches would not be allowed in R-1. The minimum lot size is beneficial to a house in the middle of a block from being converted into a church. Federal and State laws generally require that places of worship be allowed in most areas of a municipality, unless there is a strong justification to not allow them in certain areas.

R-3 Residential District

- a. This district includes most of the residential neighborhoods in Reading, particularly including most of the rowhouse neighborhoods.
- b. The draft ordinance would specifically prohibit the conversion of a one family home (including a single, twin or rowhouse) into two or more housing units.
- c. This district would continue to allow all types of housing.
- d. The draft ordinance would include a density bonus for housing that is limited to older persons (such as age 62 and older).
- e. With special exception approval, this district (and R-2) would allow the adaptive reuse of an industrial or institutional building into residential or commercial uses. The goal is to have a process that allows the Zoning Hearing Board to approve desirable types of reuses of older buildings without an applicant having to prove there is a legal hardship.
- f. A maximum building setback would be established. The goal is to have most parking placed to the side or rear of buildings, with the building placed close to the street. The goal is to also maintain a consistent streetscape. Currently, there are cases where a building may be required to have a 15 foot front yard, even though a zero front setback may be more appropriate.
- g. Where a rear alley of 10 feet or more of width exists or could be extended, it would be required to be used as access for parking and garages. The goal is to keep front sidewalks free of turning vehicles and avoiding the removal of on-street parking spaces for driveway cuts. The front yard setbacks would be reduced, in order to promote a usable rear yard area.
- h. To make it easier to build additions on existing homes, in the R-3 district, the minimum side yard is proposed to be decreased to 3 feet on each side, where buildings are not attached to each other.

Home Based Businesses/ Home Occupations

In all residential districts, all home occupations currently need Zoning Hearing Board approval, except for home computer work and home crafts. The draft ordinance would require the most intensive types of home occupations to obtain special exception approval from the Zoning Hearing Board. However, additional low intensity home occupations would be allowed by right. No more than one employee who does not live in the dwelling would be allowed to work in the home occupation at one time.

Student Homes

Student Homes would only be allowed in the R-1A, R-1 and R-2 districts if they are in an existing apartment unit. Therefore, a single family home in these districts could not be turned into a Student Home. The provisions for numbers of students living within a dwelling unit would be relaxed for units owned by a college or university within the proposed Institutional Overlay District.

INS Institutional Overlay District

- a. The bulk of the campus of Albright College is in the R-3 district, while the bulk of the Alvernia University campus is in the R-2 district, and the bulk of the RACC campus is in the C-C Commercial Core District.

- b. A new Institutional Overlay District is proposed for the core campuses of these institutions. This proposed district would provide alternative provisions for the core of the campuses of Alvernia University, RACC and Albright College, as well as the Health Sciences building of Reading Hospital and the proposed Reading Hospital nursing dormitory on Kenhorst Blvd.
- c. This Overlay District would provide an optional process for zoning approval that would allow higher education uses as a by right use, vs. needed special exception approval. The intent is to also allow dimensional flexibility in the centers of these campuses.
 - Outside of the overlay district, special exception approval would continue to be needed for college uses. In these areas, additional setbacks would be required between college dormitories and other housing.
 - Building heights for colleges would vary with the distance from privately owned houses. The goal is to encourage taller buildings towards the center of college campuses.
- d. Colleges would be permitted by right in most commercial and industrial districts, except college residential uses would not be allowed in industrial districts.
- e. Fraternities and sororities would not be allowed unless their building was owned or operated by a college.

MU Municipal Use District

This district was added last year to allow various City government uses and utility uses on Fritz Island.

R-PO Residential Professional Office

This district would continue to allow offices, day care centers and residential uses under the regulations of the R-2 district. This district applies along Kenhorst Boulevard from south of Pershing Boulevard to north of Lancaster Avenue..

R-O Residential Outlet District

This district was removed when the former outlet area was recently changed to the C-N district.

C-N Neighborhood Commercial District

- a. It is appropriate to maintain two commercial districts: a) a Highway Commercial District that allows a wide variety of commercial uses, such as auto repair, gas stations, restaurants with drive-through service, and other heavier commercial uses, and b) a Neighborhood Commercial District that mainly allow lighter types of commercial uses. The C-N district includes scattered areas of commercial uses, including the area around 5th and Spring Streets, and the area around 9th and Spring Streets.

- b. The intent of the C-N district is to control the development of very intense commercial uses immediately next to residential neighborhoods, and to promote the reuse of older buildings.
- c. The C-N district would continue to allow offices, retail stores, personal services, restaurants without drive-through service and similar uses. The C-N district also allows the same housing as the R-3 district. Taverns would continue to need conditional use approval from City Council.
- d. The former outlet centers in the vicinity of Oley and 9th Streets were previously changed to the C-N district to allow a wider ranges of uses.
- e. In the C-N district, vehicle fuel sales would need conditional use approval instead of currently being allowed by right. Drive-through restaurants would be specifically prohibited.
- f. Existing rowhomes would be limited in their ability to be converted to commercial businesses if they are adjacent to existing dwellings. New restaurants would not be allowed in the middle of attached dwellings.

Riverfront Redevelopment Overlay District

This district was added 2 years ago to allow more intensive mixed use residential/ commercial/ recreational development of areas between Center City and Schuylkill River. Most of these areas are also in the M-C district. This area extends from south of Penn Avenue, along both sides of 2nd Street, along both sides of Canal Street, to east of 7th Street.

Penn Square Overlay District

This is an “overlay district” that includes some slightly different regulations for properties along Penn Square/Penn Avenue between 2nd and 6th Streets. The Penn Square Overlay District is proposed to be re-written to emphasize control on street level uses of lots fronting on these core blocks..

C-H Highway Commercial District

- a. This district allows a wide range of commercial uses along Lancaster Avenue. The allowed uses include auto sales, banks, offices, day care, gas stations and motels.
- b. Bottle clubs and taverns would continue to need conditional use approval.
- c. Manufactured home parks must be allowed in at least one district in each municipality. For lack of a better location, they are proposed to be allowed in the C-H District, at a maximum of 5 homes per acre, if they have obtained special exception approval.

C-C Commercial Core District

- a. This district applies to the Downtown and immediately adjacent areas. The area around the Google Works was recently added to this district. It purposefully includes few dimensional regulations because the intent is to maximize use of sites in the Downtown.

- c. This district would allow a density bonus for senior apartments, and not allow new apartment buildings unless the first floor includes a commercial use on the street level.
- d. The St. Joseph's Hospital Downtown Campus is within this district.
- e. In the C-C district, the maximum height would be 100 feet, except that a 175 feet height would be allowed by special exception.
- f. The City has to have a location that allows Gaming Facilities, if they would ever be allowed under State law. The proposed location is C-C, as a conditional use.

M-C Manufacturing-Commercial District

- a. This district allows most manufacturing uses, as well as warehousing and truck terminals. The intent was to limit heavier types of industrial uses to the H-M district. Most industrial areas, former railroad lands and areas along Heister Lane/Rockland Street are within the M-C district. The types of manufacturing uses that are allowed by right vs. special exception has been updated.
- b. This district would continue to allow many types of commercial uses, such as trade schools, banks and exercise clubs. Junkyards would no longer be allowed.
- d. There is a 50 feet maximum height, which is proposed to be increased to 60 feet.
- e. Currently, 20% of every lot in the M-C district is required to be in lawn, plantings or landscaping. This percentage would be reduced to 10% and instead emphasize trees vs. grass.
- f. Minimum setbacks would increase for a business next to a dwelling, but decrease for a business next to a business.

H-M Heavy Manufacturing District

- a. This district currently includes Carpenter Technologies facilities on both sides of the Schuylkill River, as well as areas east of Wyomissing Boulevard that are west of Schlegal Park and south of Holy Name High School.
- b. This district allows a wide range of industrial uses as by right uses.
- c. Section 1106 currently requires that 40% of each lot must be maintained in lawn, plantings or other landscaping. That is an unusually high percentage. It is proposed to be reduced to 10% and instead emphasize trees vs. grass.
- d. In the H-M district, the maximum height would be increased to 70 feet. Minimum setbacks would increase for a business next to a dwelling, but decrease for a business next to a business.
- e. A few uses are proposed to be moved to needing special exception approval, such as Trash Transfer Stations, Chemical Plants and Asphalt Plants.

Control of Nuisances and Controversial Uses

Additional controls on excessive lighting and noise are proposed. The noise limit would vary by whether the noise is heard in a dwelling and by time of day.

New regulations are proposed for Pawn Shops, Gaming Uses and Treatment Centers (including alcohol and drug treatment and criminal halfway houses). A new section would

send applicants to the Zoning Hearing Board where there is a claim that a zoning provision must be modified to comply with the Americans With Disabilities Act or the Federal Fair Housing Act.

Adult Uses

Unfortunately, many adult uses must be allowed in each municipality under numerous Federal and State court decisions. Adult uses mainly include adult bookstores, massage parlors and strip clubs. If they are not specifically regulated, they can get a zoning permit as a regular commercial use. The current zoning ordinance includes an appropriate set of provisions that are based upon many Federal court decisions. The existing provisions limit adult uses to the H-C district, require conditional use approval, and establish a 200 feet wide setback from a residential district. Adult uses are proposed to be moved to the H-M Heavy Manufacturing district. A few additional provisions would be added, such as limits on hours of operation.

Landscaping and Green Building Design

Incentives are proposed for green roofs and other types of green construction. Updates have been proposed of various landscaping and buffering provisions.

Parking

The Zoning Hearing Board would have additional authority to provide some flexibility in parking requirements, such as if different uses are sharing parking. Otherwise, a hardship variance would be needed.

Signs

Political sign provisions have been streamlined to make them more resistant to challenge. New limits are proposed on the frequency of change by large electronically changing signs. Billboards would be limited to the H-M, H-C and MU districts, and no longer be allowed in the M-C district. Internally lit signs in residential districts would be limited to a maximum of 20 square feet of sign area.

Economic Development

The zoning provisions have been reviewed to address unnecessary regulations that may delay or obstruct desirable types of economic development. For example, one section of the current ordinance says that only one type of principal use is allowed per lot. Multiple uses are often needed to support the rehabilitation of large old buildings.

The draft proposes to allow small setbacks between two business uses, or between two institutional buildings, but a larger setback between a intensive business use and a residential district.

Please contact us if there are any questions or comments.

RESOLUTION NO. _____-2010

CONFIRMING CARL E. GEFFKEN AS DIRECTOR OF ADMINISTRATIVE SERVICES IN ACCORDANCE WITH ARTICLE VI, SECTION 603 OF THE CITY OF READING HOME RULE CHARTER AS AMENDED.

WHEREAS, City of Reading Mayor Thomas M. McMahon has appointed Carl E. Geffken to serve as Director of Administrative Services; and

WHEREAS, Mayor Thomas M. McMahon and City Council are confident in the capabilities of Mr. Geffken and his ability to perform the duties and responsibilities as Director of Administrative Services;

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

That Mayor Thomas M. McMahon's appointment of Carl E. Geffken as Director of Administrative Services is hereby confirmed in accordance with Article VI, Section 603 of the City of Reading Home Rule Charter as amended.

Passed Council _____, 2010

President of Council

Attest:

City Clerk

R E S O L U T I O N N O. _____

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

That Lisa Blount is reappointed to the Human Relations Commission with a term ending February 15, 2014.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk