



CITY COUNCIL

Committee of the Whole

Tuesday, May 27, 2014

5:00 pm

Agenda

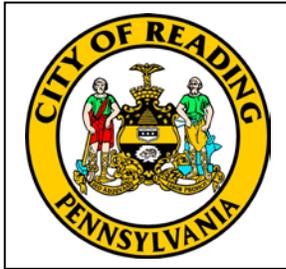
Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via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

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012.

I. Animal Ordinance Amendment

II. Other Matters

III. Agenda Review



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 12, 2014
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, D. Reed, C. Daubert, M. Goodman-Hinnershitz, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Snyder, R. Johnson, C. Younger, D. Cituk, W. Heim, V. Spencer

The Committee of the Whole meeting was called to order at 5:06 pm by Council Vice President Waltman.

I. Review Public Participation Rules

Chief Heim stated that the rules are similar to those appearing on the agenda for some time. He stated that if a member of the public gets loud and out of order, the officer in attendance must be given direction to address the person. He stated that overt threats will result in immediate removal by the officer. He suggested that the Council President use his gavel and direct the officer.

Mr. Waltman stated that at the last meeting a member of the public approached the table. He expressed the belief that the problems grow from one person to the next. Chief Heim suggested that the officer in attendance stand near the podium to visibly demonstrate that he/she is prepared to act as necessary.

Mr. Waltman stated that the public has the right to yell and vent but not to make threats. Mr. Younger stated that many threats can fall into a gray area.

Ms. Goodman-Hinnershitz expressed concern with the overall insecurity of City Hall. She stated that some limited efforts have been made to secure the building but that many employees are unprotected. Chief Heim stated that the configuration of Chambers is up to Council.

Ms. Reed stated that it goes beyond Council meetings. She stated that a more concerted effort should be made to protect employees on a daily basis. She noted the metal detectors used at the County Services Center and many other public buildings. Chief Heim stated that a decision was made several years ago to keep City Hall more accessible.

Mr. Waltman questioned the cost to implement some safety measures. Ms. Snyder stated that she will revisit this issue.

Mr. Waltman noted the need for daily protection for officials and employees.

Ms. Reed stated that the shooting at a public meeting in the Poconos began with a Codes violation.

Ms. Goodman-Hinnershitz stated that the public participation rules have been read at every meeting but she questioned if the public is paying attention. She suggested stanchions with ropes be used to separate the public space from the official space. She stated that this is a visual but unobtrusive reminder. Chief Heim agreed and stated that would better define the areas.

Chief Heim stated that Council is issuing a commendation for National Police Week this evening so there will be several officers in attendance.

Chief Heim left the meeting at this time.

II. Other Matters

- UGI Meters

Ms. Goodman-Hinnershitz questioned progress on this issue. Ms. Snyder stated that there is forward movement. She stated that there is a meeting on Thursday to continue discussions. She stated that the City now has UGI's attention as they have requested a meeting.

- New Sewer Rates

Mr. Johnson stated that the RAWA bills hit homes today and the new sewer rates and recycling fees are both included in this bill. He stated that there is much confusion. He

stated that a newsletter was sent in the fall explaining the new sewer fees but that the billing of the new rates was delayed due to a computer glitch. He stated that he should have resent the newsletter.

Mr. Waltman questioned if the sewer fees would be billed retroactive because of the delay. Mr. Johnson stated that they will not be.

Mr. Marmarou questioned if RAWA has the correct information to relay to customers with questions. Mr. Johnson stated that Ms. Hoag has been working closely with RAWA to ensure that they have the correct information. She stated that they have talking points and that the City's website has been updated to include the talking points.

Ms. Katzenmoyer requested the talking points to assist when customers call the Council office with questions. Mr. Johnson stated that he will supply the talking points.

Mr. Waltman questioned the glitch that caused the delay. Mr. Johnson stated that it was due to the meter size and type so that compound meters could be addressed. He stated that it was a complex math equation.

Mr. Bembenick arrived at this time.

Mr. Waltman stated that many items on one bill can be confusing.

- Recycling Collection

Mr. Waltman questioned the recycling revenue collection. Ms. Snyder stated that there are two different types of collection – prior to 2014 for which RAWA is responsible for collecting and 2014 forward for which the City is responsible for collecting.

Mr. Waltman questioned who makes what on past due amounts. Ms. Snyder stated that she did not have this information.

Mr. Waltman questioned how partial payments are divided. Ms. Snyder stated that partial payments are spread evenly across all amounts due.

Ms. Goodman-Hinnershitz suggested that RAWA attend a future meeting to answer these types of questions. She stated that she has questions and customers have questions.

Ms. Snyder suggested that this be a topic on a future COW agenda.

Mr. Sterner stated that there have been many complaints from one person households and the elderly about the cost of recycling. He questioned a discount. Mr. Spencer stated that there was a discount but that it has been discontinued. Ms. Snyder stated that anything is open for discussion. Mr. Bembenick explained that the discount was for low income seniors and that it applied to less than 100 people. He stated that it was not cost effective to continue the program.

Mr. Acosta arrived at this time.

Mr. Johnson explained that these people are not eligible for the RAWA hardship program.

Mr. Sterner requested that this be discussed again in the future. He stated that people are struggling.

Ms. Goodman-Hinnershitz stated that people are on fixed incomes and cannot earn more money to pay higher bills. She noted the need to respect the elders of the community and not make more problems for them. She stated that Reading is a poor City and its people cannot afford higher rates.

Mr. Waltman expressed the belief that the City's recycling program is too costly. He noted the need to look at a new model. He stated that \$100 a year is too much and that there must be a better way.

Ms. Kelleher questioned the spring clean up. Mr. Johnson stated that it went well. He stated that many electronics were collected and that there were no issues. He thanked Mr. Harrity and Mr. Denbowski for their work.

- Purchasing Policies

Ms. Snyder stated that she has reviewed the updated policies. She stated that Mr. Bembenick is back to work and is feeling better. She stated that he was not able to address some issues at the last Finance Committee meeting and she questioned if the policies had a legal review. Mr. Younger stated that Mr. Coleman reviewed several versions of the policies.

Ms. Snyder stated that Council has been waiting for a year for the purchasing policy update. She suggested that Council table the ordinance for two weeks. She stated that she has several questions.

Ms. Snyder stated that Section 705 deals with contracts for professional services. She stated that the policy as written requires an RFP for services over \$34,999 unless there is a patent or copyright. She suggested a means of obtaining quotes without an RFP. She stated that this seems burdensome.

Ms. Snyder stated that clarification is needed to define approval and execution powers of the Mayor. She suggested that requiring an RFP for services with other governmental entities may violate Act 73 and requested clarification. She noted that there may be an issue with the overall use of “users” and “departments, divisions, offices and agencies”.

Ms. Snyder apologized for not taking the opportunity to review the policies sooner. She stated that if they are passed as they appear this evening they will probably be vetoed.

Mr. Waltman noted the need to review the policies further to avoid another veto. Mr. Acosta agreed that Council and the Mayor do not need another point of contention.

Ms. Goodman-Hinnershitz noted the need to compare the City’s policies with State policy. Mr. Bembenick stated that the State policy was reviewed during the process. He stated that the City’s thresholds are lower. He stated that he did not receive this current draft for review before it was introduced to Council. Ms. Kelleher explained that this current draft is Mr. Bembenick’s version with the recommendations of the Finance Committee.

Ms. Goodman-Hinnershitz questioned if each draft is labeled to ensure the correct one is being addressed. Ms. Katzenmoyer stated that they are. Ms. Kelleher explained that it is to ensure there is no confusion.

Mr. Acosta suggested that the ordinance be tabled this evening but that the Mayor will not be pleased with the language anyway. Mr. Waltman noted the need to get the language as clean as possible.

Ms. Snyder stated that it will be on the Finance Committee agenda next week.

III. Agenda Review

Council reviewed this evening’s agenda including the following:

- Resolution authorizing \$250,000 in unprogrammed CDBG funds be transferred to the Microenterprise Loan Program

Mr. Sterner questioned if there was a limit to the amount of the loan. Ms. Snyder stated that it is limited to \$35,000. She explained that the loan requires collateral so that decreases the default rate.

Mr. Spencer stated that he was not in attendance at the last meeting. He questioned why this resolution was not moved forward at that meeting. Mr. Acosta stated that Council did not have any background information. He stated that the only information received was by a member of the public at the meeting. Ms. Snyder stated that the speaker was from the Kutztown Small Business program. She stated that the agenda memo was submitted with the resolution as is typical.

- Ordinance amending Housing

Mr. Acosta stated that the Administration has requested this ordinance be moved out of pending for vote this evening.

Ms. Snyder explained that this amendment will make two changes – eliminate the need for landlords to submit tenant lists and provide for injunctive relief for inspections.

Mr. Marmarou expressed the belief that the tenant list requirement should remain. He noted the need for the City to know who lives where. He questioned why this was being eliminated. Ms. Snyder stated that due to high transiency, the lists are quickly outdated. She noted that the landlords have this information.

Mr. Marmarou noted the need to have this information to share with others regarding taxes, fees, etc.

Mr. Cituk agreed and stated that this sharing assists with collection of Per Capita, licenses, etc and also with sex offender registration for the police. Ms. Snyder stated that Per Capita collection has been outsourced. She stated that the contractor won't use the tenant lists as they have other, more accurate means of locating people.

Mr. Marmarou noted the need for students living off-campus to pay Per Capita to Reading and not to their home municipality. He stated that they get all the same City services. Mr. Acosta stated that this is a valid point but cannot be addressed here. He noted that student homes are appearing everywhere. Ms. Kelleher stated that Per Capita is paid where the EIT is paid.

Mr. Marmarou noted the need to pursue the payment of taxes at City high rises and housing developments. Mr. Acosta suggested that a letter be sent to the Executive

Director of the Housing Authority about this issue. He estimated approximately 400 people per high rise and 900 people per housing development. He stated that this is a large amount of money.

Ms. Goodman-Hinnershitz stated that in her past experience, The Manor does encourage residents to pay.

Mr. Waltman stated that he did not support the increase in the Per Capita Tax because of this issue. He stated that there is no strategy to find those who are not paying and the increase penalizes those who do pay. He stated that this tax is not optional and that a way must be found to ensure that all pay.

Ms. Reed stated that there are also group homes throughout the City with several clients in each.

Mr. Waltman suggested discussing this issue at a Finance Committee meeting to devise a strategy for each type of facility.

Ms. Goodman-Hinnershitz noted the need to educate people of the need to pay their taxes and not penalize them.

Ms. Kelleher stated that Per Capita is now being billed and collected by Berks EIT. Mr. Acosta stated that they already have Earned Income data to track people. He suggested that some are not billed and others ignore the bills when they receive them.

Mr. Marmarou stated that he and Ms. Kelleher did extensive work on the Per Capita issue.

Mr. Acosta noted the need to work with the Housing Authority to ensure their residents are billed.

Mr. Sterner questioned when landlords are currently submitting their tenant lists. Ms. Snyder stated that it is submitted when applying/reapplying for housing permits.

Mr. Waltman suggested that new tenants provide proof to the landlord that the Per Capita has been paid before a lease is signed.

Ms. Snyder explained that this amendment also provides for injunctive relief for inspections.

Ms. Reed questioned if this was reviewed by Law. Ms. Snyder stated that it was.

Council voiced that they did not support this portion of the amendment. Ms. Snyder suggested that the amendment be separated into two items and be resubmitted.

Mr. Younger explained that the City is making an effort to notify the landlord and the tenant when inspections will occur. He stated that the properties are being posted with the inspection date.

- Resolution appointing Nick Wooten as Fire Chief

Mr. Spencer requested this resolution be tabled. He stated that an updated resume has been sent to Council and requested that it be reviewed. He stated that when Mr. Wooten was interviewed by the Administration, they got more detail. He noted his understanding of Council's concern that he is not qualified.

Mr. Acosta stated that he has several questions but that they must be discussed in executive session.

Ms. Snyder stated that the 3rd Class City Code was recently updated and there is now a question whether a chief can be hired from outside the department if there is a qualified candidate in the department. Mr. Younger stated that Home Rule municipalities are not always bound by all aspects of the 3rd Class City Code. He stated that he must continue his research on this issue.

Mr. Marmarou stated that it has been public knowledge that the Code was being amended. Ms. Snyder voiced her frustration that the PA Municipal League was not helpful with the amendments and that it is a large document to read.

William Thompson, a member of the public in attendance, requested permission to speak. Mr. Acosta granted permission as Mr. Thompson is President of the Reading Chapter NAACP. However, he stated that public comment is generally not accepted at Committee meetings.

Mr. Thompson thanked Council for allowing him to speak. He noted that he would like to speak regarding the appointment of the Fire Chief. He stated that his prime concern is public safety. He stated that he has reviewed the resume of Mr. Wooten and that he has 30+ years experience. He stated that he meets the qualifications for Fire Chief.

Mr. Thompson stated that the City is in a consent decree from 2007 regarding hiring minorities in the Fire Department. He stated that there has been no progress as the Department does not reflect the community. He requested that Council review the consent decree and give it credence. He stated that currently there are no black fire fighters and one Latino fire fighter. He stated that minorities need a familiar face during emergencies.

Mr. Thompson expressed the belief that race was the issue after reading it in the newspaper. He noted the need to diffuse that issue.

Mr. Waltman questioned what statement Mr. Thompson was referring to. Mr. Acosta stated that he reacted to Mr. Spencer's statement about race. He stated that he noted that Council's decision will be based on qualifications and is not about race. He stated that this became an issue only after Mr. Spencer issued a memo to that affect.

Mr. Thompson stated that this is the statement to which he was referring. Mr. Acosta stated that he was offended and that this is not a race issue.

Mr. Thompson noted that the room was full of good people. He again suggested that Council review the consent decree.

Mr. Waltman stated that the candidate must be the best qualified. He noted the need for the public to trust the judgment of Council.

Ms. Goodman-Hinnershitz stated that the consent decree should be reviewed at a future meeting. She noted the need for the public to respect the rules of Council at Committee meetings.

Mr. Thompson stated that he did not wish to make public comment on the race issue but to do so in this closed door meeting only. All present noted that this is an open meeting and the press is present.

IV. Executive Session

Mr. Acosta announced the need for an executive session regarding a personnel issue. Council entered executive session at 6:26 pm and exited at 6:46 pm.

PLA Private Sector Input

Alan Shuman, of Shuman Development Group, joined the meeting at this time.

Mr. Shuman stated that Reading wants to revitalize and increase jobs. He stated that this has been happening. He stated that the tax incentives available to projects are not worth the cost and delays of a PLA. He stated that the numbers won't work and that banks won't offer financing. He stated that this also adds another layer of bureaucracy to the process. He suggested that if this is enacted by Council there will be projects that do not happen.

Mr. Sterner questioned why Mr. Shuman felt this way. Mr. Shuman stated that PLAs will increase costs to developers. He stated that currently the developer can negotiate wages to companies who want the work.

Mr. Sterner questioned who would calculate the need for a PLA for a project. Mr. Shuman stated that it can be calculated several ways.

Mr. Acosta stated that Council was previously told that PLAs reduce the time of projects. He used the Hotel as an example and stated that it would be complete in 12 months instead of 18. Mr. Shuman suggested that the Hotel has a PLA of some kind as it is receiving public funds.

Mr. Spencer stated that the Hotel does not have a PLA. Mr. Shuman stated that they would be required to have an agreement and pay prevailing wages since they are using public funds.

Mr. Acosta questioned the time of delay. Mr. Shuman stated that it would add another layer while the Mayor's office determines if a PLA is needed and the study is completed.

Mr. Marmarou expressed the belief that the delay to the Hotel project was due to funding issues. Mr. Shuman stated that the PLA will add time as the study must be completed. He stated that the start of construction will be delayed.

Mr. Sterner noted the need for projects to have the best possible local labor. Mr. Shuman agreed and stated that he uses local labor for his projects. He stated that the large projects with PLAs do not use local labor.

Mr. Marmarou noted the need to hire local unless there is no one local with the expertise.

Mr. Spencer stated that some local companies are not large enough to handle large projects.

Mr. Acosta suggested that the subcontractors be local labor. He noted the need to secure development and to provide good paying jobs to the community. He stated that previously a figure of \$5 million for projects was suggested. He questioned if Mr. Shuman had a fair number in mind. Mr. Shuman explained that generally up to \$5 million projects do not receive public funds. He stated that the only item available would be the LERTA tax credit. He stated that he would not use LERTA if it meant needing a PLA. He used 35 N 6th St as an example and stated that it will be a \$12.5 million project. He suggested that RACP funds require prevailing wage. He stated that the City may not even be aware of certain tax credits on projects.

Ms. Kelleher questioned if this would affect properties in the Keystone Opportunity Zone.

Mr. Waltman noted the need for a hybrid approach to encourage development and support local labor. He noted the need for key projects to move forward with a workable solution.

Mr. Shuman suggested a number of \$8 - \$10 million as that is generally the max for private funding.

Mr. Waltman stated that the Hotel project does not have a PLA but is paying prevailing wage. He questioned the benefit of a PLA. Mr. Spencer stated that each PLA is customized to the project. Ms. Kelleher stated that each study to determine if a PLA is necessary costs the City a minimum of \$25,000.

Mr. Waltman noted the need to find the right approach. Mr. Shuman also noted the need for the City to complete the study in a finite time period. He stated that he cannot miss deadlines for funding.

The meeting adjourned at 7:04 pm.

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

**BILL NO. _____ 2014
AN ORDINANCE**

AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, CHAPTER 141 ANIMALS, PART 2, ANIMAL CONTROL, BY AMENDING SECTIONS THROUGHOUT, BY ADDING SECTION 141-213 LIMITED NUMBER OF ANIMALS ALLOWED WITHOUT REGISTRATION AND RENUMBERING AS NECESSARY

Whereas, when considering an amendment to the Animal Control Ordinance, City Council referred the issue concerning the limitation on the number of cats and dogs per household to the Board of Health; and

Whereas, the Board of Health has found that several municipalities inside and outside Berks County have such limitations in effect to protect the public health, safety, and welfare of all residents; and

Whereas, the number of cats and dogs owned by individuals in the City of Reading is becoming increasingly problematic; and

Whereas, there were 244 animal complaints that were addressed by the City Property Maintenance Division and the City's Animal Control agents in 2013.

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

SECTION 1. Chapter 141 Animals, Part 2 Animal Control is amended as attached.

SECTION 2. 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 3. 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 4. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Adopted _____, 2014

Council President

Attest:

City Clerk

(Board of Health)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Chapter 141

Animals

Part 2 – Animal Control

§141-201 Purpose.

The purpose of this Part is to promote the public health, safety and general welfare of the citizens of the City of Reading and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

§141-202 Definitions.

When used in this Part, the following words, terms, and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANIMAL – Construed in a broad sense to include not only mammals, but also birds, reptiles and insects.

ANIMAL CONTROL OFFICER – A City employee or agent authorized to enforce the City of Reading Code, an employee of the designated animal control authority or agent of the City, designated by the Mayor to administer and enforce the licensing/permit, inspection and enforcement requirements contained within this Part.

ANIMAL HOSPITAL – Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

ANIMAL NUISANCE – Any nuisance arising out of the keeping, maintaining, or owning of, or failure to exercise sufficient control of, an animal.

ANIMAL SHELTER – Any facility operated by the City or designated animal control authority for the temporary care, confinement and detention of animals and for the humane euthanization and other disposition of animals. The term shall also include any private facility authorized by the Mayor or his designee to impound, confine, detain, care for or destroy any animal.

AT LARGE – An animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

ATTACK – The deliberate action of a dog, whether or not in response to a command by its owner, to bite, to seize with its teeth or to pursue any human, ~~or animate or inanimate~~ object, with obvious intent to destroy, kill, wound, injure, or otherwise harm the object of its action. All attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-110, Animal bite incidents, of the Code of the City of Reading).

~~CRUELTY – Any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, “cruelty” shall mean a failure to employ the most humane method reasonably available.~~ **A person commits an offense if he wantonly or cruelly ill treats, overloads, beats, otherwise abuses any animal, or neglects any animal as to which he has a duty of care, whether belonging to himself or otherwise, or abandons any animal, or deprives any animal of necessary sustenance, drink, shelter or veterinary care, or access to clean and sanitary shelter which will protect the animal against inclement weather and preserve the animal's body heat and keep it dry. This shall not apply to activity undertaken in normal agricultural operation. (See 18 Pa.C.S.A. § 5511(c))**

DESIGNATED ANIMAL CONTROL AUTHORITY – Agency that has a contract with the City of Reading for animal control.

DISPOSITION – Adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. “Disposition” includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

DOG, AGGRESSIVE –

A. Includes any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or certified service dogs:

1. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation.
2. Any dog which, without provocation, ~~approaches in a threatening or terrorizing manner~~ **pursues or attacks**, any person or domestic animal upon the streets, sidewalks or any public grounds or places.
3. Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.

B. All bites and/or attacks shall be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-110, Animal bite incidents, of the Code of the City of Reading).

DOG, DANGEROUS – Any dog as defined in 3 P.S. § 459-502-A(1).

DOMESTIC AGRICULTURAL ANIMAL – Any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of agricultural use or farming purposes ~~are strictly prohibited~~.

DOMESTIC COMPANION ANIMAL – Any non-wildlife or non-exotic species altered through controlled breeding for the primary purpose of human companionship and serving no widely recognized agricultural, farming use or working purposes.

EXEMPT EXOTIC ANIMAL – Any non-domestic animal not native to Pennsylvania routinely offered for sale by pet stores with *in* Pennsylvania, non-poisonous reptiles not exceeding a maximum length of 60 inches at maturity, non-poisonous fish, and non-poisonous amphibians not requiring state, federal or City permitting.

EXOTIC ANIMAL – Any rare or unusual animal pet or an animal kept as a pet which is not commonly thought of as a pet may also be a species for which is not indigenous to the locale including, but not limited to, alligators, crocodiles, foxes, tortoises, skunks, raccoons, chinchillas, wild felines, *as defined herein*, snakes, lizards, scorpions, and non-human primates.

GUARD OR ATTACK DOG – A dog trained to attack on command or to protect persons or property, and who will cease to attack upon command.

HARBORING – An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

HEEL – The animal is directly behind or next to a person and obedient to that person's command.

IMPOUNDMENT – The taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

KENNEL – Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

MUZZLE – A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

NATIVE WILDLIFE ANIMAL – All non-domestic animals naturally occurring in the wild within the borders of Pennsylvania.

OFFICER – Police officer and/or duly appointed animal control officer.

OWNER – Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this

Part. ~~An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.~~

PERSON – Any individual, partnership, association, corporation, company, firm, institution, trustee, estate, trust, any private entity or public entity as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural as the case may require.

PUBLIC NUISANCE ANIMAL – Any animal that unreasonably annoys humans, endangers the ~~health life or health~~ **health** of ~~people person~~ **people** or other animals, or substantially interferes with the rights of citizens, other than their owners, to ~~the~~ **the** enjoyment of life or property. The term “public nuisance animal” shall include, but not be limited to:

A. Any animal that is found running at large.

B. Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint.

C. Any animal that damages any property other than that of its owner.

D. Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored shall be governed by Chapter 387, Noise, § 387-104, specific prohibited acts, of the Code of the City of Reading.

E. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.

F. Any animal in heat that is not confined so as to prevent attraction or contact with other animals.

G. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right of way.

H. Any animal that chases motor vehicles in a public right of way.

I. Any animal that attacks domestic animals.

J. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

~~K. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.~~

SANITARY – A condition of good order and cleanliness to minimize the possibility of disease transmission.

UNDER RESTRAINT – An animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person’s commands, or securely enclosed within the real property limits of the owner’s premises.

VICIOUS OR DANGEROUS ANIMAL – Any animal, **including wild animals**, that attacks, bites, or physically injures human beings, domestic animals, or livestock without provocation or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. ~~Any wild animal or any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous.~~ All attacks and bites must be reported to the City of Reading Health Officer within 48 hours (see Chapter 288, Part 1, Health Code, § 288-110, Animal bite incidents, of the Code of the City of Reading).

WILD FELINES – Wild felines are considered, include, but are not limited to: lions, tigers, cougars, leopards, jaguars, mountain lions and non-domesticated cats.

§141-203 Nuisances

It shall be unlawful for any person to keep any animal on any property located within the incorporated limits of the City when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

§141-204 Keeping of exotic animals, domestic agricultural animals, or native wildlife animals

A. It shall be unlawful for anyone to own, harbor or permit at large any exotic animal, domestic agricultural animal, or native wildlife animal within the City without a permit issued by the Animal Control Board. Such permit shall be given only if it is demonstrated to the satisfaction of the Board that the animal will not constitute a threat to public health or safety.

B. The application for such permit shall be on a form supplied by the City and shall be submitted to the City Clerk’s Office along with a fee for the first calendar year in an amount as set by ordinance, as provided in Chapter 212 Fees. The fee shall be dispersed partly to the designated animal control authority and partly to the City to cover the costs of inspections and administration, as provided in Chapter 212 Fees.

C. The fee is levied per household, not per exotic animal.

§141-205 Caring for animals

PA Code Animal Regulations; see 18 PA C.S.A. § 5511.

§141-206 Sanitation

A. All persons shall be responsible for the sanitary maintenance of the premises on which any animals are *harbored*, housed, maintained, or kenneled.

B. Animal shelters, or areas in which animals are maintained, shall be permitted only as approved by the *City zoning department Health Officer*. Animal shelters shall not be constructed or located in such a manner that it creates a health hazard or nuisance to the adjoining property owners.

C. People owning, harboring, or keeping an animal *within* the City shall not permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

D. Excess animal food shall not be allowed to accumulate in such a manner as to create a food source for bacteria, insects or rodents.

E. No person shall maintain, transport or carry any animal or pet *into* any eating and drinking establishment, food manufacturing or food service facility, except trained, certified service dogs.

F. Owners of leashed or unleashed animals shall be responsible for the removal and disposal of fecal matter deposited by his animal anywhere within the City.

§141-207 Restraining and confinement generally

A. It shall be unlawful for the owner of any dangerous dog and/or aggressive dog to fail to keep such dangerous dog and/or aggressive dog under restraint or to permit such dangerous dog and/or aggressive dog to run at large upon the streets and public ways of the City.

B. Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.

C. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.

D. Every female dog in heat shall be confined to the residence of the owner or keeper in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

§141-208 Restraint of guard dogs

A. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a

fence at least six feet in height and shall be topped with an anti-climbing device constructed of angle metal braces with at least three strands of equally separated barbed wire stretched between them.

B. All anti-climbing devices shall extend inward at an angle of not less than 45° nor more than 90° when measured from the perpendicular.

C. The areas of confinement shall all have gates and entrances thereto securely closed and locked, and all fences properly maintained and escape *proof*.

D. The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies.

§141-209 Restraining of dangerous dogs, ~~or~~ aggressive dogs, and vicious dogs

Every dangerous, *vicious dog* or aggressive dog shall be confined by its owner or authorized agent of its owner to the residence of the owner or keeper in accordance with Pennsylvania [P.S.] Title 3, Agriculture, Chapter 8, Dog Law [3 P.S.] § 459-502. Such residence shall be conspicuously posted with a placard provided by the issuing office. Whenever off the premises of its owner, the dog shall be securely muzzled and restrained with a chain having a minimal tensile strength of 300 pounds and not more than three feet in length or caged. Every person harboring a dangerous, *vicious, dog* or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

A. Upon licensing an *aggressive*, vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is an *aggressive, dangerous, or* vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

B. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. The pen shall be no less than six feet high and contain no less than 50 square feet of ground space. All pens shall comply with City zoning guidelines so as not to be offensive to the neighboring residents.

C. Every person harboring a dangerous, *vicious* or aggressive dog is charged with an affirmative duty to confine the animal in such way that children do not have access to such animal.

D. No person owning or harboring a dangerous, *aggressive* or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than three feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

E. Once a dog is deemed to be dangerous, it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

§141-210 Property owners may impound

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no such shelter is available, the property owner may hold the animal in his own possession, and as soon as possible, notify the Animal Control Officer. The property owner shall provide a description of the animal and the name of the owner if known. The ~~City Department~~ shall dispatch an animal control officer to take possession of the animal.

§141-211 Return of animal to owner

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the Animal Control Officer shall make attempts to notify the owner.

§141-212 Disposition of large animals

Any animal control officer or other designated person on call who removes a large animal such as a horse, cow, mule or any other animal not acceptable by any animal hospital or shelter shall be authorized to call a trucking firm or company which shall convey the animal to a farm or other appropriate facility that has an agreement with the City to accept such animals. The disposition of any animal moved to a facility other than an animal hospital or shelter shall be handled in the same manner as though the animal were confined in an animal hospital or shelter. The City and animal shelter are authorized, under the terms of this Part, to bill the owner of the animal for any charges incurred.

§141-213 Limited Number of Animals Allowed Without Registration

It shall be unlawful in any dwelling unit for a person to harbor, house, own, or possess more than six (6) cats, or six (6) dogs, or a combination of six (6) such animals, over the age of three (3) months without successful registration to the City, or designated animal control agent. ~~Animal Control Board~~. Registration is free and shall include the name and address of the applicant and description of the animal(s). Registration approval shall be conditioned upon a showing that the animal(s) has been vaccinated, including rabies, and can adequately be maintained in sanitary conditions as determined by the City Animal Control Officer.

Upon successful registration, a City of Reading license shall be issued to the applicant, which shall bear an identifying number for the animal(s) and the date of issuance. Unless revoked for violation of this Part, the license shall be valid for a period up to three (3) years, or for the duration that the animal's rabies vaccination is effective.

This Part applies only to persons with more than six (6) animals in their residentially-zoned dwelling unit. This Part shall not apply to licensed kennels, pet shops, animal grooming shops, veterinary shelters or hospitals, and shall not be construed to exclude persons from other applicable animal control requirements.

§141-214~~3~~ Dangerous dog and/or aggressive dog permits

A. Any person owning a dangerous or aggressive dog must register the dog with the animal control agency contracted by the City of Reading to enforce the provisions of this Part and pay a fee for such registration to the designated animal control authority, as set by ordinance and provided in Chapter 212 Fees. The owner must provide proof at the time of registration that:

1. The homeowner's insurance policy for the residence in which the dangerous **or aggressive** dog is housed contains a rider or a liability clause for dangerous **or aggressive** dogs.
2. The dog's rabies vaccination status is current.
3. The dog is licensed for the current year.
4. The dog is microchipped with a permanent ID.
5. Every dog for which the owner is required to obtain a permit must wear a valid permit tag at all times when the animal is off the premises of its owner. The permit tag shall be issued by the animal control authority and be made of highly visible material with the words "dangerous dog" prominently displayed upon it.

B. Appeal procedure

- ~~1. Within 14 days of the date of the notice of the police or animal control officer's decision that a dog is dangerous **or aggressive**, the owner of the dog may appeal the decision to the Animal Control Board. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Animal Control Board, with copies to the Chief of Police and City Clerk. If such an appeal is filed, a hearing shall be commenced within three weeks of its filing. Within five days of the close of the appeal hearing, the Animal Control Board shall determine whether to uphold or reverse the decision of the police or health officer.~~
- ~~2. The determination of the Animal Control Board shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the Animal Control Board.~~

§141-2154 Impoundment

A. In addition to any other remedies provided in this Part, an animal control officer or a police officer may seize, impound and humanely confine any of the following animals in accordance with Pennsylvania [P.S.] Title 3, Agriculture, Chapter 8, Dog Law, [3 P.S. § 459-101 et. seq.]:

1. Any dog without a valid permit tag or license.
2. Any animal at large.
3. Any animal constituting a public nuisance or considered a danger to the public.
4. Any animal that is in violation of any quarantine or confinement order of a health officer.
5. Any unattended animal that is ill, injured, or otherwise in need of care.
6. Any animal that is reasonably believed to have been abused or neglected.
7. Any animal that is reasonably suspected of having rabies.
8. Any animal that is charged with ~~being potentially~~ dangerous, **vicious**, aggressive **activity** or displays aggressive behavior where an animal control officer, the Animal Control Board, or the Mayor determines that there is a threat to public health and safety.
9. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.
10. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.
11. Any exotic animal, domestic agricultural animal, or native wildlife animal without a valid permit.

B. An animal control officer or police officer may ~~also, or~~ in lieu of impoundment, issue to the owner a citation.

§141-2165 Notice to owner and redemption

A. Upon impoundment of an animal, the ~~designated~~ ~~designed~~ animal control authority shall immediately attempt to notify the owner by telephone or certified mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.

B. An owner reclaiming an impounded animal shall pay a fee for each day the animal has been impounded, in an amount set by ordinance and provided in Chapter 212 Fees. The daily rate charged for any subsequent impoundment occurring within 12 months shall be double that which was charged for each day of confinement during the first impoundment.

C. Any animal not reclaimed by its owner within 48 hours shall become the property of the City **Animal Control Agency** and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the designated animal control authority.

D. Any dangerous, ~~vicious dog~~ or aggressive dog impounded shall not be redeemed by the owner or adopted by any other person until all applicable permit fees imposed by this Part shall be paid and proof thereof shall be presented to the designated animal control authority.

§141-2176 Animal Control Board established

A. There is hereby established a City Animal Control Board.

B. The Mayor shall appoint seven members subject to confirmation by City Council.

1. Four members shall be appointed as representatives of the community at large.
2. Two members shall be appointed representatives of animal humane societies and animal shelters.
3. One member shall be appointed as a representative of private veterinarians or veterinary hospitals.

C. The term of each member shall be three years, or until a successor takes office.

§141-2187 Animal Control Board; powers and duties

A. The Animal Control Board is authorized to prepare written rules and regulations to govern its operations and ~~the~~ ~~conduct~~ ~~of~~ hearings before it. The rules and regulations shall become effective upon the approval, by resolution, of City Council. Three copies of the Board's rules and regulations shall be available for inspection by the public in the office of the City Clerk.

B. The Board shall also have the authority to do the following:

1. Receive requests for permission to own exotic animals, domestic agricultural animals, and native wildlife animals; conduct an investigation it deems proper and hold hearings in conjunction with such investigation. The Board may grant, in writing, special permission for the keeping of exotic animals, domestic agricultural animals, and native wildlife animals and impose any condition on such permission that it deems necessary to protect the animal, owner, and the general public.
2. Make determinations of **vicious and** aggressive dogs as defined under § 141-202, Definitions.

C. The Board shall meet at the call of the Chairperson to take the following actions:

- ~~1. Prepare and present the Animal Control Board budget to the Administrative Services Director.~~
1. Recommend to ~~the~~ City Council changes in the law regarding the control of animals.

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 15 days advance notice of the intent to take such vote. Failure of a member to attend three 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.

§141-2198 Sanctions and remedies

- A. Obedience training for the animal(s) in question.
- B. Muzzling of an animal while off the property of the owner.
- C. Confinement of an animal indoors.
- D. Confinement of an animal in a secure enclosure.
- E. Reduction of the number of animals kept at any one location.

F. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty.

G. The sterilization of the animal.

H. A ban on maintaining other animals in the City.

I. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

J. Any fees previously paid **are** non-refundable.

§141-22019 Appeals

Any person aggrieved by any decision of the Animal Control Board may appeal the same to the Berks County Court of Common Pleas.

§141-2210 Enforcement

Animal control officers or other designees of the Mayor shall be the enforcement officials for this Part. These officials, along with police officers, shall have the authority to act on behalf of the City and the Animal Control ~~Agency Board~~ in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this Part. It shall be a violation of this Part to interfere with any animal control officer or other enforcement official in the performance of ~~their~~ **his** duties.

§141-2221 Violations and penalties

A. It shall be a violation of this Part to:

1. Fail to comply with any provision of this Part.
2. Fail to comply with any lawful order of the Animal Control Board, an animal control officer, **City official**, or police officer unless such order is lawfully stayed or reversed.

B. Any person who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs; and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

C. Notwithstanding any other penalties imposed by this section of this Part, any person who violates any provision of this Part and said violation involves a dangerous dog or aggressive dog (as defined in §141-202, Definitions), shall be subject to a minimum fine of \$500 to a maximum of \$1,000 plus costs and other fees and penalties included within the terms of this Part, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

D. All fines collected shall be forwarded to the designated animal control authority to cover administrative expenses.

