



# *CITY COUNCIL*

## ***Public Safety Committee***

**Monday, April 4, 2011**

**Agenda**

**5:00 p.m.**

### **COMMITTEE OF THE WHOLE**

**5:00 pm**

#### **1. Citadel Traffic – C. Jones, Sgt Fizz**

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#### **Committee Members: D. Sterner, Chair; J. Waltman; M. Goodman-Hinnershit**

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

- I. Youth Violence Task Force Report**
- II. Update Services Center Implementation Report**
- III. Quality of Life Ticketing Implementation Report**
- IV. Update re Search for Fire Chief, CBO, Dep CD Director and Codes Manager**
- V. Housing and Zoning (CE01 & CD01)**
  - a. Review Draft Ordinance from External Legal Counsel
  - b. Housing Registration & Inspection – draft ordinance allowing billing for inspection as per Maximus
  - c. Transiency policy & housing strategy - Jan Finance Meeting
  - d. Update on redraft of Property Maintenance Code
- VII. PS Goal 10: Support Public Safety at City Schools**
  1. Update – meeting held January 19

#### **VIII. Operation of Illegal Garages (Applicable sections of Zoning Ord Attached)**

## 1. Review penalties

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

## Public Safety Goals

**Goal 1: Coordination of Police, Codes and Zoning Services**

**Goal 2: Support Problem Oriented Policing**

**Goal 3: Surveillance Camera Project - *underway***

**Goal 4: Support Consolidation of Fire Departments - *underway***

**Goal 5: Support Update of Emergency & Pandemic Plan (including NIMS Training for all required personnel) - *underway***

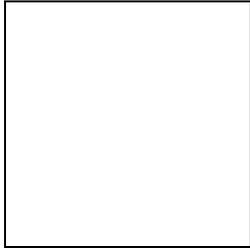
**Goal 6: Support Health and Safety Review Ordinances**

**Goal 7: Support Cops and Codes Sweeps**

**Goal 8: Support Implementation of Sidewalk Café and Sales Ordinances - *complete***

**Goal 9: Support Implementation of Sidewalk Vendor Ordinance -*complete***

**Goal 10: Support Public Safety at City Schools**



# *CITY COUNCIL*

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## ***Public Safety Committee***

**Monday, March 7, 2011**

**Council Office**

**5 p.m.**

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

**Others Attending:** D. Kersley, D. Robinson, L. Kelleher, W. Heim, C. Geffken, D. Kersley, C. Younger, C. Weidel, H. Tangredi

Mr. Sterner called the Committee meeting to order at approximately 5:45pm.

### **Quality of Life Ticketing Update**

Mr. Kersley distributed an update to the Committee and noted that tickets are posted on problem properties daily and mailed to the property owners weekly. He stated that those receiving tickets have the ability to pay the fine or request an Administrative hearing before the Community Development Director or his representative. He noted that only eight (8) Administrative hearings have been requested to date. After the hearing, the property owner has the ability to either pay the fine or further appeal the hearing administrator's decision to the Court of Common Pleas. He explained that this process skirts the Magisterial District Justice system. He noted that if the property owner fails to pay the fine, the fine will go to a collection agency.

### **Hiring CBO, Deputy CD Director, Codes Manager Update**

Mr. Robinson stated that candidates for the Chief Building Official (CBO) were conducted and an offer is being prepared for one of the individuals interviewed.

Mr. Geffken reported that the application for Deputy CD Director has been reviewed and some candidates have been selected for a second interview. He stated that the Deputy CD Director will also be the Housing Coordinator or "Housing Czar" as defined in the Act 47 Recovery Plan.

Mr. Geffken stated that the candidates for the Fire Chief position are currently in the interview phase. Mr. Geffken stated that the advertisement for Codes Manager just appeared in the

Reading Eagle. He noted that further advertisement will be conducted in various trades' journals and on Monster.com.

There was next a discussion on the need to crack down on illegal rental properties and to increase Codes Enforcement.

Mr. Geffken stated that currently the City has no strategic plan.

Ms. Kelleher inquired if Mr. Geffken was referring to the City's comprehensive plan. She noted that this plan was adopted around 2001 and needs to be updated. She explained the comprehensive plan process and how it ties together a variety of City issues into one document. She stated that many cities base their program budgets on initiatives in the comprehensive plan.

### **Housing and Zoning**

Mr. Kersley reviewed the memorandum distributed at the February 28<sup>th</sup> Committee of the Whole. He stated that the HPO (composed of Ms. Kelleher, Ms. Guckin, Mr. Kersley and Mr. Natale) to draft the ordinance will be reconvening. He noted that Ms. Kelleher is meeting with Attorney Welz and himself tomorrow afternoon about the ordinance. Mr. Waltman suggested developing a flow chart showing how the ordinance will be implemented.

Mr. Kersley noted that the new ordinance will include a penalty for those who failed to submit application and operate illegal rentals. He noted that the ordinance currently on the books contains no penalty language for those failing to comply with the registration/permit process.

### **Transiency Policy**

No update was provided.

### **Trades & Construction Permit Discounts**

Mr. Geffken provided an update stating that no discounted trades or construction permits were provided in 2010; however a discounted permit was issued for the Goggleworks Apartments. He stated that the Trades and Construction permits for the Goggleworks project were discounted by approximately \$85K overall.

### **Other Matters**

Mr. Sterner suggested looking at language regarding improving penalties for the operation of illegal garages at the next meeting.

Ms. Goodman-Hinnershitz suggested that the April meeting also include an update on the Youth Violence Task Force report.

The Public Safety Committee adjourned at approximately 7:10 pm.

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*

**CITY OF READING, PA**  
**OFFICE OF THE MANAGING DIRECTOR**  
**David B. Kersley, MBA**

Business Analyst &  
Director of Continuous Improvement

**MEMORANDUM**

To: Thomas M. McMahon, Mayor  
Carl E. Geffken, Managing Director  
Daniel S. Robinson, Director of Community Development  
Members of Reading City Council

Date: Monday, February 28, 2011

Re: Zoning Backlog for Multifamily Rental Housing

In August, 2010, this office issued a report regarding the status of 1,419 multifamily housing Zoning permit applications then pending before the City of Reading, along with a series of recommendations for clearing this backlog.

Subsequently, members of Council requested the Administration to engage independent legal counsel to evaluate the situation and submit recommendations for dealing with these pending Zoning applications and provide guidance for moving forward. To that end, the City issued a request for proposals for professional legal services, pursuant to which we engaged the Law Offices of Stephen G. Welz, P.C. Today, Mr. Welz will be present before City Council to present a series of findings and recommendations, which I briefly summarize here.

1. Ordinance 61-2007, which laid out the process by which owners of rental housing were to obtain Zoning and Housing Permits, should be repealed for multiple reasons, chief among them being a lack of conformance with the Commonwealth's Municipalities Planning Code because the criteria for the issuance of Zoning permits were linked to issues not related to land use policy. While the City has several remedies for property owners who violate the Property Maintenance Code, fail to obtain a Business Privilege License, or fail to meet other requirements, such matters are distinct from the land-use considerations which must prevail in decisions regarding Zoning.
2. Changes should be made to the City's Codified Ordinances, Chapter 11, Housing, to clarify that payment of an annual rental housing registration fee is different than receiving a Housing Permit to operate multifamily rental housing.
3. Changes should be made to the City's Codified Ordinances, Chapter 11, to provide the Zoning Administrator the explicit authority to approve Zoning applications for all multifamily rental properties for which the City had issued a valid Housing Permit (i.e. were current with Rental Housing Registration fees) in August, 2007 as having demonstrated a prior non-conforming use sanctioned by the City, so long as the number of units on the application matches the number of dwelling units for which each applicant had been issued a Housing Permit.
4. Changes should be made to the City's Codified Ordinances, Chapter 11, to provide the Zoning Administrator the explicit authority to approve multifamily rental Zoning applications which pertain to previously sanctioned uses, and to deny all applications which do not

## **City of Reading Zoning Ordinance**

### **DEFINITION:**

**AUTO SERVICE STATION** – a place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles are offered for sale at retail to the public. An auto service station may also include supplying services generally required for the operation and maintenance of vehicles, including the sale or dispensing of gasoline or fuel, and/or sale and installation of tires, batteries, automotive accessories and replacement items; providing washing and lubrication services; and performing minor automotive maintenance. Auto service stations shall not be used for painting or repair of vehicle body parts, unless the requirements for Auto Repair are also met.

**Permitted by Special Exception** in Commercial Highway zoning district  
**By Variance or pre-existing non-conforming use** in other zoning districts

### **F. Stop Work Orders.**

1. Upon notice from the Zoning Administrator that work on or use or occupancy of any structure, sign, land or premises is conducted contrary to the provisions of this Chapter, the Zoning Administrator may require that such work shall be stopped immediately. The stop work order shall be served to the owner of record of the property, or to the designated owner's agent, by certified mail and be posted on the property.
2. Any person who authorizes or continues any work, use or occupancy in or about any structure, sign, land or premises after having been served with a stop work order, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the penalties as set forth in §27-206 hereof.
3. Any person who has been served with a stop work order or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall thereafter be abated as permitted by statute or ordinance.

### **§27-204. Enforcement Notice.**

A. If it appears to the Zoning Administrator that a violation of any provision of this Chapter has occurred, an investigation shall occur. The Zoning Administrator shall then initiate enforcement proceedings against a violation by sending an enforcement notice as provided in this Section. Prior to sending a formal Enforcement Notice, the Zoning Administrator may seek compliance in a less formal manner.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to a known occupant involved in a violation (if different from the owner), or to any person who has filed a written request to receive enforcement notices regarding that property.

C. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person known by the Zoning Administrator to be involved in the violation.
2. The location of the property in violation.
3. The specific violation(s), with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal in writing to the Zoning Hearing Board within 30 days of receipt of the notice.

D. Any person who authorizes or continues any work, use or occupancy in any structure, sign, land or premises after having been served with an enforcement notice, except such work as is directed by the City to be performed, shall be in violation of this Chapter and subject to the remedies set forth in §27-205 and §27-206 hereof. *City of Reading Zoning Ordinance – As Adopted July 26, 2010*

E. Any person who has been served with an enforcement notice or discontinues or abandons work shall not leave any structure, sign, land or premises in such condition as to be hazardous to the public health, safety and welfare. In the event any structure, building, sign, land or premises is abandoned or left in a condition which, in the opinion of the Zoning Administrator, constitutes a hazard to the public health, safety and welfare, the Zoning Administrator may declare the same to be a nuisance. Such hazard shall, thereafter, be abated as permitted by statute, ordinance or law.

F. In any appeal of an enforcement notice to the Zoning Hearing Board, the City shall have the responsibility of presenting its evidence first.

G. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the City if the Zoning

Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

**§27-205. Causes of Action.**

In the event any structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this Chapter, the City, through its designated staff, or any aggrieved owner or tenant of real property who can show that his or her property or person will be substantially affected by the alleged violation, may institute any appropriate legal, equitable or otherwise, action or proceeding to prevent, restrain, correct or abate such building, structure, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Zoning Administrator with a copy of the complaint thereon. No such action may be maintained until such notice has been given.

**§27-206. Enforcement Remedies.**

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding, pay a judgment of not less than \$100, and not more than \$500, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City of Reading. This Article does not authorize imprisonment.