



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, AUGUST 23, 2010
7:00P.M.**

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Tony Perez, Bethany Baptist Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Recognizing the actions of Aaron Ward and Rueben Rivera at the Berkshire Mall

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 August 9, 2010

B. AGENDA: Council Meeting of August 23, 2010

5. Consent Agenda Legislation

A. Resolution - authorizing the reallocation of a \$5,000 salary in the City Council wages line item (**Finance**)

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 No. 55-2010 – authorizing the execution of the memorandum of understanding for the City Fire Training Center ***Introduced at the July 26 regular meeting; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting***

B. Bill No. 56-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 5 International Mechanical Code, Section D 103.5 Mechanical Board by adding the removal process for members of the HVAC Board (**Council Staff**) ***Introduced at the August 9 regular meeting***

C. Bill No. 57-2010 - amending the City of Reading Codified Ordinances Chapter 4 Buildings, Part 1 Historical Districts, Section 111 Reading Board of Historical Architectural Review (F) by amending the removal Process for members of the Historical Architectural Review Board (**Council Staff**) ***Introduced at the August 9 regular meeting***

D. Bill No. 58-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 5 Boards, Departments, Commissions, Committees and Councils B. Board of Health 511 Establishment by amending the removal process for members of the Board of Health (**Council Staff**) ***Introduced at the August 9 regular meeting***

E. Bill No. 59-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils,

Section L Charter Board by adding the removal process for members of the Charter Board and renumbering as necessary **(Council Staff) Introduced at the August 9 regular meeting**

F. Bill No. 60-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades, Special Events and Public Gatherings by adding regulations for vendors and the types of merchandise that can be sold and dispensed. **(Council Staff) Introduced at the August 9 regular meeting**

G. Bill No. 61-2010 - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-403 a (1) by clarifying the language relating to the double parking violation. **(Council Staff & Parking Authority) Introduced at the August 9 regular meeting**

H. Bill No. 62-2010 - amending The City Of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees And Councils, Section D Blighted Property Review Committee Section 1-543 C by changing the term of a committee member from two (2) years to four (4) years **(Council Staff) Introduced at the August 9 regular meeting**

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - amending the 2010 City of Reading Full Time Position Ordinance by eliminating one (1) Development Inspection Clerk position, creating three (3) Property Maintenance Aides, adding one (1) Deputy Director of Community Development, adding one (1) Community Development Program Manager, and eliminating one (1) Community Development Specialist **(Bus Analyst)**

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 11 Housing, Part 1 Rental, Section 11-124 (2) Housing Board of Appeals by adding letter H the removal process for members of the Housing Board of Appeals **(Council Staff)**

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 6 Property Maintenance Code, Section PM 111.2 Membership of the Board by adding PM 111.2.6 the removal process for members of the Property Maintenance Code Board of Appeals **(Council Staff)**

D. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter M Minority Business Procurement Board, Section 1-599.34 Minority Business Procurement Board by adding Letter Number Nine (9) Removal Process for Members of the Minority Business Procurement Board **(Council Staff)**

E. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and

Councils, Letter N Environmental Advisory Council, by amending Section 1-599.42 Membership Removal Process for members of the Environmental Advisory Council **(Council Staff)**

F. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils, Letter O Diversity Board, by amending Section 1-599.53 Membership for members of the Diversity Board **(Council Staff)**

G. Ordinance - amending the City of Reading Codified Ordinances, Chapter 1 Administration and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council approval **(Council Staff)**

H. Ordinance - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 15 Motor Vehicles and Traffic, Part 4 Stopping and Parking, Section 15-416 (3) thereby increasing penalty amounts **(Law) To be distributed Monday**

Pending Legislation

Bill No. 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; Tabled at the July 12 and July 26 regular meetings**

Bill No. 34-2010 – establishing a four-way stop intersection at N. 13th St and Richmond St in the City of Reading, Pennsylvania **(Public Works) Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Second Traffic Study Requested**

Bill No. 43-2010 - 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) Introduced at the July 12 regular meeting; Tabled at the July 26 regular meeting; Advertised Aug 9th and 16th; To be approved at the Aug 24th Public Hearing**

Bill No. 53-2010 - amending the fee schedule of the City of Reading Codified Ordinances by adding a fee of \$65.00 under Codes Department Codes Enforcement Electrical Re-Introduction of Power Inspection Program **(Law) Introduced at the July 26 regular meeting; Advertised August 2; Tabled at the August 9 regular meeting; Discussed at the August 16 Public Works meeting**

11. RESOLUTIONS

A. Resolution – reappointing Manuel Candelario to the Blighted Property Review Committee (**Admin Oversight**)

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 23

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, August 24

Public Hearing – Quaker Maid Meats & 501 S 19th St – Council Chambers – 5 pm

Monday, August 30

Joint meeting with Water Authority – Council Office – 5 pm

Monday, September 6

Labor Day - City Hall closed

Tuesday, September 7

Administrative Oversight Committee – Council Office – 5 pm

Public Safety Committee – Council Office – 5 pm

Monday, September 13

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, September 21

Conditional Use Hearing 117 S 3rd St – Council Chambers – 5 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 23

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

BARTA – BARTA Office – 3 pm

Tuesday, August 24

Environmental Advisory Council – Council Office – 5:30 pm

Planning Commission – Penn room – 7 pm

District 7 Crime Watch – Holy Spirit Church – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons meeting room – 7 pm

Wednesday, August 25

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority office – 5:30 pm

Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm

18th & Cotton Community Crime Watch – St. Matthew's UM Church – 7 pm

Stadium Commission – Stadium RBI room – 7:30 pm

Thursday, August 26

Water Authority meeting – Penn Room – 4 pm

Wednesday, September 1

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

Thursday, September 2

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Monday, September 6

Centre Park Artifacts Bank – 705 N 5th St – noon

Tuesday, September 7

Charter Board – Penn Room – 7 pm

Wednesday, September 8

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, September 9

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, September 12

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, September 13

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

CITY COUNCIL MEETING MONDAY, AUGUST 9, 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 Douglas Moyer, of the Christ Episcopal 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
City Solicitor C. Younger
Mayor's Assistant, F. Denbowski
Public Works Director, C. Jones

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation recognizing the achievements of La'Hollie Brown.

City Council issued a commendation for Police Chief Heim and the Reading Police Department recognizing the heroics of Paul Gible Jr for his fast action in saving a toddler from drowning in a backyard pool.

PUBLIC COMMENT

Council President Spencer announced that three (3) citizens were registered to address Council on agenda matters and one (1) citizen was registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment after the conclusion of the legislative business. As no one objected the rule requiring non-agenda comment after legislative business was suspended. Council President Spencer reminded those registered of the remaining public speaking rules.

Bill Martin, of Madison Avenue, expressed his belief that the City over time has taken many missteps which has caused citizens to question the integrity of local government. He also noted the counter productive behavior by City Code staff as they handled the housing permit process.

Keith Stamm, of North 15th Street, questioned the need for the stop sign at North 13th and Richmond Streets. He expressed the belief that a second traffic study should be required. He also warned City Council of the liabilities created without proper notification before the installation of traffic signs and signals at intersections.

Bill Bender, of North 5th Street, spoke in opposition of the increase to the rental registration fee at it is unfair for those who are already in compliance. He noted that the thousands of property owners who refused to comply with the City's housing process. He expressed the belief that the City should not punish those who are in compliance. He also questioned if the proposed amendment to the Special Events ordinance steps into censorship.

Brent Styan, of Hampden Boulevard, was not present. Council President Spencer stated that Mr. Styan wished to express his support for the stop sign located at the 13th and Richmond Street intersection.

Nicole Jimenez, of Pear Street, was not present.

APPROVAL OF AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for tonight's meeting, including the legislation listed under the Consent Agenda heading and the minutes from the July 26th regular meeting of Council. He noted the need to add a resolution authorizing the submission of the Challenge Grant II application

Councilor Acosta moved, seconded by Councilor Marmarou, to approve the agenda for tonight's meeting as amended, including the legislation listed under the Consent Agenda heading and the minutes from the July 26th regular meeting of Council. The motion was approved unanimously.

CONSENT AGENDA LEGISLATION

Resolution 76 – removing Jeffrey Rushing from the DID Authority (**Council Staff**)

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Encouraging City Council to approve the increase to the rental registration fee
- Acknowledging the efforts of Steve Harrity, County Anti-Graffiti Manager
- Update on the Wall-of-Shame

Councilor Waltman stated that he understands the use of the Wall-of-Shame by other City's and its popularity based on the number hits to the website since the Wall-of-Shame was posted. However, he expressed the belief that the City should not be promoting their

vulnerability. He stated that he can see the use of this tactic if the properties posted were the only problem properties in the City. He expressed his belief in the Blighted Property Review Committee's process and the Wall-of-Shame if all other housing processes were fully functioning.

Mayor McMahon stated that the Wall-of-Shame is not meant to discredit good landlords. He also noted the importance of Senate Bill 900.

Councilor Reed stated that she is the Council's liaison on the Blighted Property Review Committee and thanked Ms. Kelleher and her colleagues on the Blighted Property Review Committee for their work. She expressed her belief in the Blighted Property Review Committee's efforts to support the enactment of Senate Bill 900. She stated that this Bill will provide the City with much needed tools. She suggested that the Administration take further steps to discredit bad landlords by also placing notifications at their home addresses. She noted the widespread amount of out-of-town landlords having blighted properties in the City of Reading.

AUDITOR'S REPORT

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

- Update on 2010 Admissions tax collection
- Update on 2010 Real Estate Transfer tax collection
- Update on 2010 Cable Franchise Fee collection

ORDINANCES FOR FINAL PASSAGE

Bill No. 48-2010 - amending the City of Reading Codified Ordinances, Chapter 11, Housing - Rental, Part 1 Rental §11-116 fees for rental registration, increasing the annual rental unit registration fee from \$50 to \$100 (**Bus Analyst**) *Introduced at the July 26 regular meeting; Advertised August 2nd*

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill 48-2010.

Council President Spencer stated that the increase in the rental registration fee is requested by the Act 47 Recovery Plan and was recommended by the Maximus Fee Study.

Interim Managing Director Geffken stated that the City will also be amending its housing ordinance changing the rental inspection frequencies from five (5) years to two (2) years.

Councilor Sterner noted the need for the Administration to consider the thoughts expressed by Mr. Bender and Mr. Martin during the Public Comment period. He noted the importance of correcting the behavior of property owners who are non-compliant.

Councilor Waltman noted the endless conversations about bringing those who are non-compliant into the City's process. He noted the broken components in the current housing area. He noted the need for better Administrative internal management to improve the

legitimacy of the housing process before the fees are increased. He noted the need to make housing a real priority so that the entire housing problem can be properly addressed.

Councilor Goodman-Hinnershitz expressed her agreement with some of Councilor Waltman's comments that stressed the need for the creation of a plan and its public review. She stated that her only problem with the fee increase is the lack of a prepared plan that addresses the various housing components. She also encouraged the Administration to discontinue the use of the term "Housing Czar" when referring to the housing coordinator planned for the Community Development department. She also noted the housing improvements that have occurred in her East Reading neighborhood.

Mayor McMahon noted the success of the Blighted Property Review Committee's work and thanked them for their support of Senate Bill 900.

Council President Spencer expressed his concern with this Administration's historical lack of success in handling the housing issue. He agreed with the need to create and have a public review of a housing plan. He stated that too many times the Administration expects Council to approve things with a "have faith" attitude. He questioned the Administration's ability to implement a prepared plan after Council has seen the much interrupted success of prior plans.

Councilor Goodman-Hinnershitz suggested the Administration consider discounting fees applied to property owners who are compliant with the City's housing process.

Councilor Acosta agreed with the many gaps identified with the housing permit process and the need for a proper plan to address the entire housing problem. He described the recurrent problems in the Southwest neighborhood.

Mayor McMahon described how the Act 47 Recovery Team is monitoring the Administration's progress on implementing the various initiatives in the Recovery Plan.

Councilor Waltman noted the serious amount of money thrown at the housing problem over a series of years. He suggested that the Administration improve its management of the housing process rather than wasting additional money.

Bill 48-2010 was enacted by the following vote:

Yea: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Spencer-President - 5.
Nay: Acosta, Waltman- 2.

Bill No. 49-2010 - amending the City of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees and Councils, Section D Blighted Property Review Committee by modifying the removal process for members of the Blighted Property Review Committee **(Council Staff) Introduced at the July 26 regular meeting**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill 49-2010.

Council President Spencer stated that this house cleaning step will make the language in this enabling legislation consistent with the language in other Boards, Authorities, and Commissions legislation.

Bill 49-2010 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 50-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 4 International Electrical Code, Section 1102 Membership by adding the removal process for members of the Electrician's Examining Board (**Council Staff**)

Introduced at the July 26 regular meeting

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 50-2010.

Council President Spencer stated that this house cleaning step will make the language in this enabling legislation consistent with the language in other Boards, Authorities, and Commissions legislation.

Bill 50-2010 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 51-2010 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 2 International Plumbing Code, Section 109.2A Plumbing Board by adding the removal process for members of the Plumbing Board of Examiners (**Council Staff**)

Introduced at the July 26 regular meeting

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 51-2010.

Council President Spencer stated that this house cleaning step will make the language in this enabling legislation consistent with the language in other Boards, Authorities, and Commissions legislation.

Bill 51-2010 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 52-2010 - amending Chapter 5 – Code Enforcement of the City of Reading Codified Ordinances by adding a Part 15 to create a Re-Introduction of Power Inspection Program (**Law**) ***Introduced at the July 26 regular meeting;***

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill 52-2010.

Council President Spencer stated that this program will apply to properties who have had their electrical utility disconnected for a period of one (1) year. He stated that this program will increase public safety.

Bill 52-2010 was enacted by the following vote:

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

Nay: None- 0.

Bill No. 53-2010 - amending the fee schedule of the City of Reading Codified Ordinances by adding a fee of \$65.00 under Codes Department Codes Enforcement Electrical Re-Introduction of Power Inspection Program (**Law**) *Introduced at the July 26 regular meeting; Advertised August 2nd*

Councilor Reed moved, seconded by Councilor Acosta, to enact Bill 53-2010.

Council President Spencer explained that this ordinance will create a fee for the Power Inspection Program.

Councilor Acosta questioned if the \$65 fee will cover the cost of the electrician that will be performing the inspection.

Mayor McMahon stated that the inspection will be done by in-house staff.

Councilor Reed also agreed that the fee seems a bit low and requested a review by the Administration.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to table Bill 53-2010

Bill 53-2010 was tabled by the following vote:

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

Nay: None - 0.

Bill No. 54-2010 – vacating Benner’s Court and Maple Street for the Reading School District *Introduced at the July 26 regular meeting; Approved by the City Planning Commission at 7-27 mtg*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to enact Bill 54-2010.

City Clerk Kelleher stated that the work to obtain these properties began in 1998 when Emily Richardson represented City Council District 2.

Council Goodman-Hinnershitz recalled her discussions with former Councilor Emily Richardson about the need to move this process forward. She also expressed her belief in the plan prepared by the Reading School District to expand Amanda Stout Elementary School. She thanked Ken Pick, County Community Development Director, for his continued pursuit of these properties.

Bill 54-2010 was enacted by the following vote:

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

Nay: None - 0.

Bill No. 55-2010 – authorizing the execution of the memorandum of understanding for the City Fire Training Center *Introduced at the July 26 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to table Bill 55-2010.

Bill 55-2010 was tabled 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 - amending the City of Reading Codified Ordinances Chapter 5 Code Enforcement, Part 5 International Mechanical Code, Section D 103.5 Mechanical Board by adding the removal process for members of the HVAC Board (**Council Staff**)

B. Ordinance - amending the City of Reading Codified Ordinances Chapter 4 Buildings, Part 1 Historical Districts, Section 111 Reading Board Of Historical Architectural Review (F) by amending the removal Process for members of the Historical Architectural Review Board (**Council Staff**)

C. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government Part 5 Boards, Departments, Commissions, Committees and Councils B. Board of Health 511 Establishment by amending the removal process for members of the Board of Health (**Council Staff**)

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

E. Ordinance - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades, Special Events and Public Gatherings by adding regulations for vendors and the types of merchandise that can be sold and dispensed. (Council Staff)

F. Ordinance - amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic, Section 15-403 a (1) by clarifying the language relating to the double parking violation. (Council Staff & Parking Authority)

G. Ordinance - amending The City Of Reading Codified Ordinances Chapter 1 Administration, Part 5 Boards Departments Commissions Committees And Councils, Section D Blighted Property Review Committee Section 1-543 C by changing the term of a committee member from two (2) years to four (4) years.

RESOLUTIONS

Resolution 77-2010 - reappointing Timothy Strunk to the HVAC Board (**Admin Oversight**)

The Administrative Oversight Committee moved to adopt Resolution 77-2010.

Councilor Marmarou noted the skill and experience brought to HVAC Board by Mr. Strunk.

Resolution 77-2010 was adopted by the following vote:

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

Nay: None - 0.

B. Resolution 78-2010 - amending the Resolution creating the Legislative Aide Committee by adding the removal process for members (Council Staff)

Councilor Marmarou moved, seconded by Councilor Acosta, to adopt Resolution 79-2010.

Council President Spencer explained that this is the same housecleaning effort applied to the enabling legislation for Boards, Authorities, and Commissions. He noted that the Legislative Aide Committee was created by resolution therefore Council must undertake the resolution process to amend the enabling legislation.

Resolution 78-2010 was adopted by the following vote:

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

Nay: None - 0.

Resolution 79-2010 – authorizing submission of the Challenge II Grant Application.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz to adopt Resolution 79-2010.

Resolution 77-2010 was adopted by the following vote:

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

Nay: None - 0.

COUNCIL COMMENT

Councilor Marmarou agreed with the various concerns expressed regarding the rental registration and housing process. He suggested that citizens assist the City in identifying illegal rentals.

Councilor Sterner congratulated those honored at this evening's meeting and also agreed with the many concerns expressed about the City's housing process.

Councilor Reed also congratulated those honored tonight. She also noted the need for District 5 resident's to vigilantly report suspicious activity in the District 5 due to the increase number of break-ins in the area. She also thanked Interim Managing Director Geffken and Police Chief Heim for providing additional patrols during this period.

Councilor Goodman-Hinnershitz congratulated those honored this evening. She also wished the Pagoda a Happy 102nd Birthday and described the events that occurred over the past weekend.

Councilor Goodman-Hinnershitz also thanked the Police Department for increasing their patrol of the Neversink Playground. She urged all neighboring properties to report incidents to the Police Department.

Council President Spencer noted the opening of the new restaurant across from First Energy Stadium.

Council President Spencer reviewed the upcoming meeting schedule.

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

Linda Kelleher CMC, City Clerk

RESOLUTION NO. _____-2007

AUTHORIZING THE REALLOCATION OF SALARY IN THE AMOUNT OF \$5,000.00 FROM THE CITY COUNCIL WAGES LINE ITEM

WHEREAS, Councilman Stratton Marmarou was elected to City Council on November 8th 2005 and took office January 2nd, 2006, re-elected November 3rd 2009 and took office January 4th 2010; and

WHEREAS, Councilman Marmarou is a retired City of Reading police officer collecting a pension prior to being sworn in as a member of City Council; and

WHEREAS, Councilman Marmarou is not receiving his designated yearly council member's salary of \$5,000; and

WHEREAS, Councilman Marmarou would like to see the amount budgeted for his salary used for the good of the City of Reading.

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

That the \$5,000.00 per year budgeted for the salary of Councilman Marmarou be reallocated. Furthermore, Council requests that the Administration use these funds to provide additional working hours for intern Sarah Wolf, in the amount of \$1,550.00 and to pay the remaining \$3,550.00 to the Church of St. Helen and Constantine.

Adopted by Council _____, 2010

President of Council

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 PREMISES KNOWN AS “THE FIRE TRAINING CENTER”, READING, BERKS COUNTY, PA FROM THE CITY OF READING TO THE COUNTY OF BERKS.

WHEREAS, the City of Reading is interested in transferring ownership of property known as “the Fire Training Center”, Reading, Berks County, Pennsylvania; and

WHEREAS, the County of Berks is willing to obtain ownership of said premises under certain conditions; and

WHEREAS, the City of Reading finds that said conditions are acceptable.

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

SECTION 1. The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as “the Fire Training Center” , Reading, Berks County, Pennsylvania, (pursuant to the attached agreement’s conditions) from the City of Reading to the County of Berks.

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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding made this _____ day of _____, 2010, between the County of Berks, with its principal place of business at 633 Court Street, 13th Floor, Reading, Pennsylvania 19601 (hereinafter the “County”) and the City of Reading (hereinafter the “City”), with its principal place of business at 815 Washington Street, Reading, Pennsylvania 19601.

WHEREAS, the City of Reading is the current fee simple owner of the land on which the County of Berks maintains the Berks County Fire Training Center;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally bound, the parties agree as follows:

1. The City shall transfer within three (3) months of subdivision approval, for the consideration of one dollar (\$1.00) and without restriction, fee simple title to the Fire Training Center land. The land transfer shall include all land currently enclosed within the chain link fence of the Fire Training Center and the parking lot area adjacent to the Fire Training Center Administration Building. In addition, the County shall be given a six (6) foot right-of-way along the property line to be maintained by the County and access to the property’s storm water and oil/water separator outfalls into the Angelica Creek for clearing and testing purposes.
2. This Agreement is contingent on the subdivision plan being approved by the City Planning Commission. The City shall prepare and submit to the Planning Commission all necessary paperwork. The City shall have its contractor bill the County directly for all costs associated with the preparation of the subdivision.
3. The County of Berks shall be permitted, at its expense, to immediately conduct a survey of the property to prepare an appropriate legal description of the property to be transferred.

4. The Lease Agreement between the County and City dated December 11, 2000 respecting this property shall be terminated. The City shall have the right to continue to use the Fire Training Center and property for a period of at least twenty (20) years consistent with the current uses of the City of Reading Fire Department, Police Department and other City departments. The specific details of the terms of this usage are identified in attachment A to this Lease Agreement. The City shall be governed by the same rules and regulations as any municipal fire department in Berks County, with the County having the right to approve and/or modify proposed training depending on costs or operational issues.

5. In the event the County decides to sell the Fire Training Center buildings and/or land, the City shall be given the right of first refusal to purchase the buildings and/or land for fair market value.

6. The County shall grant to the City of Reading and Cumru Township utility easements for all sewer and water lines crossing the land. The County shall grant additional easements as necessary for future construction projects at the waste water treatment plant.

7. The County shall be responsible for the utility costs of electric, gas, phone and trash removal for such time as it continues to own the Fire Training Center.

8. The City shall provide, at no cost to the County, water and sewer service to the Fire Training Center.

9. The City shall be permitted, at its cost, to install communication equipment on the existing water tower in connection with the operation of the Waste Water Treatment Plant provided said equipment is in compliance with the lease agreement currently in place between the County of Berks and Sprint-Nextel. The City shall be responsible for the cost of all improvements or modifications necessary to accommodate the installation of said communications equipment.

Additionally, all utility costs associated with the equipment shall be the responsibility of the City.

The City shall permit periodic interruptions in the operation of the communication equipment as

may be necessary for the County or its contractors to maintain the water tower, and as may be necessary for Sprint-Nextel, or their successor, to maintain their existing equipment. The City shall be provided reasonable notice of any planned interruptions to ensure impact to the operations of the wastewater treatment plant is minimized. In the event the water tower ceases to exist or is no longer maintained at the option of the County, the City shall have the right, at its expense, to erect a new communications tower on the land provided the tower does not interfere with the operation of the facility for its intended purpose. The County shall have the right, at its expense, to erect and maintain communications equipment on any such City constructed communications tower for County communications purposes.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals the day and year first above written.

CITY OF READING COUNTY OF BERKS

Mayor Mark C. Scott, Esquire

Chair Board of Commissioners

City Council President

ATTEST: ATTEST:

Terry L. Styer, Chief Clerk

ATTACHMENT A

For a period of at least twenty (20) years the County shall provide, at no cost, to the City:

1. Access to and use of the Fire Training Center and land on a reservation basis. The cost of consumables shall be billed to the City. The County will make its best effort to accommodate the current and future training needs for the City of Reading departments in scheduling without cancelling previously scheduled events.
2. An office in the Fire Training Center Administration Building for use by the Reading Fire Department Training Lieutenant.
3. A gear locker, a personal use locker, and classroom storage space.
4. Classroom space in the Administration Building for use by the City and City Departments, including the Reading Police Department Bomb Squad, provided these City Departments follow the procedures outlined in the Fire Training Center Standard Operating Procedure Manual for reservation of the classroom space. If possible, priority will be given to the City for use of Classroom "B." However, reservations will be accepted on a first come first served basis.
5. Controllers for City Apparatus and Chiefs to open the gate to the property.
6. The Reading Police Department Bomb Squad shall have use of the Berks County Department of Emergency Services Special Operations Group workshop and storage space in the mezzanine section of the garage area. The Reading Police Department Bomb Squad shall have access to their equipment, the garage and workshop for repair or maintenance of their equipment. Use of the air room to refill self-contained breathing apparatus under County staff supervision as available.
7. Telephone, fax machine and copier usage for office and administrative use. The copier shall not be used for mass production of student or training materials.

The City agrees that:

1. All usage and training activities at the Fire Training Center shall be conducted in accordance with the procedures outlined in the Fire Training Center Standard Operating Procedures.
2. It shall defend, indemnify and hold harmless the County, its elected officials, employees and agents, from and against any and all liability, damages, claims, suits liens and judgments (including reasonable attorney's fees) of whatever nature, for injuries to or death of any person or persons or damage to the property, to the extent attributable to the negligence of the City or the City's failure to perform in accordance with the provisions of this Agreement.

BILL NO _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 5 CODE ENFORCEMENT, PART 5 INTERNATIONAL MECHANICAL CODE, SECTION D 103.5 MECHANICAL BOARD BY ADDING THE REMOVAL PROCESS FOR MEMBERS OF THE HVAC BOARD

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 5 International Mechanical Code, Section D 103.5 Mechanical Board by adding the removal process for members of the HVAC Board as follows:

(e) 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.

Enacted _____, 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: _____

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 4 BUILDINGS, PART 1 HISTORICAL DISTRICTS, SECTION 111 READING BOARD OF HISTORICAL ARCHITECTURAL REVIEW (F) BY AMENDING THE REMOVAL PROCESS FOR MEMBERS OF THE HISTORICAL ARCHITECTURAL REVIEW BOARD

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

SECTION 1. amending the City of Reading Codified Ordinances Chapter 4 Buildings, Part 1 Historical Districts, Section 111 Reading Board Of Historical Architectural Review (F) by amending the removal Process for members of the Historical Architectural Review Board as follows:

(F) Removal from Office - 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.

Enacted _____, 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: _____

§4-111. Reading Board of Historical Architectural Review.

The Board of Historical Architectural Review is hereby created:

A. Membership and Terms.

(1) The Board shall be composed of eleven members, appointed by City Council; one of whom shall be a registered architect, one a licensed real estate broker, one a person with knowledge of the building trades, one who is either a resident of or owner of property within the Callowhill Historic District, one who is either a resident of or owner of property within the Prince Historic District, one who is either a resident of or owner of property in the Centre Park Historic District, one who is either a resident of or owner of property within the Penn's Common Historic District and four who have knowledge of or interest in the preservation of historic buildings and districts.

(2) The terms of members shall be fixed so that no more than four terms shall expire during the same calendar year. Upon the expiration of the term of any member, a successor shall be appointed to serve for a term of 3 years.

(3) The term of any member of the Board who was appointed in his or her capacity as a registered architect, licensed real estate broker, a person with knowledge of the building trades, or a resident of or owner of property in the historical district shall automatically be considered vacant if in the case of the former three, the person ceases to be so engaged, or in the case of the latter, ceases to be either a resident of and/or owner of property in the historical district. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

B. Organization of the Board.

(1) The Board shall comply with the by-laws adopted by the Board December 16, 1986, by *Res. 27-86*.

(2) The Board shall establish offices and elect officers from its own membership. Nominations for various offices may be made by any member of the Reading Board of Historical Architectural Review. Elections shall be held annually. The chairperson shall fill by appointment any office prematurely vacated.

(3) For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Board as a whole. Any action taken at any meeting shall require the affirmative vote of the majority of Board members present. Each Board member shall be entitled to one vote on any given issue.

(4) An executive committee consisting of the elected officers (chairperson, vice chairperson, secretary) may be established to review applications for adequate content. The executive committee should convene a minimum of 4 working days before a regularly scheduled meeting.

(5) The number of standing or temporary committees shall be determined by the Board. The chairperson and members of such committees shall be appointed by the chairperson of the Board. Membership on said committees shall terminate automatically upon the expiration of the term of the appointing chairperson.

(6) The Board may form committees and develop policies regarding maintenance, rehabilitation, construction and demolition.

C. Obligation of Members.

(1) Board members must attend a minimum of seven meetings per year. If a member is unable to attend four consecutive meetings, the Board as a whole may recommend to City Council that the said member be removed and replaced by a newly appointed member.

(2) Board members are required to attend at least 8 hours of informational or educational training per year as determined by the Pennsylvania Historical and Museum Commission.

D. Expenditure for Service. City Council may appropriate funds for legal, secretarial, clerk, consultant and other technical assistance required to achieve the aims of this Part. Board members shall serve without compensation except that the City may reimburse Board members for expenses incurred in the performance of their duties.

E. Conflict of Interest. No member of the Board shall be permitted to take part in the discussion or vote on the issuance of a certificate of appropriateness for any property in which such member has any interest, direct or indirect. Such member shall temporarily absent himself or herself from the table during any such discussion or vote.

~~**F. Removal from Office.** Any Board members may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by City Council after the member has received 15 days advance notice of the intent to take such action.~~

(F) Removal from Office - 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.

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION AND GOVERNMENT PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES AND COUNCILS B. BOARD OF HEALTH 511 ESTABLISHMENT BY AMENDING THE REMOVAL PROCESS FOR MEMBERS OF THE BOARD OF HEALTH

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 and Government Part 5 Boards, Departments, Commissions, Committees and Councils B. Board of Health by amending the removal Process for members of the Board of Health as follows:

Removal - 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.

Enacted _____, 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: _____

B. BOARD OF HEALTH

§ 1-511 ESTABLISHMENT; MEMBERS

Creation. A Board of Health is hereby created in the City of Reading, Pennsylvania, to consist of five (5) members and two (2) alternates.

Appointment. The members of the said Board shall serve without compensation and shall be appointed by the Mayor with the approval of the Council. No member of City Council shall be appointed as a member of the Board of Health.

Residency. All members of the Board of Health shall be residents of the City. If a qualified Board of Health cannot be established as set forth herein with residents of the City, alternatively members may be selected from persons with a significant business interest in the City.

Membership. The Board of Health shall be comprised of at least one representative of each of the following:

1. a person certified by the state or appropriately licensed in the area of Environmental Health;
2. a person state certified or appropriately licensed in the study of Infectious Diseases;
3. a person state certified or appropriately licensed as a Public Health Practitioner;
4. person certified and licensed to practice by the State Board of Medicine, the State Board of Veterinary Medicine, the State Board of Pharmacy, or the State Board of Nursing to be engaged in a medical, medically related or health care profession or business; and
5. a representative of the citizens of the City of Reading.

One alternate shall be selected from any of the aforementioned professional fields with preference given to an individual representing a licensed profession not already represented on the Board.

The second alternate shall be a resident of the City who does not need to possess any of the qualifications stated above.

The inclusion of a state certified physician, veterinary, pharmacist and nurse specifically enumerated in 4 above does not preclude such from qualified under numbers 1-3 above if they are certified and/or licensed in the areas specified therein. If a licensed or certified professional from one of the above-named areas cannot be identified to serve on the Board, the Mayor, with the approval of City Council, may appoint any individual who has experience or is knowledgeable of public health issues relating to the field for which they are being selected to represent. Alternatively, if all fields are unable to be represented and more than one individual is qualified in one of the aforementioned fields a second such person may qualify to fill the unfilled position of an unrepresented field.

Term. At the first appointment Council shall designate one (1) of the members to serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years, from January 1, 2006 and thereafter one (1) member of the said Board shall be appointed annually to serve for the term of (5) years from January 1 succeeding his appointment.

~~Removal. The Mayor may remove any or all of the members of said Board for official misconduct or neglect of duty and may fill any vacancy for any unexpired term with the approval of Council. A Board Member shall be removed automatically if they fail to attend three (3) consecutive meetings without reasonable excuse.~~

Removal - 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

Oath. Each member of the Board of Health shall take an oath of office.

§1-512 PURPOSE.

- A. To prevent or diminish the introduction or further spread of infectious or contagious diseases.
- B. To prevent, abate or remove conditions found to be detrimental to the public health.

§ 1-513 ORGANIZATION

President. The Board shall elect a president annually from among the members. Duties of the President shall include:

- Preside at all meetings of the Board.
- See that all orders of the Board are carried out.
- Report to City Council.

Vice-President. The Board shall elect a Vice-President.
The Vice President of the Board shall fulfill all duties of the President in his/her absence.

Secretary. The Board shall appoint a Secretary who is not a Board member and who is qualified in the secretarial arts. Duties of the Secretary shall include:

- Keep the minutes of the proceedings of the Board.
- Prepare, under the direction of the Board, the annual report to Council.
- Assist the City Health Officer in the preparation of reports to the State Department of Health as are required by law or by rule or regulation of the Department. Any annual report of the Local Board of Health must be submitted to the local State office.
- At the direction of the Board of Health, issue and respond to all correspondence from and to the Board of Health.
- Issue all notices to the newspaper for publication.
- Prepare any other reports and perform such other duties as are required of him/her by law of the Board of Health.

§ 1-514 POWERS AND DUTIES

It shall be the duty of the Board of Health to enforce the laws of the Commonwealth of Pennsylvania and the article of the City of Reading enacted for the protection of the public health.

To undertake the aforesaid duty the Board of Health shall:

- Monitor the health status of the City of Reading to identify community problems;
- Diagnose and investigate health problems and health hazards in the City of Reading;
- Inform, educate and empower the citizens and residents of Reading about health issues;
- Mobilize community partnerships and take action to solve problems; and
- Analyze and develop policies and plans that support individual and community health efforts.

To exercise all the rights and perform all the duties and obligations conferred and imposed upon like Boards of Health in cities of the Third Class of the Commonwealth of Pennsylvania by all Acts of Assembly which may not be in force or hereafter passed in reference to the same that are not performed by other Boards, Commissions or Authorities or Departments of the City of Reading.

The Board of Health shall have power to make and enforce such orders and regulations as may be necessary to carry out its aforesaid duties and obligations so long as the Council shall approve such regulations. The Board of Health shall have the authority to publish and enforce its rules and regulations.

The Board of Health shall have the right to conduct investigations and to hold public hearings in the performance of its duties and powers. The Board of Health may require the attendance of witnesses and their books and papers.

The Board of Health shall transmit to the State Department of Health all of its reports and publications and such other information regarding public health in the City as may be requested by the Department.

§1-515 MEETINGS

Scheduled. The Board of Health shall meet on the first Wednesday of each month. A list of the regularly scheduled monthly meetings for the upcoming year will be published in the newspaper in December.

Emergency. If the President of the Board of Health declares an emergency, he may call an emergency meeting. Twenty-four (24) hour notice of an emergency meeting must be given to the public. An emergency would include but not be limited to the existence of a condition which would immediately endanger public health, or the development of any other serious situation in which the President believes that action by the Board of Health is necessary for public safety.

Quorum. For the purpose of holding any meeting, the Board shall be at least Fifty Percent (50%) or more of the membership.

Open to the Public. The Board of Health meetings shall be open to the public and shall be held at such places where the general public has unhampered access to such meetings.

Minutes. The said Board shall keep regular minutes of its meetings.

Rules and Regulations. The Board shall have the power to adopt rules and by-laws to govern its meetings and organization.

§ 1-516 ADVISORS

Advisors to the Board of Health shall be as follows:

Health Officer. Under §1-171 of the Administrative Code, City Health Officer, the City of Reading shall have a City Health Officer appointed by the Mayor. The Health Officer shall advise the Director of Community Development and the Health Officer or his/her designee shall attend all Board of Health meetings in an advisory capacity.

Codes Services Official. The Director of the City of Reading Codes Services Department or his/her designee shall attend all Board of Health meetings in an advisory capacity on issues under his/her purview and Department.

Legal. The City of Reading Legal Specialist or his/her designee shall attend all Board of Health meetings in advisory capacity and advise on all legal/law issues.

Others. The Board of Health may request the attendance of other City Officials as may be necessary from time to time to address or advise on an issue before it. For example, the Board may request the attendance of the Codes or Health Inspector for a premises in question.

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS COMMISSIONS COMMITTEES AND COUNCILS, SECTION L CHARTER BOARD BY ADDING THE REMOVAL PROCESS FOR MEMBERS OF THE CHARTER BOARD 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 l Charter Board by adding the removal process for members of the Charter Board as follows:

D. 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.

Enacted _____, 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: _____

L. Charter Board.

§1-599.21. General Provisions.

1. **Title.** The Title of this Part shall be the City of Reading Charter Board Ordinance.

2. **Purpose of Ordinance.** The purpose of the City of Reading Charter Board Ordinance is to provide, through the institution of the City of Reading Charter Board ("Board"), for the implementation of Amendment I of the Reading City Charter, which is entitled "Enforcement of Charter."
(Ord. 46-2005, 7/25/2005, §I)

§1-599.22. Organization of Charter Board.

1. Composition and Structure of Board.

A. **Composition.** The Board established under Amendment 1 of the City of Reading Home Rule Charter ("Charter") shall be composed of five residents of the City of Reading. Board members shall be appointed by the Mayor with the consent of City Council.

B. **Terms of Service.** Members of the Board shall serve for terms of 5 years, except that the members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with members serving terms of 1, 2, 3, 4, and 5 years respectively.

C. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.

D. 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.

D. **Election of Chairperson and Vice-Chairperson.** The Board shall elect a chairperson and vice-chairperson upon seating of the members and thereafter annually at a meeting held in July of each year. The vice-chairperson shall act as the chairperson in the absence of the chairperson or in the event of a vacancy in that position.

E. **Quorum.** A majority of the members of the Board shall constitute a quorum and the votes of a majority of the members present are required for any action or recommendation of the Board.

F. **Staff.** The Board shall appoint a Solicitor, a secretary, and such other staff as may be deemed necessary. The Solicitor, secretary, and such other staff as may be necessarily appointed shall not be members of the Board.

G. **Meetings.** The Board shall meet at the call of the chairperson or at the call of a majority of its members.

H. Investigative Officer.

(1) The Board shall appoint an investigative officer ("Investigative Officer") who shall serve at the pleasure of the Board. The Investigative Officer is charged with determining jurisdiction, conducting preliminary and full investigations, issuing written findings reports, prosecuting complaints before evidentiary hearings, and performing such other duties as set forth herein.

The Investigative Officer shall conduct his/her work independently and without comment or inquiry from the Board, except as provided in paragraph (4) below.

(2) The Investigative Officer shall be a member in good standing of the Pennsylvania Bar Association and shall have so been for at least 5 years. The Investigative Officer need not be a resident of the City of Reading and shall not be a Board member. The Investigative Officer is authorized to retain the services of an investigator and other professional staff and/or consultants, and shall only delegate non-discretionary functions.

(3) The Investigative Officer shall not be the current or former Solicitor to the Board and the Investigative Officer shall not serve in the future as Solicitor to the Board on any matter investigated or prosecuted by the Investigative Officer. Furthermore, the Investigative Officer shall not seek the advice of the Solicitor to the Board, and the Solicitor to the Board shall not seek the advice of the Investigative Officer, on substantive aspects of any complaint or referral before the Board.

(4) In addition to all other responsibilities of the Investigative Officer he/she shall provide to the Board every six months a summary of each complaint received, its procedural status, and if it has been dismissed, the reasons for its dismissal. Said summary shall not contain any identifying information of any person involved as a witness, complainant or subject of the complaint.

2. **Prohibitions.** Due to the nature of their appointment, Board members have a duty to avoid any known conflicts of interest, especially actions or behaviors in violation of the City Charter or its full and impartial enforcement. The prohibitions in this Section are in addition to all other duties, responsibilities, and obligations imposed upon Board members.

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

3. **Mandate to Fund.** City Council shall appropriate sufficient funds for the Board to perform its enforcement, advisory, and educational duties, including expenses for independent counsel, investigative personnel, investigations, hearings, appeals, staff, any other necessary personnel, and professional educational programming.
(Ord. 46-2005, 7/25/2005, §II)

§1-599.23. Powers and Duties of Charter Board.

1. **Charter Enforcement Powers.** The Board shall have the following powers and duties with respect to Charter enforcement. It shall:

- A. Hear and decide all complaints alleging violations of the Charter and Administrative Code, except that its jurisdiction shall not extend to cases arising under the Ethics Code or the Personnel Code of the City of Reading.
- B. Impose penalties and administrative fines and refer matters to law enforcement, regulatory, or other authorities with jurisdiction over these matters.
- C. Initiate preliminary investigations on its own motion, through the Investigative Officer.
- D. Appoint an Investigative Officer to conduct investigations and to issue Findings Reports where appropriate.
- E. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to adjudications and penalties.
- F. Adopt rules and regulations to administer, implement, enforce and interpret the Board Ordinance.

G. Have all other powers necessary and appropriate to effectuate the purposes set forth herein and in Amendment I of the Charter.

2. **Charter Advisory Powers.** The Board shall have the power to issue advisory opinions on matters concerning the interpretation of the Charter and Administrative Code. The enumeration of this power shall in no way diminish any of the foregoing enforcement powers of the Board.

3. **Charter Educational Powers.** The Board shall have the following powers and duties with respect to Charter education. It shall:

A. Direct and administer, with professional assistance, the required orientation of all newly elected City officials at the commencement of their initial full term of office.

B. Be responsible, proactively and on an ongoing basis, for educating the public and members of City government as to their rights, duties, and obligations under the Charter and Administrative Code.

(Ord. 46-2005, 7/25/2005, §III)

§1-599.24. Standards for Interpretation of Reading City Charter and Administrative Code.

1. Standards for Charter Interpretation: Intent Controls.

A. The object of all interpretation and construction of Charter provisions is to ascertain and effectuate the intent of the authors of the Charter.

B. When the words of a Charter provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

C. When the words of a Charter provision are not explicit, the intent of the authors of the Charter shall be ascertained by considering:

- (1) The mischief to be remedied.
- (2) The object to be attained.
- (3) The circumstances under which it was enacted.
- (4) The contemporaneous legislative history.

2. Standards for Administrative Code Interpretation: Intent Controls.

A. The object of all interpretation and construction of Administrative Code provisions is to ascertain and effectuate the intent of the enacting City Council.

B. When the words of an Administrative Code provision are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

C. When the words of an Administrative Code provision are not explicit, the intent of the enacting City Council shall be ascertained by considering:

- (1) The mischief to be remedied.

- (2) The object to be attained.
- (3) The circumstances under which it was enacted.
- (4) The contemporaneous legislative history.

3. Refinements of Interpretative Standards. The standards set forth in subsections .1 and .2 above may be refined only in accordance with the Statutory Construction Act, 1 Pa. C.S.A. §1501 *et seq.*, which is binding for the interpretation of all home rule charters through *Cottone v. Kulis*, 460 A.2d 880 (Pa. Commonwealth, 1983), and for the interpretation of all municipal ordinances through *Ciavarella et ux. Appeal*, 484 A.2d 420 (Pa. Commonwealth, 1984).

(*Ord. 46-2005, 7/25/2005, §IV*)

§1-599.25. Enforcement.

1. Procedure.

A. Standing. Any taxpayer, or aggrieved person, may file a complaint about alleged violations of the Charter or Administrative Code. The person signing a complaint shall:

- (1) Reasonably believe in the existence of facts upon which the claim is based.
- (2) Reasonably believe that the complaint may be valid under the Charter or Administrative Code.

In addition, the Board may initiate preliminary investigations on its own motion, through the Investigative Officer.

B. Filing of Complaint.

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

(2) No member of the Board shall review any complaint until after an evidentiary hearing has been requested by the subject of the investigation, or if no evidentiary hearing is requested, then until the submission to the Board of the Investigative Officer's Findings Report.

(3) The complainant may withdraw his or her complaint at any time after its submission, and no further action will be taken with regard to the complaint. Such withdrawal shall be in writing and contain a notarized signature. If a preliminary investigation has already been initiated, the subject of the investigation shall immediately be notified of the withdrawal. The individual's withdrawal of a complaint does not preclude further action by the Board on its own motion.

C. Determination of Jurisdiction.

(1) Each complaint filed with the Board shall immediately be directed to and preliminarily reviewed by the Investigative Officer appointed by the Board to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determination shall be made within 7 days of the filing of the complaint. If the Investigative Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

(2) Upon a determination that the complaint falls within the jurisdiction of the Board, the Officer shall attempt an informal resolution of the issue within 30 days of the receipt of the complaint. Informal resolution shall consist solely of written notice to the complainant and the subject of the complaint encouraging them to resolve the issue outside the formal investigative and adjudicative process of the Board.

(3) Concurrent with the attempt at informal resolution, the Investigative Officer shall inform both the complainant and the subject of the complaint of their rights and responsibilities under the formal adjudicative process.

D. Preliminary Investigation.

(1) The preliminary investigation shall be initiated and conducted at the sole discretion of the Officer. If the Officer, in his/her discretion, finds that the alleged violation, would, if proved, constitute a "de minimis" infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint. A de minimis infraction is one that is so insignificant or trifling that enforcement serves merely to exhaust the Board's time and resources. See *Bailey v. Zoning Board of Adjustments*, 801 A. 2d 492 (Pa., 2002). Furthermore, if the Officer, in his/her discretion, finds that the Board in the instant case cannot provide an adequate or timely remedy, he/she may decline to initiate a preliminary investigation, dismiss the complaint, and advise the complainant of alternative remedies.

(2) At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same and the initiation of a preliminary investigation.

(3) The preliminary investigation shall be completed within 30 days of the Officer's finding of jurisdiction.

(4) If, at any time during the preliminary investigation, an extension is necessary and justified, the Officer may request of the Board one 15-day extension, which shall be granted as of course. The Officer shall notify both the complainant and the subject of the investigation of such extension.

(5) At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

E. Full Investigation. If preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within 3 days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every 45 days. Within 90 days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a Findings Report ("Findings Report").

F. Findings Report.

(1) The Findings Report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation.

(2) Within 20 days of the issuance of the Report, the subject of the investigation may make a request in writing to the Officer for an evidentiary hearing, and such request shall be granted as of right. When the Officer receives such a request, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Investigative Officer shall then prepare facts in support of the complaint and present them at the evidentiary hearing.

(3) If the subject of the investigation does not request an evidentiary hearing within 20 days of the issuance of the Findings Report, the Officer shall immediately notify the Board of the names of the parties involved and shall deliver to the Board the Findings Report.

G. Evidentiary Hearing.

(1) **Timing.** An evidentiary hearing must be held within 45 days of the filing of a request for same.

(2) **Procedure.**

(a) The subject of the investigation shall have reasonable access to any evidence intended to be used at the hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument, and shall be entitled to exercise all rights afforded him/her by the United States Constitution and the Pennsylvania Constitution which apply to this type of hearing.

(b) The formal rules of evidence will not apply to hearings; however, they may be used as a guide for determining the evidence admitted at the hearing.

(c) Testimony shall be given under oath or affirmation, and witnesses shall be subject to cross-examination.

(d) A stenographic record shall be taken of all evidentiary hearings.

(e) The Investigative Officer will present his/her case followed by the case of the subject of the complaint. Each party may make an opening and closing statement, unless otherwise directed by the Board.

(f) Subpoenas may be issued at the request of the parties to the hearing on the approval of the Board. Information subpoenaed shall be relevant and not privileged.

(g) The Board shall possess and be afforded all other powers, rights, privileges, and immunities, afforded to quasi-judicial bodies in the Commonwealth of Pennsylvania.

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

(4) **Solicitor.** The Board shall be represented by its Solicitor. The Solicitor shall assist the Board in carrying out its functions during the evidentiary hearing, may examine witnesses, documents and things to the same extent as the Board, may make evidentiary rulings and advise the Board concerning same, assist in the preparation and review of the Final Order, and otherwise advise and counsel the Board as necessary.

H. Decision by the Board: Final Order.

(1) **Following Evidentiary Hearing.** At the conclusion of the evidentiary hearing, and in a timely manner, the Board shall deliberate on the evidence to determine whether the subject of the complaint violated the Charter or the Administrative Code. The Board's decision shall be by a majority vote of those members present.

(2) **Where no Evidentiary Hearing is requested.** If the subject of the complaint does not request an evidentiary hearing, the Board shall decide by a majority vote of those members present whether the Findings Report supports a determination that the subject of the complaint violated the Charter or Administrative Code.

(3) **Final Order.** The Final Order of the Board shall contain findings of fact and conclusions of law in accordance with the Local Agency Law, 2 Pa.C.S.A. §§551-555. A copy of said order shall be delivered immediately to both the complainant and the subject of the complaint by certified United States mail, return receipt requested.

The Board shall render its decision and issue a Final Order:

(a) Within 30 days of the conclusion of the evidentiary hearing.

(b) In the instance where no evidentiary hearing is requested, within 60 days of the issuance of the Findings Report.

I. Right to Appeal.

(1) Any person aggrieved by an adjudication of the Board who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals pursuant to Title 42 (relating to judiciary and judicial procedure). All such appeals shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§751-754.

(2) In the instance of an appeal from an adjudication of the Board, representation of the Board shall be by its Solicitor.

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

K. Costs of Charter Enforcement. Any person who prevails in any legal action against the City, its officers or agents to enforce this Charter or the Administrative Code pursuant to it, shall be entitled to recover all reasonable attorney's fees and costs incurred in such action.

2. Violations and Penalties.

A. Violations. The violation of any Section of the Charter or Administrative Code, in whole or in part, shall constitute a violation under the jurisdiction of the Board, except that the Board's jurisdiction shall not extend to cases arising under either the Ethics Code or the Personnel Code.

B. Penalties; Other Remedies.

(1) Penalties.

(a) Factors to be considered. Before the imposition of any penalty (as opposed to restitution or other remedy) the Board shall consider the following factors and address the relevant factors in its Final Order:

1) The seriousness of the offense.

2) The substantive effect the offense has on the application of the Charter and its purposes.

3) Whether the subject of the complaint has had previous decisions entered against him/her by the Board.

- 4) The number of violations involved.
- 5) Whether the violations were the result of willful or intentional conduct, recklessness, negligence, oversight or mistake.
- 6) The consequences of the violation.
- 7) Any other factors relevant in determining the type and severity of the penalty to be imposed.

(b) **Penalties.** Upon the finding of any violation, the following penalties shall be available to the Board for imposition, in addition to and notwithstanding restitution and other remedies listed in subsection 2) below:

- 1) Admonition, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, and Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the Charter or Administrative Code.
- 2) Public Censure, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the Charter or Administrative Code took place and that the Board strongly disapproves of the public official's or public employee's actions.
- 3) Suspension, without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.
- 4) Termination, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.
- 5) Referral to the appropriate authorities for criminal prosecution in cases where a violation of the Charter or Administrative Code is also a violation of Federal or State law.
- 6) Imposition of a fine, not to exceed \$1,000 per violation.

7) Imposition of an administrative fine of not more than \$1,000 to defray the actual cost and expense of investigating any violation.

(2) **Other remedies.** Upon the finding of any violation, the Board may take one or more of the following actions, in addition to and notwithstanding the penalties listed in subsection .2.b(1)(b) above:

(a) Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Administrative Code or Charter.

(b) Order the subject to cease and desist from engaging in a particular activity that is in violation of the Administrative Code or Charter.

(c) Order the subject to take specified action to bring him/her into compliance with Board directives.

(d) Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction over these matters.

(e) Institute appropriate civil or equitable action to enforce the order and decision of the Board.

(f) Recommend to City Council the forfeiture of the office held by the subject with the City in accordance with Charter §§206, 305, and 504.

3. Board Information.

A. Confidentiality of Board Information. All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other records and proceedings shall remain confidential except:

(1) As necessary to effect due process.

(2) For the purpose of seeking advice of legal counsel.

(3) For the purpose of filing an appeal from a final order.

(4) For hearings conducted in public according to subsection .1.G.

(5) For communicating with the Board or its staff, in the course of an investigation or hearing or before a final determination is made by the Board.

(6) For consulting with law enforcement officials for the purpose of initiating, participating in, or responding to an investigation, or hearing.

(7) For testifying under oath before a governmental body.

(8) For information relating to a complaint, investigation, or hearing which is disclosed by the subject of such complaint, investigation, or hearing.

(9) For the divulgence by individuals who are interviewees to confidential Board proceedings as to information that was already in their possession or as to their own statements.

(10) For the publication or broadcast of information legally obtained by the news media regarding a confidential Board proceeding.

B. Board Records.

(1) All Final Orders of the Board shall be kept on public file at the Office of the City Clerk. The City Clerk shall also file copies of all Final Orders of the Board with the Law Library of Berks County Court of Common Pleas.

(2) All confidential records and proceedings of the Board shall be kept on closed file at the Office of the City Clerk.

4. Wrongful Use of Charter Board.

A. Complaints directed to the Board must be based on fact and a reasonable belief of a Charter violation. Wrongful use of the Board is prohibited and any person engaged in such conduct may be subject to penalties as set forth in subsection .2.

B. Wrongful use of the Board is defined as either:

(1) Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without basis in law or fact and was made for a purpose other than reporting a violation of the Charter or Administrative code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim, and either reasonably believes that under those facts the complaint is valid or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.

(2) Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, in violation of subsection .3 above.

(Ord. 46-2005, 7/25/2005, §V)

§1-599.26. Advisory Opinions.

Upon written request of any public official or City employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of home rule or enforcement of the City Charter. All advisory opinions shall be issued in writing and may include any redactions necessary to prevent disclosure of the identity of the person who is a subject of the opinion. An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion. Advisory opinions shall be issued as expeditiously as possible, and in no case later than 30 days following the receipt of the written request.
(*Ord. 46-2005, 7/25/2005, §VI*)

§1-599.27. Educational Duties of the Charter Board.

1. Overview.

The educational duties of the Board are two-fold:

A. It shall direct and administer, with professional assistance, the required orientation of all elected City officials at the commencement of their terms.

B. It shall, proactively and on an ongoing basis, educate the public and members of City government as to their rights, duties and obligations under the City Charter and Administrative Code.

2. Orientation of Elected City Officials.

A. A basic orientation course shall provide comprehensive information on Home Rule Law, the City Charter, the City Administrative Code, and the City Ethics Code. Other topics to be included in the course are: the impact of the Pennsylvania Constitution and other pertinent legal statutes on City government; a review of the City budget, including all City employees' labor agreements; and Roberts Rules of Order. This course shall be directed and administered by the Board, with assistance from the Pennsylvania Department of Community and Economic Development, the State and County Bar Associations, the Ethics Board, and any other resources the Board deems appropriate.

B. Any elected official who, in the determination of the Board, completes this course within four months of their initial full term will receive a bonus of \$250.

C. City Council shall provide sufficient funds to ensure a thorough and professional orientation.

3. Educating the Public and Members of City Government.

A. Educating the public and members of City government about their rights, duties and obligations promotes involvement and participation for more effective and efficient government. The Board, with the assistance of resources deemed appropriate by the Board, shall conduct these educational programs in various formats. Educational

information can be disseminated in a variety of formats - public meetings, printed materials such as inserts in tax and water bills; handbooks; web site; community newsletter; interactive local television programming.

B. Funds shall be made available to the Board for the ongoing educational program of the public and members of City government.

(Ord. 46-2005, 7/25/2005, §VII)

BILL NO. _____-2010
A N O R D I N A N C E

Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 Parades, Special Events and Public Gatherings by Adding Regulations for Vendors and the Types of Merchandise That Can Be Sold and Dispensed.

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 15 Motor Vehicles and Traffic Part 12 , Special Events and Public Gatherings by adding a definition for Vendors and the types of merchandise that can be sold and dispensed

SECTION 2. Amending §15-1202. Definitions. By adding a definition of Vendors as follows:

Vendor - A merchant or a person who sells a merchandisable property, product or goods

SECTION 3. Amending §15-1204. Application Section M. m. as follows

m. Vendors: List each vendor, including products and services offered. The products and services offered cannot be in violation of the duly enacted the City of Reading Codified Ordinances and cannot include items that are “adult” related and can only be sold to persons over 21 years of age. All Vendors must also provide a valid tax ID number, as required by Pennsylvania law and a valid City of Reading business license. ~~Pennsylvania law requires valid tax ID number for each vendor.~~

SECTION 4. Amending §15-1211. Street Activity and Route Restrictions as follows:

7. The merchandise, products and services offered cannot be in violation of the duly enacted City of Reading Codified Ordinances and cannot include items that are “adult” related that can only be sold to persons over 21 years of age.

SECTION 5. All other parts of the Ordinance remain unchanged.

SECTION 6. This Ordinance shall be effective ten (10) days after passage.

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: _____

PART 12

PARADES, SPECIAL EVENTS, AND PUBLIC GATHERINGS

§15-1201. Short Title.

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

§15-1202. Definitions.

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

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

CITY - the City of Reading, *Pennsylvania*

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

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

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

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

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

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

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

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

1. Closing of a public Street, Sidewalk, or alleyway;
2. Blocking or restricting public property;
3. Blocking or restricting access to private property of others;
4. Use of pyrotechnics or special effects;
5. Use of open flame, explosions, or other potentially dangerous displays or actions;
6. Use or display of animals, aircraft, or watercraft only when such use or display could create a disturbance or affect the public safety of persons attending or in the immediate area of the event;
7. Sale or service of merchandise, food, or non-alcoholic and alcoholic beverages on public and private property where otherwise prohibited by Ordinance;
8. Installation of a stage, band shell, vehicle(s) of any kind, trailer, van, portable building, booth, grandstand, or bleachers on public property; or on private property where otherwise prohibited by Ordinance;
9. Placement of portable toilets on public property; or on private property where otherwise prohibited by Ordinance;
10. Placement of "No Parking" signs or barricades in a public right-of-way;
11. Amplification of music, voices, sounds, or activities that require a noise permit;

12. The Public Works, Fire or Police Departments reasonably determine that the event will result in substantial impact on City resources, facilities, or public safety services in response thereto;
13. Examples of Special Events include but are not limited to: Concerts, dances, assemblages, processions, parades, circuses, amusement rides, fairs, festivals, block parties, community events, marathons and other running events, bicycle races and tours, football games, basketball games, baseball games, golf tournaments, boat races, and other organized activity conducted for the purpose of fundraising for profit, non-profit fundraising, community promotion, or charity.
14. The Police Department Traffic Unit shall determine if a Special Event Permit is required.

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

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

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

VENDOR – *a person or entity who promotes or exchanges goods or services for money*

§15-1203. Permit Required.

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

Exceptions. This Part shall not apply to:

- A. Funeral processions by a licensed mortuary.
- B. House moving and construction activities
- C. Activities of a governmental agency acting within the scope of its authority

D. Lawful exercise of free speech and right to assemble on sidewalks or other public property where such demonstration does not impede the passage of others and all laws, ordinances, and regulations are obeyed.

E. A governmental agency acting within the scope of its functions.

F. Students traveling to and from classes or participating in school district sanctioned educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities.

§15-1204. Application.

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

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

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

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

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

- A. The name, address and daytime telephone number, fax, cell phone number, and email address of the person seeking to conduct such event.
- B. If the event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- C. The name, address and telephone number of the person who will be the event chairman and who will be responsible for its conduct.
- D. The location of the event.
- E. The purpose of the event.
- F. The date, days, and times when the event is to be conducted.
- G. The setup, tear-down, and cleanup dates and times.
- H. The route to be traveled, the starting point and the termination point for parades.
- I. The approximate number of persons who, and animals and vehicles which, will constitute the parade; the type of animals and description of vehicles.
- J. The hours, when such event will start and terminate.
- K. A statement as to whether the event will occupy all or only a portion of the width of the streets proposed.
- L. The location by streets of any assembly areas for such event.
- M. Maps detailing proposed site locations and/or routes along with written descriptions of the following:
 - a. Amplification Devices: Types used and for what purposes.
 - b. Electrical Requirements: Voltage, amperage, and apparatus associated with electrical needs for activities, vendors, etc.

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

- k. Street Closures and Detours: A statement as to whether the Special Event will occupy all or only a portion of the width of the Streets, Sidewalks, or other public rights-of-way proposed for pedestrian and vehicular traffic control.
- l. Structures: All temporary structures, including but not limited to booths, buildings, stages, bleachers, fences, tents, awnings, and canopies.
 - (a) If any temporary structure is equal to or larger than two hundred (200) square feet in diameter, a certificate confirming the use of flame-retardant material shall be provided by Applicant.
- m. Vendors: List each vendor, including products and services offered. *The merchandise, products and services offered cannot be in violation of the duly enacted City of Reading Codified Ordinances and cannot include items that are "adult" related and can only be sold to persons over 21 years of age. All Vendors must also provide a valid tax ID number, as required by Pennsylvania law and a valid City of Reading business license.* ~~Pennsylvania law requires valid tax ID number for each vendor.~~
- n. Vehicles: Types of vehicles used to support services to the Special Event and/or to be showcased in the event.

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

O. Alcoholic Beverages:

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

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

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

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

Q. Attendance:

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

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

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

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

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

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

Manager of the City, require insurance in such amounts as the Chief of Police shall determine on the advice of the Safety and Risk Manager of the City.

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

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

§15-1205. Fees, Time Limit, and Cost

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

1. Processing Fee will NOT be waived:

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

2. Security Deposit will NOT be waived:

- a. Five hundred dollars (\$500.00).
- b. Refundable if the location of the Special Event is clean and free of litter and damage and city services costs are paid.

c. The Security Deposit must be paid with a separate check so that it can be placed in escrow for easy return if applicable.

3. Use of City Personnel Resources for Event:

a. Fire and EMS, Police, and Public Works will determine the number of and duration of personnel needed to provide services for the event based on the nature, the location, and the number of expected attendees. Extra employees will often have to be scheduled as to not significantly interfere with regular city operations.

b. Costs for needed services shall be paid according to the current City hourly rate for the personnel involved in the event and in adherence to conditions set forth in bargaining agreements, such as the minimum number of hours to be paid for such employee service. The overtime rate for employees will most likely be applicable.

c. Cost estimates will be provided to the Applicant at least 14 days prior to the event. Estimated city services that will cost above \$500 require one-half payment seven days before the event. Failure of the permit holder to reimburse the city for services will result in the costs being taken from the security deposit and undertake collection procedures.

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

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

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

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

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

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

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

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

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

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

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

1. An Application is successfully completed and filed in accordance with this ordinance; and
2. All of the following conditions are satisfied:
 - a. The Special Event will not substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic.
 - b. The Special Event will not require the diversion of police officers, fire department personnel or other department employees so as to significantly

impact the City department's ability to respond appropriately to regular City duty throughout the remainder of the community.

c. The concentration of persons, animals, vehicles, or things at the staging and disbanding areas, as well as along the event or street activity route, will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets.

d. The Special Event is not being conducted for an unlawful purpose, nor will it violate any Ordinance of the City or any other applicable law.

e. The Special Event will not substantially interfere with any other Special Event for which a Special Event Permit has already been issued; nor shall it substantially interfere with the provision of City services in support of other scheduled events or unscheduled government functions.

f. The Special Event will not have any unmitigated adverse impact upon residential or business access and traffic circulation in the same general venue.

g. All sponsor(s), participants, and attendees at special events are subject to all laws, ordinances, and regulations not specifically exempted by the special event permit, including but not limited to noise volume, disorderly conduct, and intoxication. Police, fire and code officers may order the shutdown of a special event that becomes disorderly or hazardous.

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

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

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

§15-1210. Notice of Decision

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

§15-1211. Street Activity and Route Restrictions

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

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

6. Only licensed drivers may operate motorized vehicles and equipment during parades. This includes but is not limited to automobiles, tractors, trucks of all makes, all-terrain vehicles (ATV), and go-carts.

7. The merchandise, products and services offered cannot be in violation of the duly enacted City of Reading Codified Ordinances and cannot include items that are "adult" related and can only be sold to persons over 21 years of age.

§15-1212. Temporary Signs for Special Events

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

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

§15-1213. Appeal Procedure.

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

Where a late application has been denied by the Chief of Police, the action of the Chief of Police may be reviewed by the Mayor, upon receipt of a written request for review by the

aggrieved party. Failure to issue a permit within 3 days of the receipt of the appeal shall be deemed notice of dismissal of the appeal.

§15-1214. Alternative Permit.

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

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

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

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

§15-1216. Duties of Permittee.

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

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

§15-1217. Public Conduct During Special Event.

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

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

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

§15-1218. Inspections

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

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

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

§15-1219. Animal Waste

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

§15-1220. Insurance Required to Conduct Special Event

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

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

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

§15-1221. Indemnification

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

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

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

§15-1223. Revocation of Permit.

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

§15-1224. Penalties.

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

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§15-1225. Penalty for Violations of Ordinance

A person commits a summary offense if he/she:

1. Knowingly commences or holds a Special Event without a Special Event Permit or with a permit that has expired or has been revoked; or
2. Knowingly violates any terms or provisions of this Ordinance; or
3. Violations of this Ordinance shall be treated as strict liability offenses regardless of intent.
4. This Ordinance governs fire safety and public health, safety, and general welfare. Accordingly, any person, firm, corporation, or organization violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty as provided for in the City of Reading Code of Ordinances.
5. The penalty upon conviction of any violation of this section is \$500.00

§15-1226. Fee Schedule

Fees for All Special Events	
Processing Fee with proof of non-profit status	\$100.00
Processing Fee for all others	\$300.00
This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier’s Check or a Money Order issued by U.S. Post Office.	
Fee for cancelled events	\$50.00
Security Deposit for damages/cleanup	\$500.00
This fee will <u>not</u> be waived. Due at time of filing Application. Pay at Treasurer’s Office Must be in the form of a Cashier’s Check or a Money Order issued by U.S. Post Office.	
Inspection Fee required for amusement rides, temporary structures, and special electrical and water/wastewater needs	\$50.00
Applicant is responsible for fee. This fee will <u>not</u> be waived. Due at time of filing Application.	

Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.	
Re-inspection Fee required for above-described items This fee will <u>not</u> be waived. Due at time of filing Application. Must be in the form of a Cashier's Check or a Money Order issued by U.S. Post Office.	\$75.00

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

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

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

AN ORDINANCE

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

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

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

§15-403. Parking Prohibited in Specific Areas.

Except when necessary to avoid conflict with other traffic or to protect the safety of any person or in compliance with law or the direction of a police officer or other traffic control device, no person shall:

A. Stop, stand or park a vehicle:

- (1) ~~On the roadway side of any vehicle stopped or parked at the edge of the curb of a street.~~ Any vehicle in a lane of traffic
- (2) On a sidewalk.
- (3) Within an intersection.
- (4) On a crosswalk.
- (5) Between a safety zone and the adjacent curb within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official traffic control devices.
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (8) On any railroad tracks.
- (9) In the area between roadways of a divided highway, including crossovers.
- (10) At any place where official signs prohibit stopping.
- (11) All non-emergency vehicles along East Wyomissing Boulevard between/from Lancaster Avenue and/to Brookline Avenue. [Ord. 1-2008]

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

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

Enacted _____, 2010

President of Council

Attest:

City Clerk

(Parking Authority & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATION, PART 5 BOARDS DEPARTMENTS COMMISSIONS COMMITTEES AND COUNCILS, SECTION D BLIGHTED PROPERTY REVIEW COMMITTEE SECTION 1-543 C BY CHANGING THE TERM OF A COMMITTEE MEMBER FROM TWO (2) YEARS TO FOUR (4) YEARS. NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

THE CITY OF READING CITY COUNCIL 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 D Blighted Property Review Committee Section 1-543 C by changing the term of a committee member from two (2) years to four (4) years as follows:

§1-543. Creation, Members, Duties, Term and Expenditures of the Blighted Property Review Committee.

There is hereby established a “Blighted Property Review Committee” (hereinafter “Committee”).

A. **Duties.** The Committee will be responsible for the certification to the Redevelopment Authority of all properties deemed to be vacant or abandoned.

B. **Membership.** The Committee shall be composed of not less than four, and no more than seven members, who shall served without compensation. The Committee shall include at least one member of the Governing Body, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and citizen representatives of the City of Reading. Except for the member of the Governing Body, members shall be appointed by the Mayor. In the event mayoral appointment does not occur Council may appoint unfilled positions. In all cases members are approved by Council.

C. **Terms.** The term of each member shall be for a period of ~~2~~ **four (4) years** and until their successor is appointed. A member may be re-appointed upon expiration of their term. The position of any member of the Committee appointed in their capacity as a member of the governing body, representative of the Redevelopment Authority, representative of the Planning Commission, representative designated by the

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

President of Council

Attest:

City Clerk
(Administrative Oversight Committee/Council Staff)

D. Blighted Property Review Committee.⁸⁰

§1-541. Short Title.

This Part 5D shall be known as and may be cited as the “Blighted Property Review Committee Ordinance.”

(Ord. 65-2006, 10/23/2006, §2)

§1-542. Purpose.

The purpose of these provisions are to establish a Blighted Property Review Committee of the

City of Reading to implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading.

(Ord. 65-2006, 10/23/2006, §2)

§1-543. Creation, Members, Duties, Term and Expenditures of the Blighted Property Review Committee.

There is hereby established a “Blighted Property Review Committee” (hereinafter “Committee”).

A. Duties. The Committee will be responsible for the certification to the Redevelopment Authority of all properties deemed to be vacant or abandoned.

B. Membership. The Committee shall be composed of not less than four, and no more than seven members, who shall served without compensation. The Committee shall include at least one member of the Governing Body, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and citizen representatives of the City of Reading. Except for the member of the Governing Body, members shall be appointed by the Mayor. In the event mayoral appointment does not occur Council may appoint unfilled positions. In all cases members are approved by Council.

C. Terms. The term of each member shall be for a period of ~~2~~ **four (4)** years and until their successor is appointed. A member may be re-appointed upon expiration of their term. The position of any member of the Committee appointed in their capacity as a member of the governing body, representative of the Redevelopment Authority, representative of the Planning Commission, representative designated by the Mayor, who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

D. Organization of the Committee. The Committee shall establish its own by-laws, establish offices, and elect officers from its own membership. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Committee as a whole. For the purpose of this Part, the Committee will be able to begin holding meetings as soon as a majority of the members have been appointed and approved by Council. Any action taken at any meeting shall require the affirmative vote of a majority of the Committee as a whole. No member of the Committee shall be permitted to take part in the discussion or vote on any property in which said member has any financial interest, direct or indirect. The Committee shall keep full public records of its business and shall submit a report of its activities to City Council at least once a year.

E. 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

F. Expenditure for Services. City Council may appropriate funds for legal, secretarial, clerk, consultant, and other technical assistance, and for the acquisition and maintenance of blighted properties, and any other such expenses incurred in the pursuit of achieving the aims of this Part.

(Ord. 65-2006, 10/23/2006, §2)

§1-544. Definitions.

For the purpose of this Part, all words used in present tense include the future 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 word clearly indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" includes designated, intended, built, or arranged to be used."

Blighted property - shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because of its dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing or building codes of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of 2 years prior to the effective date of this act, and those in the future having a 2-year tax delinquency.

(8) Any property which is vacant, but not tax delinquent, which has not been rehabilitated within 1 year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any abandoned property. A property shall be considered abandoned if:

(a) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of 6 months.

(b) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property.

(c) The property has been declared abandoned by the owner, including, an estate that is in possession of the property.

City - the City of Reading.

City Council - the legislative body of the City of Reading, composed of Council President and six district representatives.

Code - the health, housing, building, fire, electrical, plumbing or other related code of the City of Reading.

Commission - the Reading Planning Commission.

Committee - the Blighted Property Review Committee.

Governing Body - the City Council of the City of Reading.

Public nuisance or **nuisance** - any condition or usage whatsoever in or about buildings, structures or land or the streets or private ways and places, or elsewhere, within the City, whether public or private, which is found to be detrimental to the public health as determined by the Committee or other appropriate City office or agency.

Redevelopment area - any area , whether improved or unimproved, which the Planning Commission may find to be blighted so as to require development.

Redevelopment area plan - a plan for the redevelopment of all or part of a redevelopment area made by a Planning Commission.

Redevelopment authority - Redevelopment Authority of the City of Reading.

Redevelopment proposal - a proposal, including a copy of the redevelopment area plan and supporting data, submitted for approval to the Governing Body by an authority for the redevelopment of all or part of a redevelopment area.

Residential and related use - shall include residential property for sale or rental and related uses including, but not limited to, park and recreation areas, neighborhood community services, and neighborhood parking lots.

Vacant - any unoccupied or unimproved lot or parcel of ground, which by reason or neglect or lack of maintenance shows to be unlikely habitable, implying abandonment on the part of the previous tenants or owner.

(Ord. 65-2006, 10/23/2006, §2)

§1-545. Blighted Property Removal.

Notwithstanding any other provision of law, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a redevelopment area and, further, shall have the power to hold, clear, manage, lease and/or dispose of said property for

residential and related uses. This power shall be exercised in accord with the procedures set for hereinafter.

§1-546. Restrictions.

The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is blighted as defined in §1-544, above, must certify said blighted property to the Redevelopment Authority except that:

A. No property shall be certified to the Redevelopment Authority unless it is vacant or abandoned.

B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for the receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent. The owner or his agent shall have the right of appeal from the determination by filing an appeal with the City of Reading Building and Fire Board of Appeals within 20 days of the determination hearing: [*Ord. 42-2009*]

(1) **Procedure.** Whenever the Committee shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the Committee and the number of days for compliance therewith and the alternative remedy of the Committee in case of noncompliance, shall be served upon the person, if any, whom the Committee deems responsible therefore or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the Committee, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least 10 days.

(2) **Contents of Notice.** The notice of the Committee's order shall clearly specify:

(a) The place and manner of the nuisance or anticipated nuisance as determined by the Committee.

(b) The nature or condition thereof.

(c) The Committee's order with respect to the nuisance or anticipated nuisance.

(d) The name of the persons found by the Committee to be responsible therefore or concerned therewith and the name of the owner, if any, of the land or premises involved; in the event the owner or contact cannot be determined, said notice shall reflect this.

(e) The date of the Committee's order and the number of days there from allowed for compliance with it.

(f) The alternative remedy of the Committee in case of noncompliance.

(g) Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the Committee for a hearing, and may request such stay of execution or modification or rescission of the said order as they shall believe just and proper.

(h) The signature of the Chair of the Committee, attested by the Secretary.

(i) The right to appeal. [*Ord. 42-2009*]

(3) Hearing and Disposition.

(a) If any person affected thereby shall apply for a hearing within the time provided, the Committee shall promptly notify all interested parties of the time and place of the hearing.

(b) The Committee shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. [*Ord. 42-2009*]

C. No blighted property shall be certified to the Redevelopment Authority on which more than ten dwelling units can be constructed under existing zoning regulations.

D. No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the Blighted Property Review Committee.

(*Ord. 65-2006, 10/23/2006, §2; as amended by Ord. 42-2009, 8/10/2009, §1*)

§1-547. Reuse of Acquired Property.

1. Acquisition and disposition of blighted property shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City of Reading.

2. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Law.

3. Property disposed of outside a redevelopment area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

4. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedures set forth in applicable law.
(*Ord. 65-2006, 10/23/2006, §2*)

§1-548. Conflict with Other Laws.

Should any provisions set forth in this Part be found to conflict with any law of the United States or the Commonwealth of Pennsylvania, such Federal and or State laws shall govern and this Part shall be construed accordingly. Such a conflict shall not affect the validity of this Part.

(*Ord. 65-2006, 10/23/2006, §2*)

AN ORDINANCE

AN ORDINANCE AMENDING THE 2010 CITY OF READING FULL TIME POSITION ORDINANCE BY ELIMINATING ONE (1) DEVELOPMENT INSPECTION CLERK POSITION, CREATING THREE (3) PROPERTY MAINTENANCE AIDES, ADDING ONE (1) DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT, ADDING ONE (1) COMMUNITY DEVELOPMENT PROGRAM MANAGER, AND ELIMINATING ONE (1) COMMUNITY DEVELOPMENT SPECIALIST.

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

Section 1. Amending the City of Reading 2010 Full-time Position Ordinance as follows:

- 1) Eliminating one (1) Development Inspection Clerk position from the Property Maintenance & Inspection Division, under the Police Department; and
- 2) Adding three (3) Property Maintenance Aide positions in the Property Maintenance & Inspection Division, under the Police Department; and
- 3) Adding one (1) Deputy Director of Community Development professional position under the Community Development Department;
- 4) Eliminating one (1) Community Development Specialist in the Community Development Department; and
- 5) Adding one (1) Community Development Program Manager professional in the Community Development Department.

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
(Business Analyst)

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 11 HOUSING, PART 1 RENTAL, SECTION 11-124 (2) HOUSING BOARD OF
APPEALS BY ADDING LETTER H THE REMOVAL PROCESS FOR MEMBERS OF
THE HOUSING BOARD OF APPEALS**

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 11 Housing, Part 1 Rental, Section 11-124 (2) Housing Board of Appeals by adding the removal process for members of the Housing Board of Appeals as follows:

H. 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: _____

§11-124. Housing Board of Appeals.

1. **Appeals.** Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a rental registration may appeal to the Housing 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 disruptive conduct report or notice of revocation. [*Ord. 22-2009*]

2. Organization.

A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner or local responsible agent of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading. [*Ord. 22-2009*]

B. **Alternates.** There shall be three alternate members: an owner or local responsible agent, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.

C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.

D. **Term.** A member or alternate member shall serve a term of not more than 3 years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.

E. **Powers of Designee and Alternates.** Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

F. **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. [*Ord. 43-2008*]

G. **Quorum and Majority Vote.** Four members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal. [*Ord. 43-2008*]

H. 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.

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

A. Promulgate Rules and Regulations. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

B. Hear and Decide Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.

C. 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.

D. Grant Extension of Time. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

E. 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.

F. 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 parties.
[Ord. 43-2008]

G. Authority. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order,

requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part. [*Ord.43-2008*]

4. Records Open to Inspection. The disruptive conduct report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the police officer or public officer may prescribe reasonable regulation regarding the time and manner of inspection.

5. Affect of Appeals. Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a rental registration until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report. [*Ord.22-2009*]

6. Enforcement upon Resolution of Appeal of Housing Board. If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the rental registration per the provisions set forth in this Part. [*Ord. 22-2009*]

[*Ord. 43-2008*]

7. Fee and Costs. The fee for filing of an appeal to the Housing Board of Appeals shall be \$75. 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. [*Ord. 43-2008*] (*Ord. 28-2007, 7/23/2007, §§1, 2; as amended by Ord. 43-2008, 8/22/2008, §§1 and 2; by Ord. 65-2008, 10/13/2008, §1; and by Ord. 22-2009, 4/27/2009, §§2-4*)

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 5 CODE ENFORCEMENT, PART 6 PROPERTY MAINTENANCE CODE, SECTION PM 111.2 MEMBERSHIP OF THE BOARD BY ADDING PM 111.2.6 THE REMOVAL PROCESS FOR MEMBERS OF THE PROPERTY MAINTENANCE CODE BOARD OF APPEALS

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 6 Property Maintenance Code, Section PM 111.2 Membership of the Board by adding the removal process for members of the Property Maintenance Code Board of Appeals as follows:

PM111.2.6. 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: _____

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATIVE CODE, PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES, AND COUNCILS, LETTER M MINORITY BUSINESS PROCUREMENT BOARD, SECTION 1-599.34 MINORITY BUSINESS PROCUREMENT BOARD BY ADDING LETTER NUMBER NINE (9) REMOVAL PROCESS FOR MEMBERS OF THE MINORITY BUSINESS PROCUREMENT BOARD

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils Letter M Minority Business Procurement Board Section 1-559.34 Minority Business Board by adding the removal process for members of the Minority Business Procurement Board as follows:

9. 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: _____

M. Establishing a Minority Business Procurement Advisory Board.

§1-599.31. Policy.

It is the policy of the City, State and Federal governments to foster an environment of inclusion in which all businesses are free to participate in business opportunities and to flourish without the impediments of discrimination. Businesses participating in these contracts shall do so on a fair and equitable basis. Vendors on these contracts shall not discriminate against any business because of race, color, religion, national origin, sex, sexual orientation or disability.

(Ord. 56-2005, 9/12/2005)

§1-599.32. Definitions.

For the purpose of this Chapter, the following terms shall have the following respective definitions:

Agency - any City office, department, board or commission, but not limited to, including the Council of the City of Reading. It shall also mean all legal entities which either:

- (1) Receive funds, directly or indirectly, from the City, State or Federal governments.
- (2) Have entered into continuing contractual or cooperative relationships with the City, including quasi-public agencies, hospitals, schools, etc.
- (3) Operate under legal authority granted to them by City ordinance.

City Contracts - all City contracts, whether competitively bid or negotiated, including but not limited to, any construction contract with a total value in excess of \$10,000 which:

- (1) Is paid for in whole or in part with City, State or Federal funds.
- (2) Is financed either wholly or partially by State or Federal funds which are administered by the City.
- (3) Is funded in whole or in part by Financial Assistance (See 6 below).

Disabled person - a person who has a physical or mental impairment which substantially limits one or more of his or her major life activities or has a record of such impairment. Major life activities shall mean functions, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Disadvantaged Business Enterprise or "DBE" - any small business enterprise:

- (1) Which is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals.

(2) In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than \$5,000,000 in three consecutive years of contract work from the City is not a DBE, and; provided further, that any previous certification of any such person as a DBE shall be re-evaluated pursuant to regulations to be promulgated by the MBEC.

Disparity analysis - in the City of Reading the level of DBE's are underutilized in the performance of various types of contracts.

Financial assistance - any grant, loan, incentive or abatement provided by, or with the authority or approval of, the City or a City-related agency, including but not limited to bond financing subsidies, Tax Increment Financing aid, industrial development bonds, use of the power of eminent domain, land or property acquisition, Community Development Block Grant loans or grant, airport revenue bonds, Enterprise Zone designations, and aid from any Federal, State or City or other similar agencies.

Individual - a natural person.

Minority business procurement advisory board (MBPAB) - the entity within the Department of Finance responsible for the development, implementation, monitoring and enforcing the procedures and goals set forth in this Chapter.

Minority person - a person who is a citizen or lawful permanent resident of the United States and who is:

(1) African American (a person having origins in any of the black racial groups in Africa).

(2) Hispanic American (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race).

(3) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands).

(4) Native American (a person having origins in any of the original peoples of North America).

Person - a corporation, partnership or association, or any combination thereof, as well as a natural person.

Small business enterprise - a business which is independently owned and operated and which is not dominant in its field of operation as further defined in the Small Business Size

Regulations, adopted by the U.S. Small Business Administration and published in the U.S. Code of Federal Regulations, including the industry size standards set forth in the table contained therein, which regulations are incorporated herein, and made a part hereof by reference.

Socially and economically disadvantaged individuals - those who have either been subjected to racial, sexual or ethnic prejudice because of their identity as a member of a group or to differential treatment because of their disability without regard to their individual qualities, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business who are not socially disadvantaged.

(1) In determining who are Socially and Economically Disadvantaged Individuals, the Minority Business Procurement Advisory Board may make a reputable presumption that all minority persons, all women and all disabled persons shall be so classified.

(2) The Minority Business Procurement Advisory Board, in determining whether an individual shall be classified as a Socially and Economically Disadvantaged Individual, shall also consider, among other things the extent of the liquid assets and net worth of such socially disadvantaged individuals.

MCA - is the Minority Contractors Association.

Women Business Enterprise or "WBE" - any Women Business Enterprise:

(1) Which is at least 51% owned and controlled by one or more socially and economically disadvantaged women.

(2) In the case of any publicly owned business, one in which at least 51% of the stock is owned by one or more socially and economically disadvantaged women, associations or groups; provided, however, that a reputable presumption shall exist that any person that has received more than \$5,000,000 in three consecutive years of contract work from the City is not a WBE, and; provided further, that any previous certification of any such person as a WBE shall be re-evaluated pursuant to regulations to be promulgated by the MBEC.

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

Aggrieved person - includes such person or persons who believe that they have been injured or will be injured by a discriminatory employment act or practice that has occurred or is about to occur.

Discriminate and discrimination - includes any difference in treatment based on race, color, religion, ancestry, national origin, age, sex, familial status, handicap or previous filing of a complaint of discrimination.

Familial status - means one or more individuals, who have not obtained the age of eighteen years being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals.
- (2) The designee of such parent having such custody, with the written permission of such parent or other person.
- (3) Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

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.

Non job 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. Un-insurability or increased cost of insurance under a group or employee insurance plan does not render a handicap or disability job related.
(Ord. 56-2005, 9/12/2005)

§1-559.33. Minority Business Procurement Advisory Board.

1. **Stated Mission.** To advise administration on issues and policies concerning enhance participation, to the maximum extent feasible, in employment practices at all levels, included but not limited to apprenticeship programs, training programs, etc., for MBEs, DBEs, WBEs, and the lower to moderate income residents, etc. within the distressed areas as mandated by City, State and Federal governments regulations.

2. **Meeting Dates.** First week of the month.

3. **Appointment by.** Mayor (usually with recommendations from sitting Board members and the Minority Contractors Association) with the approval of City Council.

4. **Length of Term.** 2 years

5. **Accountability to City.** Reports

6. **Revenue Source.** City General Fund.

7. Number of Board Members.: Seven members shall be appointed including but not limited to the following: 1 Rep. Housing Authorities Sector, 2 Reps. Minority Contractors Association, 1 Rep as Chamber of Commerce Designee, and 3 community members-at-Large. Representation of members of the Board should reflect the demographics of the City.

(Ord. 56-2005, 9/12/2005)

§1-599.34. Minority Business Procurement Advisory Board.

1. There is hereby established in the Office of the Mayor, a Minority Business Procurement Advisory Board to advise the Administration on policies, procedures and practices to enhance participation of MBEs, DBEs, WBEs, SBEs and the lower to moderate income residents, etc. in procurement of City contracts and all employment practices.

2. The Board shall consist of seven members each to be appointed by the Mayor for a 2-year term, with City Council approval. The members of the Board may be reappointed to successive terms of office. Each member of the Board shall continue to serve after their term until their successor has been qualified and appointed. Appointments of new term members shall be made 60 days prior to the expiration of the current term. Vacant seats on the Board shall be filled within 90 days. Three members-at-large from the community will also serve on the Board.

3. The Board 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 Board, appoint such committees as may be necessary to carry out the powers and duties of the Board, and the members may authorize such committees to take any necessary action for the Board.

4. The Board shall adopt such rules and regulations for its own organization, operations and procedures as the Board shall deem necessary to administer, implement and enforce this Part 5M.

5. The Board shall hold at least four public meetings during each calendar year. Four members of the Board 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 Board. Members are required to vote on all issues. However, in case of a valid absence, approved by the chairman, the member is required to vote either by abstaining or via Proxy, whichever is deemed appropriate. Members who have failed to fulfill their duties, included but not limited to two missed votes, shall first receive a warning. However, further violation of their duties will render an immediate resignation.

6. The members of the Board 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 that no members shall not be able and available to exercise any of or fulfill any of the duties of the Board, the Mayor may appoint one or more members temporarily, with the approval of City Council, to assume the powers and/or fulfill the duties of the Board. Such appointment maybe limited in duration of term and in scope of the powers and duties of any members so appointed.

8. In the event that a member wishes to resign, they must do so in writing to the Chairman of the MBPAB. A copy of this letter should be provided to all members for information purposes only.

(Ord. 56-2005, 9/12/2005)

9. 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.

§1-599.35. Powers and Duties of Board.

The Minority Business Procurement Advisory Board shall have no powers or duties but shall serve in an advisory capacity to the Administration only.

(Ord. 56-2005, 9/12/2005)

§1-599.36. City Contracts.

All contracts of the City and its contracting agencies shall encourage the contractor to comply with the policy of this article to enhance the participation of MBEs, DBEs, WBEs, SBEs and the lower to moderate income residents, etc., therewith and to comply with any State or Federal law or laws or regulations relating to unlawful employment practices in connection with any work to be performed there under and shall require the contractor to include a similar provision in all subcontracts.

(Ord. 56-2005, 9/12/2005)

§1-599.37. Procedure.

1. The MBPAB, or any subsequent successor, shall advise the administration in accord with the policy set forth herein and in so doing shall also:

A. Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participate in procurement.

B. Advise a procedure to ensure the City is outreaching and encouraging to MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors.

C. Ascertain and advise the Administration, within 90 days of the enactment of this Part, the total number of MBEs, DBEs, WBEs, SBEs and lower-to moderate income businesses in the Berks County Standard Statistical Area.

D. Maintain a listing of all such residents and make it available to all agencies.

E. Advise a process to ensure all majority contractors are aware of the existence and identity of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses.

F. Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to the City's procurement process and report findings to Administration and Council.

G. Survey such businesses to ascertain how to establish accessibility of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses to participation in City contracts as subcontractors and report findings to Administration and Council.

H. Report to the Administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on bi-annual basis (every 6 months) of participation in City contracts and its procurement process.

I. Report to the Administration and Council the MBEs, DBEs, WBEs, SBEs and lower to-moderate income businesses on bi-annual basis (every 6 months) of participation in City contracts as subcontractors.

J. Advise Administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process.

K. Advise Administration and Council of percentage of MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts as subcontractors.

L. Advise Administration and Council of appropriate policies and procedures for aid in monitoring and obtaining Board's mission and policy.

2. The Director of Finance, in conjunction with the MBPAB shall, assemble and furnish to such procurement records and documents of the various agencies, cooperative relationships, etc. as are necessary for the monitoring MBEs, DBEs, WBEs, SBEs and lower-to-moderate income businesses participation in City contracts and its procurement process and subcontractors.

ORDINANCE _____ - 2010

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 1 ADMINISTRATIVE CODE, PART 5 BOARDS, DEPARTMENTS, COMMISSIONS, COMMITTEES, AND COUNCILS, LETTER N ENVIRONMENTAL ADVISORY COUNCIL, BY AMENDING SECTION 1-599.42 MEMBERSHIP REMOVAL PROCESS FOR MEMBERS OF THE ENVIRONMENTAL ADVISORY COUNCIL

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils Letter N Environmental Advisory Council, by amending Section 1-599.42 Membership removal process for members of the Environmental Advisory Council 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: _____

N. Environmental Advisory Board.

§1-599.41. Purpose.

The EAC duly organized under these bylaws shall have the power to study environmental and sustainability issues at the request of City Council and make recommendations to Council on those issues. The EAC will work with City Council in an advisory capacity in an effort to help

Council analyze environmental and sustainability issues and when appropriate issue recommendations on courses of action necessary to protect the health, safety and welfare of the residents of Berks County.

(Ord. 27-2008, 3/24/2008, §1)

§1-599.42. Membership.

1. The EAC is composed of seven voting members, chosen to serve 3-year staggered terms and appointed by City Council. These members shall reflect the geographic, demographic, technical, and non-technical backgrounds of the citizens of Reading.

~~2. Advisory Council members having three or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Advisory Council will be mailed by the Chair to the Board member following a second absence within a calendar year.~~

(Ord. 27-2008, 3/24/2008, §1)

2. 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.

§1-599.43. Meetings and Voting.

1. **Monthly Meetings.** Regular meetings of the EAC will be determined by the membership of the EAC. Notices of an EAC meetings will be posted on the City of Reading website, the municipal access channel and, if necessary, a newspaper of general record.

2. **Special Meetings.** Special meetings may be requested by the Chair, or by a majority of the EAC members. Such special meetings shall be held at such place, date and hour as may be designated by the person or persons authorized herein to call such a meeting.

3. Written or phone notice of such a special meeting shall be given by the Chair to the Advisory Council members at least 5 days and not more than 21 days prior to the meeting.

City Council and the public shall be notified for such meetings in appropriate manner; i.e., posting the date, time and location on the City website, posting on the municipal access channel, sending a letter to City Council, etc.

4. **Quorum.** In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with the required notice. A quorum shall consist of more than 2/3 of the current voting members. The act of the majority of the members present at a meeting at which a quorum is present shall be the act of the Council.

5. **Voting.** Each member is entitled to one vote, with the voting governed by parliamentary procedure according to Robert's Rules of Order.

6. **Notes.** Notes from meetings will be kept and copies of the meeting's notes will be sent to the City Clerks Office and each member of the EAC.

7. All meetings or portions of meetings at which action is taken shall be open to the public. However, the EAC may meet in closed session for discussion purposes, pursuant to the "Sunshine Act of 1987."

(Ord. 27-2008, 3/24/2008, §1)

§1-599.44. Officers and Compensation.

1. **Officers.** The EAC shall elect from among their members a Chair and a Vice-Chair at the first meeting of each calendar year. Officers shall serve for one year or until their successors are elected.

2. **Chair.** The Chair shall preside at all meetings of the Council and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the bylaws and regulations of the EAC. He/she shall be the official spokesperson for the EAC.

3. **Vice-Chair.** The Vice-Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.

4. **Secretary.** The Secretary will be responsible for keeping the official minutes of the EAC and preparing all correspondence on behalf of the EAC.

5. **Compensation.** No board member shall receive any salary or payment for his/her services. Financial support of the EAC can be provided by City Council through the authorization of an appropriation to the General Fund budget.

(Ord. 27-2008, 3/24/2008, §1)

§1-599.45. Duties.

1. To coordinate at the request of Council ongoing, and to propose and promote new environmental protection and sustainability initiatives among residents, businesses,

governmental and non-governmental agencies, and educational organizations through education and outreach programs.

2. To advise and make recommendations to City Council, City Administration, and City boards, authorities and commissions on policies and programs that infuse the work of City government with an operating philosophy based on environmental protection and sustainability.

3. To recommend plans and programs to the appropriate agencies for promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the City of Reading and surrounding areas.

4. Make recommendations as to the possible use of open land areas within the City of Reading.

5. To promote community environmental awareness programs.

6. Keep an index of all open areas, publicly or privately owned including, but not limited to, flood prone areas, wetlands and other unique natural areas.

7. To prepare an annual report to City Council on its activities, goals and accomplishments.

8. For each issue that the EAC reviews, it will generate a report to City Council that sets forth its findings and dissenting opinions if any.

9. To consult and cooperate with other agencies, departments, boards, authorities and commissions of the City of Reading on environmental matters.

(Ord. 27-2008, 3/24/2008, §1)

§1-599.46. Bylaws.

1. The Environmental Advisory Council Bylaws will be drafted and adopted by City Council.

2. If at any time the established bylaws are determined to be at conflict with EAC activities or impose too great a set of constraints, the EAC may request City Council amend the bylaws. The request, along with specific recommendations must be submitted to City Council in writing. Upon receiving a request for amendment, City Council will meet with representatives of the EAC to discuss the request. Amendments to the EAC bylaws must be approved by City Council through resolution.

3. City Council reserves the right to amend the bylaws of the EAC through the adoption of subsequent resolutions.

(Ord. 27-2008, 3/24/2008, §1)

§1-599.47. Hearings.

1. In addition to those required by law, the EAC may hold public hearings when the EAC and City Council decide that such hearings will be in the public interest.

2. Except as required by law, notice of the time and place of such hearings, when on matters of widespread interest, shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than 2 weeks prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the EAC.

3. The matter before the EAC shall be presented in summary by some person designated by the Chair, and parties in interest shall have privilege of the floor.

4. No record or statement shall be recorded or sworn to by the EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.

5. A record shall be kept of those speaking before the EAC at such hearings.

6. Copies of all testimony and other evidence provided at a public hearing must be forwarded to the City Clerks Office at the conclusion of the hearing.

(Ord. 27-2008, 3/24/2008, §1)

§1-599.48. Inter Municipal Cooperation.

1. No part of this Part 5N shall prohibit the Reading Environmental Advisory Council from cooperating with similar organizations in other jurisdictions.

2. In the interest of efficiency the Reading Environmental Advisory Council may wish to form a joint board with other jurisdictions. Any merger shall be treated as an amendment of this Part 5N requiring the approval of City Council.

(Ord. 27-2008, 3/24/2008, §1)

ORDINANCE _____ - 2010

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 1 ADMINISTRATIVE CODE, PART 5 BOARDS, DEPARTMENTS,
COMMISSIONS, COMMITTEES, AND COUNCILS, LETTER O DIVERSITY BOARD, BY
AMENDING SECTION 1-599.53 MEMBERSHIP FOR MEMBERS OF THE DIVERSITY
BOARD**

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

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part 5 Boards, Departments, Commissions, Committees, and Councils Letter O Diversity Board, by amending Section 1-599.53 Membership for members of the Diversity Board 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: _____

O. Diversity Board.

§1-599.51. Purpose.

The City of Reading City Council hereby creates a City of Reading Diversity Board to serve in an advisory capacity to the Mayor and City Council by providing input on policy and processes that promote and facilitate active involvement and participation by diverse cultures such as of race, color, religion, ancestry, national origin, age, sex, familial status, and handicap within the Reading Community.

(Ord. 54-2007, 7/9/2007, §1)

§1-599.52. Responsibilities.

The City of Reading Diversity Board shall have the following responsibilities:

A. To promote understanding that accepts, celebrates and appreciates diversity within the Reading community.

B. To serve as a resource and provide recommendations for the City regarding opportunities to address or promote diversity issues or programs within the city and community.

C. To promote and encourage active involvement and participation by diverse cultures within the Reading community and City government.

D. To enlist the cooperation of various groups in the community to participate in educational, cultural and other campaigns demonstrating an awareness of cultural and human diversity in the community.

(Ord. 54-2007, 7/9/2007, §1)

§1-599.53. Membership.

The Diversity Board shall be composed of nine (9) thirteen (13) voting members, chosen to serve three year staggered terms and appointed by the City Council. The Diversity Board shall include: one (1) representative of Council, one (1) representative of the City management team, one (1) representative from the Human Resources Department, the Chief of Police or his/her designee, the Fire Chief or his/her designee, the Public Works Director or his/her designee, one (1) member representing each of the AFSCME, Police and Fire work force groups, one (1) representative of the NAACP, one (1) representative of the PSLC, one (1) representative of the City management team, one (1) representative from the Human Resources Department, and four (4) two (2) members reflecting the geographic, demographic, technical, and non-technical backgrounds of the citizens of Reading.

~~A Diversity Board member may be removed by City Council for malfeasance, nonfeasance, misfeasance, misconduct or neglect of duty. Diversity Board members~~

~~having three or more unexcused absences in a calendar year may be replaced by City Council. Notification of potential dismissal from the Advisory Council will be mailed by the Chair to the Board member following a second absence within a calendar year.~~
(Ord. 54-2007, 7/9/2007, §1)

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

§1-599.54. Organization of the Board.

The Diversity Board shall establish its own bylaws, establish offices and elect officers from its membership. To conduct any meeting a majority of the Board shall be present. A majority of the Board must vote affirmatively to approve any motion or action. The Diversity Board shall receive legal counsel from the City's Law Department and assistance from the Human Resources EEOC Administrator.
(Ord. 54-2007, 7/9/2007, §1)

§1-599.55. Powers and Duties.

It shall be the duty of the City of Reading Diversity Board to:

- A. Annually review the City's progress in implementing a Citywide Diversity Plan and report the results of the review to the Mayor and City Council.
- B. Issue reports and actively participate in ongoing dialog with the community consistent with the purpose of the Board.
- C. To promote and encourage active involvement and participation by diverse cultures within the Reading community and city government.
- D. Develop and propose municipal policies and procedures that increase diverse representation in the City's work force and assure fair and equitable treatment of all applicants.
- E. Create a mission statement that reflects the purpose and responsibilities defined herein.
(Ord. 54-2007, 7/9/2007, §1)

§1-599.56. Meetings.

The Diversity Board shall meet monthly on a day and time approved by majority vote of the Board. The meetings of the Board shall be publicized and open to the public in

accordance with the Sunshine Act. Copies of meeting minutes will be provided to the City Clerk's Office.

(Ord. 54-2007, 7/9/2007, §1)

§1-599.57. Expenditures for Services.

City Council may, upon written request of the Diversity Board, appropriate funds for expenses incurred in the pursuit of achieving the purpose of this Part 5O.

(Ord. 54-2007, 7/9/2007, §1)

BILL NO. _____ 2010
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 1 ADMINISTRATION AND GOVERNMENT, SECTION 1-186 FINANCIAL PROVISIONS, PART 14 A APPROVAL OF CONTRACTS BY DECREASING THE CONTRACT VALUE REQUIRING COUNCIL APPROVAL.

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 and Government, Section 1-186 Financial Provisions, Part 14 A Approval of Contracts by decreasing the contract value requiring Council Approval.

1. The City may make contracts for carrying into execution the provisions of the Code, ordinance and the laws of the State of Pennsylvania. Council approval shall be required of all contracts ~~in excess of \$50,000~~ *having a value of or in excess of \$25,000*, and all collective bargaining agreements. Any contracts for less than ~~\$50,000~~ *\$25,000* shall be entered into by the executive branch as it shall determine without requirement of approval by Council. All contracts or purchase not in excess of \$10,000 shall be by note or memorandum signed by the managing director.

15. Requiring that as of March 13, 2001, City Council must, by resolution, approve any salary increase that has not been approved in or included in the budget for the fiscal year and falls outside the labor contract for union employees. [*Ord. 11-2001*]

16. That during the course of each fiscal year, the transfer of all monies including, but not limited to, transfers between departments and transfers in and out of any City fund, account or line item either attached in part or unattached to a departmental budget, causing a modification of \$10,000, must be approved by Council resolution. The resolution must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, within the time framed defined in the Agenda Packet Policy. [*Ord. 54-2009*]

17. All expenditures not approved and listed in the operating or capital budgets for the fiscal year that exceed \$25,000. [*Ord. 16-2001*]

SECTION 3. All other provisions of Chapter 1 of the City of Reading Codified Ordinance shall remain effective.

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

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

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

Enacted _____, 2010

President of Council

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

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

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: _____

BILL NO. _____-2010

A N O R D I N A N C E

AMENDING THE FEE SCHEDULE OF THE CITY OF READING CODIFIED ORDINANCES BY ADDING A FEE UNDER CODES DEPARTMENT CODES ENFORCEMENT ELECTRICAL RE-INTRODUCTION OF POWER INSPECTION PROGRAM

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Fee Schedule of the City Of Reading Codified Ordinances is amended to add a Fee under Codes Department Codes Enforcement Electrical for Re-Introduction Of Power Inspection Program.

SECTION 2. The fee for a re-introduction of power inspection performed by the City of Reading Electrical Inspector pursuant to the City of Reading Codified Ordinances shall be \$65.⁰⁰.

SECTION 3: All ordinances, regulations and policies of the City of Reading in direct contrast to this Ordinance, are hereby repealed.

SECTION 4: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 5: 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 6: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 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: _____

RESOLUTION NO. _____

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

That Manuel Candelario is reappointed to the Blighted Property Review Committee with a term ending August 23, 2014.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

