



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
2014**

MONDAY, JUNE 9,

COUNCIL CHAMBERS

7:00 P.M.

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda. 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.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, 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, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. Calvin Kurtz, Reading Berks Conference of Churches

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on _____ were related to _____.

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Berks Area Mountain Biking Association, accepted by Fred Moreadith, Director
- Council Commendation recognizing the 2014 RHS baseball team
- Commendation - recognizing the benefits of a diet high in fruits and vegetables and urging residents to participate in "Meatless Monday, presented by Councilor Daubert

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled 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, including applause or cheering, 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: Regular Meeting of May 27, 2014

B. AGENDA: Regular Meeting of June 9, 2014

5. Consent Agenda Legislation

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill 41-2014 – creating the Reading Regional Water Authority (City Council) *Introduced at the April 14 regular meeting*

Bill 39-2014 - amending the City Code Chapter 308, Housing, of the Codified Ordinances to eliminate the tenant listing requirement and provide for injunctive relief (Man Dir) *Introduced at the April 14 regular meeting; Advertised April 22*

Ordinance – authorizing a project labor management agreement for building projects in the City (Mayor's Office) *Introduced at the May 12 regular meeting; Additional review required; PLA Work Group meeting scheduled for June 25th at 5:30 pm in the Penn Room*

Charter Required 14 Day Layover Period Incomplete Until June 23rd Mtg

Ordinance – authorizing the transfer of \$20,000 from the Salary line of the Fire-Prevention Education Division (Fire Marshal) to the Contracted Services line of the same division (**Fire**)

Ordinance - amending the City Code Chapter 141 Animals, Part 2, Animal Control, by updating sections throughout, by adding Section 141-213 Limited Number of Animals Allowed Without Registration and renumbering as necessary (**Board of Health/Council Staff**)

Ordinance –amending the 2014 Budget for the Department of Fire and Rescue Services, authorizing the transfer of funds to avoid a late payment penalty on the purchase of a refurbished ambulance (**Managing Director**)

POTENTIAL OVERRIDE OF THE VETO OF BILL NO. 44-2014 AND BILL NO. 46-2014

10. INTRODUCTION OF NEW ORDINANCES

11. RESOLUTIONS

A. Resolution - appointing Laura Cooper to the Downtown Improvement District Authority (Council Staff)

B. Resolution - appointing Lisa Blount to the Human Relations Commission (Council Staff)

C. Resolution - authorizing the Managing Director to enter into the Memorandum of Understanding, attached as Exhibit A, with the RAWA for 2014 for the billing and collection of the curbside collection program fees (Council Staff)

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, June 9

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, June 16

Nominations & Appointments Committee – Council Office – 5 pm

Standards of Living Committee – Council Office – 5:30 pm

Finance Committee – Council Office – 5:30 pm

Monday, June 23

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Wednesday, June 25

PLA Workgroup Meeting – Penn Room - 5:30 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, June 9

Fire Civil Service Board – Penn Room – 4 pm

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

Tuesday, June 10

Water Authority Workshop – Water Authority Office – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, June 11

Zoning Hearing Board – Council Chambers – 5:30 pm

Human Relations Commission – HRC Office – 6 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, June 12

Police Pension Board – Penn Room – 10 am

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

Monday, June 16

Library Board – 113 S 4th St – 4 pm

Tuesday, June 17

HARB – Penn Room – 7 pm

Charter Board – Penn Room – 8 pm

Wednesday, June 18

Redevelopment Authority – Redevelopment Authority Office – 6:30 pm

Thursday, June 19

Blighted Property Review Committee – Council Office – 6 pm

Monday, June 23

DID Authority – 645 Penn St 5th floor - noon

City of Reading City Council
Regular Business Meeting
Tuesday, May 27, 2014

Council President Francis Acosta called the meeting to order.

The invocation was given by Councilor Goodman-Hinnershitz gave the invocation.

All present pledged to the flag.

ATTENDANCE

Council President Acosta

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Reed, District 5

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director C. Snyder

Council President Acosta announced that the purpose of the Executive Sessions during Monday, May 19th and Tuesday, May 27th meetings were related to potential litigation.

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Council Commendation recognizing National Historic Preservation Month, accepted by Preservation Specialist Amy Johnson and HARB member Cynthia LaSota

HARB presented the following Historic Awards:

- 1615 Palm St
- 1650 Palm St
- 100 S 7th St

- 210 N 5th St
- 244 N 5th St
- 705-707 N 5th St
- 808 N 5th St
- 810 N 5th St
- 721 Madison Ave

PUBLIC COMMENT

Council President Acosta stated that there were five (5) citizens registered to address Council on agenda matters and two (2) citizens registered to address non-agenda matters. He reminded those registered about the public speaking rules. He inquired if any Councilor objected to suspending the public comment rule requiring non-agenda comment at the end of the meeting. As there was no objection, the rule requiring non-agenda comment at the end of the meeting was suspended.

Vince Rosado, of North 13th Street, questioned the lack of public dialog on the creation of a new water authority. He noted the value of the information distributed in the brochure prepared by City Council. He questioned the lack of dialog on the dissolution of the current water authority. He expressed the belief that the mayor and Council can find common ground in their desire to learn the value of the water system. He expressed agreement with the indiscretions of RAWA. He asked Council to consider tabling the dissolution ordinance. He suggested ending the war on water and learn the value of the system.

Ernie Schlegel, of Pear Street, stated that he distributed packets in response to Council's request for a two (2) year water deal. He stated that RAWA believes in supporting the City's financial needs. He described the terms of the two (2) years lease agreement which includes the funding for a valuation of the water system. He stated that the agreement is based on Council's withdrawal of the dissolution ordinance and the withdrawal of the ordinance to create a new authority. He noted that Stevens and Lee is creating the same adversities between the mayor and Council in the City of Altoona. He stated that while he has only served on RAWA for a short time, he can walk away knowing he served the authority with integrity. He stated that he is angry and disappointed with the majority of Council.

Elizabeth DaLessio, of South 6th Street, spoke about the disruptive noise emanating from the Corestacks Evergreen Power Plant. She stated that she purchased her home in 1992 and

enjoyed the quiet and lovely neighborhood until 2007-08 when the Evergreen Plant began operating. She stated that she has started circulating a petition in her neighborhood about the disruption the noise creates for residents. She expressed the belief that the neighborhood was sold short when the City approved the power plant. She stated that in addition to extreme noise, especially during the evening and night hours, the plant also has created unpleasant odors and has increased truck traffic in the residential neighborhood. She stated that the noise disrupts people's ability to sleep through the night or simply enjoy watching television. She asked the City to investigate and take steps to reduce the noise from the plant.

Carl Baskin, of Fairview Street, stated that he represents Ironworkers 420 which has approximately 300 members. He stated that the organization has existed for approximately 90 years. He noted the need for local people to be employed at local projects. He stated that there are currently two (2) major construction projects occurring in Reading that are not employing local labor. He expressed his belief that the adoption of the PLA Ordinance will employ local people in local construction projects. He suggested that Council review the ordinance used in Allentown, where the PLA Ordinance was successfully implemented.

Yvonne Gonzalez, of North 12th Street, was not present.

James Huber, of Holtry Street, was not present.

Hannah Riegel, of North 10th Street, was not present.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the May 12th Regular Meeting of Council. He noted the following amendments to the agenda:

1. Replacing the Consent Agenda Resolution authorizing a temporary transfer of funds within the Department of Fire and Rescue Services with a corrected copy
2. Withdrawing the Consent Agenda Resolution awarding the Penn Sq. Properties to Our City Reading
3. Replacing the Ordinance being Introduced authorizing a transfer of funds within the Department of Fire and Rescue Services with a corrected copy

4. Replacing Bill 46- 2014 with the final version
5. Adding a Resolution authorizing RAWA to bill trash and recycling services for 2014

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the May 12th Regular Meeting of Council and the agenda as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract - for the Vacant Property Registration to Federal Property Registration Corporation **(Purchasing)**

B. Resolution 66-2014 – award of the RFP for the Penn Street Properties and authorizing the Administration to Further Negotiate Contract Terms. **(Managing Director) WITHDRAWN**

C. Resolution 67-2014 – authorizing a temporary transfer of funds within the Department of Fire and Rescue Services in the amount of \$32,498.44 for the purchase of a refurbished ambulance to avoid a late-payment penalty **(Managing Director)**

ADMINISTRATIVE REPORT

The mayor did not provide a report.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- 2014 Admissions Tax update
- Real Estate Transfer Tax update
- 2014 Franchise Fee

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

None.

ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill 41-2014 - creating the Reading Regional Water Authority **(City Council)** *Introduced at the April 14 regular meeting*

Bill 39-2014 - amending the City Code Chapter 308, Housing, of the Codified Ordinances to eliminate the tenant listing requirement and provide for injunctive relief **(Man Dir)**
Introduced at the April 14 regular meeting; Advertised April 22

Ordinance – authorizing a project labor management agreement for building projects in the City (Mayor’s Office) ***Introduced at the May 12 regular meeting; Additional review required***

A. Bill 37-2014 –dissolving the Reading Area Water Authority; and authorizing all actions necessary to effectuate the same, approving the Certificate of Termination of the Authority,. **(Law/Council Staff)** ***Introduced at the March 31 special meeting; tabled at the April 14 regular meeting – WITHDRAWN – DISSOLUTION COVERED IN BILL NO. 46-2014***

B. Bill 46-2014 – notifying the Reading Area Water Authority and other parties about the termination of the water lease; dissolving the Reading Area Water Authority; and authorizing all actions necessary to effectuate the same **(Council Staff)** ***Introduced at the April 28 regular meeting***

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 46-2014.

Councilor Daubert stated that he will not support this ordinance as he has too many unanswered questions relating to the costs associated with the dissolution, potential litigation, etc.

Councilor Waltman expressed the belief that the enactment of the ordinance will assist in resolving the issues with the authority. He expressed the belief that the City has lost control over the authority and the water asset over the past 5-7 years. He stated that the City needs to recover its public control over the asset. He stated that this ordinance is not intended to disrespect the RAWA board, past and current.

Mr. Rosado began shouting statements from the audience. Council President Acosta called Mr. Rosado out of order and asked him to stop disrupting the meeting. Mr. Rosado left the room.

Councilor Waltman expressed the belief that dissolving the authority will help the City and the water customers.

Councilor Marmarou expressed the belief that the mayor and Council can still work to resolve their issues. He also expressed concern over the costs the City and the water customers will pay to dissolve the authority. He stated that he will not support this ordinance.

Councilor Goodman-Hinnershitz expressed the belief that the water system is a public asset and that it should stay and will stay in public control. She noted her concern over the authority's operation for years. She expressed the belief that the authority's management of the water system was more private than public. She stated that after reviewing some of the authority's external audits she believes a forensic external audit is needed. She stated that the external audits report that the board was not provided with financial statements and she questioned how much other information was not provided to the board. She expressed the belief that the authority's and the mayor's positions began to change when the requests for information began. She expressed the belief that enacting the dissolution ordinance is a step in the right direction, a step that will truly protect this public asset. She noted the need to identify board members who have experience in the utility system due to the amount of reform required.

Councilor Reed stated that her agreement with the dissolution was not made lightly nor without considerable thought. She stated that the dissolution is directed at protecting the public asset and the public trust. She stated that she is confident that this is the right step to protect the water asset and its customers.

Councilor Sterner stated that he will support this ordinance and he expressed the belief that supporting this ordinance is correct. He stated that he too believes he has served the City with integrity. He expressed the belief that the position the super majority of Council is taking is correct and will protect the system.

Council President Acosta stated that he supports the dissolution of RAWA and the need for an open and transparent RFP process for the system.

Mr. Rosado again shouted from the audience and he was called to order by Council President Acosta and asked to refrain from disrupting the meeting. Mr. Rosado left the room.

Council President Acosta expressed the belief that many problematic issues will come to

light and will be corrected through the process to dissolve the authority. He noted that Council is not and has not considered the sale of the water system.

The mayor noted his disagreement with the dissolution of the authority and he questioned the need for improvements to the public control of the system, as the board is appointed by Council. He questioned if Council has attended RAWA meetings. He noted that RAWA has received awards for their operations. He questioned the statements implying that Mr. Setley and Mr. Miller play Rasputin with the RAWA board.

Councilor Waltman expressed his belief in the enactment of the ordinance and although he agreed that Council appoints RAWA board members, he noted that Council has no control of the members after they are appointed. He noted RAWA's repeated grabs for power when the City requested assistance in the past.

Ed Terrell began shouting from the audience. Council President Acosta called him out of order and advised him to stop disrupting the meeting.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed to amend Bill No. 46-2014 to add a new section two (2) which adds the requirement for the RAWA board members to resign.

The motion to amend Bill No. 46-2014 was approved by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President - 5

Nays: - Daubert, Marmarou - 2

Councilor Waltman noted that Council's request for information from RAWA including a two (2) year bridge deal was made months ago and no response was received. He stated that there is no need for a long drawn out legal battle over this issue.

Councilor Reed called for the question.

Bill No. 46-2014, as amended, was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President - 5

Nays: - Daubert, Marmarou - 2

C. Bill 44-2014 – amending the Purchasing Policies in the Administrative Code (**Adm Services & Council Staff**) *Reviewed by Finance Committee on April 21; Introduced at the April 28 regular meeting; Tabled at the May 12th meeting; Reviewed by Finance Committee on May 19*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 44-2014.

Council President Acosta stated that Council requested this amendment to the purchasing policies over a year ago and he thanked Council Staff for working with the administration to complete this task over the past few months.

Councilor Goodman-Hinnershitz noted that good legislation takes time and work. She stated that this ordinance represents good cooperation between the executive and legislative branches. However, she suggested that the implementation of the new policies be closely monitored.

Councilor Reed stated that she will not support the enactment of these policies. She expressed the belief that additional limits are needed to curtail questionable activities. She did recognize the work that went into drafting this legislation.

Bill No. 44-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Acosta, President - 6

Nays: Reed - 1

INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

A. Ordinance – authorizing the transfer of \$20,000 from the Salary line of the Fire-Prevention Education Division (Fire Marshal) to the Contracted Services line of the same division (**Fire**)

B. Ordinance - amending the City Code Chapter 141 Animals, Part 2, Animal Control, by updating sections throughout, by adding Section 141-213 Limited Number of Animals Allowed Without Registration and renumbering as necessary (**Board of Health/Council Staff**)

C. Ordinance – establishing the salary of the Fire Chief, pending the approval of Resolution 65-2014

D. Ordinance –amending the 2014 Budget for the Department of Fire and Rescue Services, authorizing the transfer of funds to avoid a late payment penalty on the purchase of a refurbished ambulance **(Managing Director)**

RESOLUTIONS

A. Resolution 65-2014 – appointing Nick Wooten as Fire Chief **(Mayor)** *Tabled at the May 12th meeting at the mayor's request*

Councilor Marmarou moved, seconded by Councilor Daubert, to adopt Resolution 65-2014.

Resolution 65-2014 was NOT adopted by the following vote:

Yeas: None - 0

Nays: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

B. Resolution 68-2014 – approving the Conditional Use application to convert the commercial space located on the first floor of 1233 Green Street with one (1) residential rental unit with conditions as attached. **(Council Staff)**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 68-2014.

Resolution No. 68-2014 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

COUNCIL COMMENT

The mayor thanked Council for supporting his candidate for the Fire Chief position. He questioned the rejection of the candidate. He stated that Council has not rejected other candidates.

The mayor inquired about the Councilors who have expressed concern about RAWA or its operations. He suggested that Council begin attending RAWA meetings.

Councilor Waltman stated that he has questioned RAWA's operations over multiple years. He noted that around 2007-08 he attempted to help them resolve their billing issues. He again expressed concern that RAWA no longer protects the public asset.

Councilor Goodman-Hinnershitz noted that City assets require respect and protection. She stated that she will be proposing legislation that will define Council's position for the protection of this asset. She noted the administration's lack of concern for other assets such as Penn Street. She questioned if the mayor's office will be coordinating the placement of flowers in the street light baskets with DID. The mayor stated that he will coordinate the effort on this issue.

Councilor Goodman-Hinnershitz thanked the mayor for seeing to the repair of the pothole on Penn Street.

Council President Acosta asked the mayor to require the administrative staff to address the noise situation at Corestack's, noted by Ms. DaLessio during public comment.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____ 2014
(Duly Enacted _____ 2014)**

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SIGNIFYING THE INTENTION OF CITY COUNCIL TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE “READING REGIONAL WATER AUTHORITY”; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY AND FIXING THEIR TERM OF OFFICE; DESIGNATING THE PURPOSES FOR SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY, INCLUDING THE PUBLICATION OF REQUIRED PUBLIC NOTICE; AND CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, AND EFFECTIVE DATE.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), is empowered to establish, organize, and incorporate an authority pursuant to §5603 of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”); and

WHEREAS, in preparation for the passage of this Ordinance, a public hearing was held by the City Council of the City pursuant to notice duly advertised as required by the Municipality Authorities Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same, as follows:

INTENT. It is the intent of the City Council of the City to organize an authority under provisions of the Municipality Authorities Act.

NAME OF AUTHORITY. The name of the authority shall be the "Reading Regional Water Authority".

ARTICLES OF INCORPORATION. The proposed Articles of Incorporation of said Reading Regional Water Authority are as follows:

READING REGIONAL WATER AUTHORITY

ARTICLES OF INCORPORATION

To: The Secretary of the Commonwealth of Pennsylvania.

In compliance with requirements of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the "Municipality Authorities Act"), and pursuant to the ordinance enacted by the City Council of the City of Reading, Berks County, Pennsylvania, expressing the intention and desire of the City Council of said municipality to organize a municipality authority under said Municipality Authorities Act, the incorporating municipality does hereby certify:

The name of the Authority is "Reading Regional Water Authority". The Authority is formed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented, with all powers authorized by said Municipality Authorities Act. No other authorities have been organized under said Municipality Authorities Act, under the former Act of June 28, 1935 (P.L. 463, No. 191), or under the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945", and is in existence in or for the incorporating municipality, except that the incorporating municipality has heretofore organized (i) the Reading Area Water Authority, (ii) the Reading Regional Airport Authority, (iii) the City of Reading Revitalization and Improvement Zone Authority, (iv) the Reading Downtown Improvement District Authority, and (v) the Berks Area Reading Transportation Authority, as a joint incorporating municipality, each under the provisions of the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945", which authorities are in existence in or for said incorporating municipality. The name of the incorporating municipality is the City of Reading, Berks County, Pennsylvania. The names and addresses of the members of the City Council of the City of Reading, the incorporating municipality, are as follows:

<u>OFFICE</u>	<u>NAME</u>	<u>ADDRESS</u>
President	Francis Acosta	326 St. Nicholas Street Reading, PA 19607
Vice President	Marcia Goodman- Hinnershitz	564 South 15 th Street Reading, PA 19601

Council Member	Chris Daubert	1135 Gregg Avenue Reading, PA 19607
Council Member	Stratton P. Marmarou	1515 Linden Street Reading, PA 19604
Council Member	Donna Reed	1525 Argonne Road Reading, PA 19601
Council Member	Dennis M. Sterner	524 North 14 th Street Reading, PA 19604
Council Member	Jeffrey S. Waltman	723 North 4 th Street Reading, PA 19601

The names, addresses and terms of office of the first members of the Board of the Reading Regional Water Authority, are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>TERM OF OFFICE</u>
Jeffrey S. Waltman	723 North 4 th Street Reading, PA 19601	One Year
Marcia Goodman-Hinnershitz	564 South 15 th Street Reading, PA 19601	Two Years
Dennis M. Sterner	524 North 14 th Street Reading, PA 19604	Three Years
Donna Reed	1525 Argonne Road Reading, PA 19601	Four Years
Francis Acosta	326 St. Nicholas Street Reading, PA 19607	Five Years

The terms of office of the first members of the Board of said Reading Regional Water Authority shall commence on the date of appointment and shall be computed from the first Monday in January of 2015.

The term of existence of the Reading Regional Water Authority shall be for a period of fifty (50) years.

Advertisement of notice of filing these Articles of Incorporation is submitted herewith.

IN WITNESS WHEREOF, the undersigned has executed these Articles on behalf of the City of Reading, Berks County, Pennsylvania, and has caused to be affixed the seal and attested this _____ day of _____ 2014.

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

By: _____
Vaughn Spencer, Mayor

Attest: _____
Linda A. Kelleher CMC, City Clerk

BILL NO. _____ - 2014

AN ORDINANCE

AMENDING CHAPTER 308 HOUSING OF THE CODIFIED ORDINANCES OF THE CITY OF READING TO ELIMINATE THE TENANT LISTING REQUIREMENT AND PROVIDE FOR INJUNCTIVE RELIEF.

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

SECTION 1: Chapter 308, Housing, of the Codified Ordinances is hereby amended to eliminate the tenant listing requirement and provide for injunctive relief.

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 become effective in ten (10) days after passage.

Enacted _____, 2014

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 308

HOUSING

PART 1

RENTAL AND VACANT PROPERTY

§308-102. Definitions.

ACTIVELY MARKETED FOR SALE – occurs only when a “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

- 1) engaged the services of a licensee under the act of February 19, 1980 (P.L. 15, No 9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;
- 2) placed weekly or more frequent advertisements in print or electronic media; or
- 3) distributed printed advertisements.

BOARDING HOUSE – a building or structure used to shelter persons who are not “relatives” of the operator, and who live in the building by pre-arrangement and for definite periods of time and compensation, and which may or may not provide meals for residents, and which does not involve individual dwelling units that are each occupied by a “family.” This term shall not include a commercial hotel/motel that serves transient visitors to the area, a personal care home, a nursing home, a dormitory or residence hall owned or operated by a college or university, or a Group Institution.

BUSINESS PRIVILEGE LICENSE - a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, authorizing one to perform business including, for purposes of this Part, renting.

BUSINESS PRIVILEGE TAX - the tax payable to the City of Reading, Division of Tax, per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, on, for purposes of this Part, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 27].

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], and City of Reading Property Maintenance Code [Chapter 5, Part 6], Zoning Ordinance [Chapter 27], Recycling and Solid Waste Ordinance [Chapter 20, Part 1], and general nuisance ordinances.

CODES OFFICIAL - a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HABITABILITY - any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

HOUSING PERMIT - A permit issued by the City of Reading Property Maintenance Division per the procedure established by this Chapter and the policies created in accordance therewith. This permit includes both rental and vacant properties.

LEASE - see "Rent."

LET - see "Rent."

LOCAL RESPONSIBLE AGENT - a person or agency retained or hired by a property owner to operate premises including, but not limited to, compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT/TENANT - a person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person,

and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

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

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

REGISTRATION - filing of an appropriate application to register a property as a rental unit- or vacant property.

RENT - compensation for providing a shelter or lodging for occupation or habitation by humans to reside, monetary or non-monetary.

RENTING - the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than 6 months) agreements of sale.

ROOMING UNIT- an individual room within a “Boarding House” as said term is defined herein that is suitable for human lodging or occupancy.

SALES AGREEMENT - a contract for the sale of real estate, including a contract for a deed.

STUDENT - an individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - a living arrangement for at least two students to a maximum of three students (as defined in this Part) unrelated by blood, marriage or legal adoption. The term student home shall not include dormitories, fraternity house or sorority house. The term student home shall be used interchangeable with the term student housing.

STUDENT HOUSING - see “student home.”

VACANT PROPERTY - A residential, commercial or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is a vacant property that is actively marketed for sale, a vacant property for rehabilitation, a vacant property that is a vacation/second residence and a vacant property that is code compliant.

ZONING - City of Reading Zoning Ordinance [Chapter 27].

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 27] authorizing and/or registering a unit as a rental.

§308-103. Housing Permit Required.

No person or entity shall let, rent or cause to be vacant or occupied any non-owner occupied properties unless that person first applies for, renews and obtains a non-transferable Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder.

§308-104. Application for a Housing Permit.

1. Applications for a Housing Permit shall be made in writing or by electronic application on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee. Such forms shall require, but shall not be limited to, the following information and shall be accepted and sworn to by the owner:

- A. The name, business address, date of birth, ~~and~~ telephone numbers, (business and mobile), and Driver's License or State Issued Identification numbers of all of the owner(s) of any dwelling unit. A Federal EIN (employee identification number) must be provided if the owner is a corporation, limited liability company, or partnership.
- B. The address of the premises at which the dwelling unit or rooming unit is located.
- C. A valid zoning permit number as directed by the City of Reading Zoning Office.
- D. Verification of trash and recycling participation with approved program.
- E. The Business Privilege License Number as provided by the City of Reading Citizens Services Center
- ~~F. A completed tenant listing, if applicable, on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is~~

~~not rented at the time of application, the owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part.~~

2. The registration of a rental or vacant property with the Property Maintenance Division shall be required within 15 days of the subject property becoming a "vacant property" or being marketed or used as a rental property as provided herein and shall be accompanied by the payment of the applicable registration fee.

3. Special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.

A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid "Housing Permit" issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.

(i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.

(ii) If the subject property had a valid "Housing Permit" as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior "non-conforming use" by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.

B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.

C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104. 1. G. and the issuance of a Housing Permit shall be subject to compliance with the remaining provisions of §11-104. 1.

§11-105. Annual Renewal of Housing Permit.

1. Effective January 2, 2012, each Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Housing Permit shall be made in writing or by electronic application upon forms prescribed by the Property Maintenance Division. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee.
2. Annual Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (b) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (c) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.
3. Submission of Annual Renewal Forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per parcel for each month or fraction thereof following the said deadline. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.
4. Failure to submit an Annual Renewal Form as required herein before July 1st in each and every year may result in the immediate revocation of the Housing Permit.
5. In the event of revocation of the Housing Permit, the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.
6. Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.
7. In the event the Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Housing Permit within six months of the date of revocation of the Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.

§11-106. Denial of Application for a Housing Permit.

1. A Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

2. The City may deny an application for a Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.

3. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Housing Permit has not been obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion

§11-107. Revocation of a Housing Permit.

1. The City of Reading Property Maintenance Division shall, have the authority to revoke or suspend the Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

2. The City may revoke a Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.

3. A notice of a revocation of a Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.

2. A Housing Permit issued hereunder does not attach to the real estate title and does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which housing is permitted shall submit a completed application for a new Housing Permit to the Property Maintenance Division no later than 15 days after transfer of title. Said application for a new Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.

3. Any owner of a housing unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address. Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.

4. The failure of a new owner to make timely application for a new Housing Permit as provided hereinabove shall render the property an illegal unit subject to the processes and penalties contained in §11-113, Failure to Obtain Housing Permit.

§308-109. Inspection.

1. Initial Inspection.

- A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Housing Permit and receipt of payment of the applicable fee the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Housing Permit.
- B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said

notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Housing Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Housing Permit is issued.

2. **Renewal Inspections**

- A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual ~~Rental~~ Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Housing Property Inspection Program.
- B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, make the appropriate entry in the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.
- C. In the event the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall withhold the renewal of the Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the revocation of the Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have been remedied, corrected and/or abated. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Housing Permit.

- 3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the

applicable City of Reading Codes and Codified Ordinances.

4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report.

5. **Search Warrant and Injunction.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection. ***The Property Maintenance Division is further authorized to apply for an Injunction to a court of competent jurisdiction and seek injunctive relief as necessary.***

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record.

7. **Failure to Appear for Inspection.** If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent, shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner failing to supply written notice or appear. If the property owner or authorized agent fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or authorized agent fails to appear for a third scheduled inspection or any combination of scheduled inspections, cancellations or failure to gain entry, the Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§308-110. Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a Housing Permit on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

- A. Name, mailing address and telephone number (business and mobile) of owner.
- B. Number of dwelling units-permitted
- C. Date of last application inspection.
- D. Date of last inspection.

- E. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
- F. Date of issuance of permit.
- G. Date of required renewal of permit.
- H. Printed name of person issuing permit.

§308-111. Posting of the Housing Permit.

The Housing Permit or an identical, clear and legible photocopy thereof shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit so that the same is visible and observable from outside the building at the front of the property by City Code, Property Maintenance Division, or emergency personnel.

§308-112. Structural Changes

Any change in the structural condition or integrity of a property shall be reported in writing to the Property Maintenance Division within 7 days of such change. Prior to any change in the structural condition or integrity of a property, the owner shall obtain any necessary permits from the Building and Trades Office.

§308-113 Failure to Obtain Housing Permit

1. **Prohibition.** It shall be unlawful for the owner of any property to fail to obtain a Housing Permit as required in §11-103, Housing Permit Required.
2. **Surcharge.** In the event an authorized City official determines an owner failed to obtain a necessary Housing Permit, a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be delivered personally, mailed to the owner by first class/certified mail or email at the last known address, as well as by posting written notice in the form of a placard on the front entrance of the subject property notice. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.

Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Housing Permit is received by the Property Maintenance Division. The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.

3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested, the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§308-114 Owner and Occupant Duties.

1. Owner's Duties.

- A. It shall be the duty of every owner to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.
- B. It shall be unlawful for any person or entity to offer, conduct, operate, or cause to be rented any rental unit within the City of Reading without a valid and current Housing Permit.
- C. It shall be the responsibility of every owner to employ policies and manage the dwelling units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.

§308-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

§308-116 - Fees for Housing Permits, Surcharges and Administrative Fees

1. Fee Schedule

Fees required for an application for, and annual renewal of, a Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.

2. Waiver of Fees

The permit fees established in subsection (1) above shall be waived if the owner or the spouse, son, daughter, mother, father, sister or brother of the owner occupy a single family property.

3. Prosecution of Violation

Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a non-traffic citation for sections of Chapter 11 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

4. Collections

All delinquent fees under this part shall be turned over to a Collections Agency and are subject to collection costs.

§308-117. Reserved

§308-118. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be mailed to or personally served on the owner. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to the address of record of the owner and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided to the Property Maintenance Division and in the absence of the same the address provided by the County of Berks. Any owner change of address must be performed through the County of Berks Assessment Office. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part.

§308-119. Placarding and Condemnation

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a Housing Permit has not been obtained or for which an inspection has not been performed or completed by the Property Maintenance Division as required by Section 109 of this Chapter.

§ 308-120. Appeal

1. Administrative Appeal

- a. Except as provided in §11-113, Failure to Obtain Housing Permit, any person who is aggrieved by this Ordinance may appeal to the Director of Community Development or his/her designee by submitting a request for appeal in writing within fifteen (15) calendar days of the date of determination by the Property Maintenance Office.
- b. The appeal hearing will be held before the Director of Community Development or his or her designee. The Administrator or his/her designee may uphold the appeal, deny the appeal or may modify the determination by the Property Maintenance Office as he/she sees appropriate.

2. Subsequent Appeals

Any subsequent appeal filed under this Ordinance, including a subsequent appeal to §11-113, Failure to Obtain Housing Permit, shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and §752.

PART II.

DISRUPTIVE CONDUCT

§308-201. Definitions

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

TWELVE-MONTH PERIOD - for purposes of this Part 12-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

§308-202. Disruptive Conduct.

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner within 10 working days of the occurrence of the alleged disruptive conduct.

2. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.

3. **Suspension or Revocation of Housing Permit.** Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore.

4. **Reinstatement of Housing Permit.** The rental unit involved shall not have its Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a

higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.

5. **Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.

6. **Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.

§308-203. Housing Board of Appeals.

1. **Appeals.** The occupant and/or owner may appeal the contents of said Disruptive Conduct Report. Additionally, any person aggrieved by the suspension, nonrenewal, denial or revocation of a Housing Permit may appeal. All appeals must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, as per the City of Reading Fee Schedule, within 10 working days from the date of receipt of the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a Housing Permit.

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 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.

B. **Alternates.** There shall be three alternate members: an owner, 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.
 - 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.
 - 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 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.
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 15 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.

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.

2. **Effect 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 Housing Permit 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.

3. **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 re-inspect 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 Housing Permit pursuant to the provisions set forth in this Part.

§308-204. Appeal to Court of Common Pleas.

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

§308-205. Share Information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this Code with the other Departments and Divisions of the City of Reading.

§308-206. Compliance with Other City of Reading Ordinances

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1], and Zoning Ordinances [Chapter 27].

PART III

VANCAT PROPERTY REGISTRATION

§308-301. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

ABANDONED REAL PROPERTY - any real property located in the City, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the Lender holding a mortgage on the property, is subject to an ongoing foreclosure action by the Lender, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the Lender under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed and any default on the mortgage has been cured.

ACCESSIBLE PROPERTY/ STRUCTURE - a property that is accessible through a compromised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

APPLICABLE CODES - to include, but not be limited to, the City's Codified Ordinances ("City Code") and the Pennsylvania Building Code.

BLIGHTED PROPERTY – includes but is not limited to:

- 1) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- 2) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- 3) Properties cited for a public nuisance pursuant to the City Code; or
- 4) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the City and Zoning Codes.

ENFORCEMENT OFFICER - any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the City to enforce the applicable code(s).

OWNER - any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.

PROPERTY MANAGEMENT COMPANY - a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

Vacant - any building or structure that is not legally occupied.

§308-302. ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of this Part, the City or designee shall establish a registry cataloging each Abandoned Property within the City, containing the information required within.

§308-303. REGISTRATION OF ABANDONED REAL PROPERTY

- (a) Any mortgagee who holds a mortgage on real property located within the City of Reading shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall, within ten (10) days of the inspection, register the property with the City's Property Maintenance Division on forms or website access provided by the City, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- (b) If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the City.
- (c) Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property.
- (d) A non-refundable annual registration fee shall be assessed as per the City of Reading Fee Schedule and shall accompany the registration form or website registration.

- (e) All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the City and/or its authorized designee.
- (f) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- (g) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain vacant or in default.
- (h) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- (i) Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Part is a violation of this Part and shall be subject to enforcement.
- (j) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Part, the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

§308-303. MAINTENANCE REQUIREMENTS

All abandoned real properties are subject to the requirements contained within the City's Property Maintenance Ordinance.

§308-304. INSPECTIONS FOR VIOLATIONS

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the City's Property Maintenance Division for a Health and Safety Inspection.

§308-305. PENALTIES; SCHEDULE OF CIVIL PENALTIES

Any person who shall violate the provisions of this article may be cited and fined as provided in the City of Reading Fee Schedule.

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 1 ADMINISTRATION AND GOVERNMENT SECTION 186, FISCAL
PROVISIONS BY ADDING SECTION 186 R PUBLIC CONSTRUCTION PROJECT LABOR
STABILIZATION AGREEMENT REQUIREMENTS**

WHEREAS the residents and taxpayers of the City of Reading, County of Berks, Commonwealth of Pennsylvania are periodically called upon to, among other things, finance, in whole or in part, the construction, renovation, alteration, modification and/or demolition of site preparation and/or structural improvements to real property situated within the corporate limits of the City. As such, the City of Reading, in its capacity as a market participant, on behalf of its residents and taxpayers, has a particular interest in taking reasonable steps to promote efficiency and establish minimum standards for all such projects and to promote the public interest in assuring the timely and economical undertaking and completion of such projects.

WHEREAS it is in the public interest of the residents and taxpayers of the City of Reading, and in the proprietary interest of the City as a market participant, to, as a condition of the awarding of contracts for construction, renovation, modification, alteration and/or demolition that are financed, in whole or in part, with public funds in the form of direct investment or procurement, grants, loans, public debt, public guaranteed debt, tax abatements, tax forgiveness, tax increment financing and/or similar forms of public and/or public/private financing methodologies, to assure that certain minimum project labor condition stabilization requirements are a specification of all bid solicitations for such projects and are appropriately incorporated into designated contract awards for such projects so as to provide for the resolution of any and all management/labor disputes and/or grievances without lockouts or strikes and establishing minimum project labor condition stabilization standards for all workers employed by all contractors and subcontractors, of all degrees, on such projects.

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

SECTION ONE. Amending the City of Reading Codified Ordinances Chapter 1, Administration and Government Section 186, Fiscal Provision by adding Section 186 R Public Construction Project Labor Stabilization Agreement Requirements.

To assure the implementation of these findings the City Council of the City of Reading, Berks County, Pennsylvania hereby requires, with respect to all projects of construction, renovation, alteration, modification and/or demolition, in the City of Reading, Pennsylvania, financed, in whole or in part, with the funds of a public body, including, but not limited to, direct investment or procurement, grants, loans, public debt, public guaranteed debt, tax abatements, tax forgiveness, tax increment financing and/or similar forms of public and/or quasi-public or public/private financing methodologies the following:

§186.

...

R. Public Construction Project Labor Stabilization Agreement Requirements

- (1) Prior to the solicitation for bids for award of contracts for every construction project, estimated, prior to bid solicitation, to be valued in total and regardless of separate phases or sequences of work to be undertaken, greater than \$1,000,000 whether to be solicited directly by or on behalf of the City of Reading or by or in combination with any third party, the Mayor of the City of Reading will cause to be conducted an independent study of the potential feasibility of requiring a Project Labor Stabilization Agreement to be applicable to all contractors and subcontractors, of every degree, anticipated to be employing workers in the undertaking and completion of the anticipated project.
- (2) The independent study so undertaken shall include, but not be limited to, analysis of the following:
 - (a) the local labor market conditions necessary to undertake and complete the proposed project in a timely fashion in order to meet the public interest in undertaking the project.
 - (b) the benefit to the City of Reading in establishing a Project Labor Stabilization Agreement in promoting:
 - [1] management/labor harmony and cooperation for the duration of the project,
 - [2] standardizing terms and conditions governing the employment of labor on the project,
 - [3] addressing flexibility in work scheduling, shift hours and starting times on the proposed project,
 - [4] securing negotiated adjustments with respect to work rules and staffing requirements on the proposed project,
 - [5] providing comprehensive and standardized mechanisms for the resolution of management/labor disputes that may arise on the project,
 - [6] insuring a reliable source of skilled and experienced craft people for the project, and
 - [7] furthering public policy objectives with respect to improvement of employment opportunities for women and minorities and contracting opportunities for minority business enterprises and women's business enterprises.
 - (c) the possible impact of lockouts and/or strikes on the timely undertaking and completion of the proposed project
- (3) The independent study will provide a recommendation regarding whether or not a Project Labor Stabilization Agreement will serve the proprietary interest City of Reading with respect to the individual project proposed to be undertaken. The City of Reading, under the auspices of the office of the Mayor of the City of Reading, may

request the entity undertaking the independent study required by this paragraph to analyze such other factors as are reasonably deemed appropriate to further the implementation of the requirements of this Ordinance.

- (4) If a study commissioned under section 1-3 is completed and the study recommends the utilization of a Project Labor Stabilization Agreement, then the City may require that any request for proposals or solicitation of bids shall include bid specifications that require successful construction contractor bidders, of every degree, to be bound by a Project Labor Stabilization Agreement with the regional Building and Construction Trades Council having jurisdiction over the Reading, Pennsylvania geographic area and that is affiliated with the Pennsylvania State Building and Construction Trades Council.
- (5) Solicitation of bids for award of contracts for all such projects estimated prior to bid solicitation to be valued in total, and regardless of separate phases or sequences of work to be undertaken, greater than \$250,000 whether to be solicited by or on behalf of the City of Reading or by or in combination with the City of Reading and any third party shall specify, among other requirements, all of the contract condition requirements of this Ordinance when the independent study required by this Ordinance recommends the specification of a Project Labor Stabilization Agreement to serve the public interest of the City of Reading.
- (6) As a condition of the award of any contract specifying a Project Labor Stabilization Agreement, the responsible and responsive bidder(s) for any project shall within sixty (60) days of the date it is deemed by the City of Reading to be the conditionally designated responsive and responsible bidder for the project, shall, in good faith, negotiate a Project Labor Stabilization Agreement with the Regional Building and Construction Trades Council having geographic jurisdiction over the Reading Pennsylvania geographic area and affiliated with the Pennsylvania State Building and Construction Trades Council, that establishes minimum wages, hours, employee benefits and other terms and conditions of employment for all workers in all trades and/or crafts anticipated to be required for the undertaking of the project and applicable to all contractors and subcontractors, of every degree, that will provide any labor, directly or indirectly on the project.
- (7) No final contract award for any project subject to the Project Labor Stabilization Agreement requirements of this section may be made to any contractor or subcontractor prior to the completion of a Project Labor Stabilization Agreement. In the event that such a Project Labor Stabilization Agreement is not successfully concluded and completed within the sixty day period required above, the contractor or contractors conditionally determined to be the designated responsive and responsible bidder will conclusively be presumed to be non-responsive and/or non-responsible and removed from the list of responding bidders for the project.
- (8) In the event that a bidder is deemed to be non-responsive and/or non-responsible pursuant to the terms of this Ordinance, the entity soliciting bids for the project shall be directed to utilize the procedures of this Ordinance for the purpose of making a conditional award of a contract for the project to the next lowest responsive and responsible bidder.

SECTION 3. 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

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Acting Fire Chief Gary A Mogel
PREPARED BY: Acting Fire Chief Gary A Mogel
MEETING DATE: May 27, 2014
AGENDA MEMO DATE: May 13, 2014
REQUESTED ACTION: Authorize the Transfer of Funds

RECOMMENDATION

The Fire Chief requests the following transfer of funds within Divisions of the Department of Fire and Rescue Services: From the Salary line (01-09-33-4000) of the Fire-Prevention Education Division (Fire Marshal) a total of \$20,000.00 transferred to the Contracted Services line (01-09-33-4216) of the same division.

BACKGROUND

With the retirement of one Fire Prevention Lieutenant and the resignation of the previous Fire Marshal, there is a need to contract with an outside firm to complete Plan Review, which had been performed by our personnel.

BUDGETARY IMPACT

The transfer during this budget period.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve an ordinance to authorize the transfer of funds

RECOMMENDED BY

The Fire Chief recommends approval.

RECOMMENDED MOTION

Approve/deny the ordinance authorizing the transfer of funds as listed.

BILL ____ -2014
AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS WITHIN
THE 2014 BUDGET FOR THE FIRE PREVENTION DIVISION OF THE
DEPARTMENT OF FIRE AND RESCUE SERVICES.**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$20,000 from the Salary line (01-09-33-4000) of the Fire-Prevention Education Division (Fire Marshal) to the Contracted Services line (01-09-33-4216) of the same division.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted _____ 2014

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. _____ 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~~ of **people** ~~person~~ or other animals, or substantially interferes with the rights of citizens, other than their owners, to **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

- ~~4.~~ 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.

§141-2201~~9~~ Appeals

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

§141-221~~0~~ 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~~ **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.

§141-222~~1~~ Violations and penalties

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

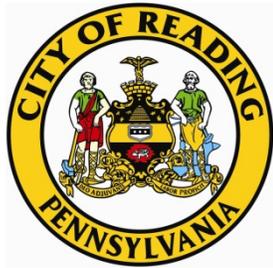
1. Fail to comply with any provision of this Part.
2. Fail to comply with any lawful order of the Animal Control Board, an animal control officer, **City official**, or police officer unless such order is lawfully stayed or reversed.

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.

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



AGENDA MEMO

OFFICE OF THE MANAGING DIRECTOR

TO: City Council
FROM: David Kersley, Business Analyst
PREPARED BY: David Kersley, Business Analyst
MEETING DATE: Tuesday, May 27, 2014
AGENDA MEMO DATE: Tuesday, May 27, 2014
RECOMMENDED ACTION: Adoption of an Ordinance amending the 2014 Budget for the Department of Fire and Rescue Services, and Adoption of a Resolution authorizing a temporary transfer of funds to avoid a late payment penalty

RECOMMENDATION

Adoption of a modified 2014 budget for the Department of Fire and Rescue Services and an accompanying resolution.

BACKGROUND

The Managing Director and Director of Administrative Services are requesting that certain salary line items within the 2014 Department of Fire and Rescue Services Budget be reduced by a total of \$92,500. It is requesting that certain budget line items be increased by a total of \$92,500; this amount includes a payment of \$32,498.44 to KS State Bank of Manhattan related to 2013 ambulances; \$40,000 to increase the budget to pay the County of Berks for emergency dispatch services; and \$20,000 related to the certification by the Commonwealth of Pennsylvania of personnel in the Fire Marshal's office. Because of timing issues related to Memorial Day, this Ordinance would not be eligible for final adoption until June 23; the KS State Bank of Manhattan payment is due June 15, 2014 and the Administration is, therefore, requesting Council to adopt a Resolution authorizing the a temporary transfer of funds in anticipation of adoption of the Ordinance on June 23.

BUDGETARY IMPACT

None.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is required to authorize these changes.

RECOMMENDED BY

Director of Administrative Services, Managing Director, Acting Fire Chief and Controller.

RECOMMENDED MOTION

Motion to approve this Ordinance and accompanying Resolution.

BILL NO. ____-2014
AN ORDINANCE
AUTHORIZING LINE-ITEM TRANSFERS WITHIN THE 2014 BUDGET
OF THE DEPARTMENT OF FIRE AND RESCUE SERVICES

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

Section 1: The 2014 Budget of the Department of Fire and Rescue Services is amended to reduce the following line-item allocations, totaling \$92,500.00:

01-09-32-4000 (Fire Administration Salaries): \$32,500.00

01-09-33-4000 (Fire Prevention Salaries): \$45,000.00

01-09-34-4000 (Fire Supression Salaries): \$15,000.00

Section 2: The 2014 Budget of the Department of Fire and Rescue Services is amended by increasing the following line-item allocations totaling \$92,500:

01-09-35-4803 (Machinery and Equipment): \$32,498.44

01-09-34-4216 (Contracted Services): \$40,000.00

01-09-33-4216 (Contracted Services): \$20,000.00

Section 3: This Ordinance shall be effective 10 days after adoption in accordance with Article II, Section 219, of the Home Rule Charter of the City of Reading.

Adopted May ____, 2014:

Council President

Attest:

City Clerk

Submitted to Mayor:

Date: _____

Received by the Mayor's Office:

Submitted to Mayor:

Date: _____

Approved by Mayor:

Date: _____

Vetoed by Mayor:

Date: _____

Resolution No. _____ 2014

Resolving that the City of Reading acknowledges the major benefits associated with diets high in fruits and vegetables and low in meat and dairy and therefore urges Reading residents to participate in “Meatless Monday” to improve their health and reduce their environmental footprint.

Whereas, on January 24, 2012 Mayor Vaughn Spencer formed the Mayor’s Sustainability Committee to foster the growth of a green economy and set sustainability goals for the City; and

Whereas, According to the United Nations, “Livestock are one of the most significant contributors to today’s most serious environmental problems,” and the livestock sector is responsible for up to half of all human-caused greenhouse gas emissions worldwide; and

Whereas, More than 1.7 billion animals are used in livestock production worldwide; and the production of livestock occupies one-third of the world’s arable land; and

Whereas, A plant-based diet has been demonstrated to use fewer resources and cause less pollution than a meat-based diet; and

Whereas, More than two-thirds of American adults and nearly one-third of American children and teens are overweight and obese and Reading was rated by the 2012 Gallup-Healthways Well-Being Index as the 9th most obese city in the United States; and

Whereas, Nearly one-third of Berks County residents are obese and almost \$200 million is spent each year on obesity-related health care issues in Berks County; and

Whereas, The American Dietetic Association recognizes that a vegetarian diet decreases the risk for a variety of health issues including heart disease, high blood pressure, diabetes, obesity, and various cancers; and

Whereas, Diets high in meat, dairy, and other animal products have been associated with increased risk of cancer, diabetes, cardiovascular disease, high blood pressure, and obesity; and

Whereas, Major public health authorities, including the National Cancer Institute, the Centers for Disease Control and Prevention, the President’s Cancer Panel, the Harvard School of Public Health, and the American Institute of Cancer Research have warned of the strong link between processed meat and cancer; and

Whereas, “Meatless Monday,” which was founded in 2003 and is a non-profit initiative associated with the Johns Hopkins Bloomberg School of Public Health, encourages people to try food alternatives other than meat at least one day a week; and

Whereas, “Meatless Monday” is supported by The Humane League, the Clean Air Council, and the Johns Hopkins Bloomberg School of Public Health; and

Whereas, The Baltimore City Public School District; the Los Angeles Unified School District; the Miami-Dade County School District; the City of Los Angeles; the District of Columbia; Montgomery County, Maryland;

Villanova University; Yale University; and Temple University, and other school districts, universities, cities, and counties have adopted a “Meatless Monday” policy.

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

That the City of Reading recognizes the benefits of a diet high in fruits and vegetables and urges residents to participate in “Meatless Monday and that an embossed copy of this resolution be presented to representatives of The Humane League as evidence of the sincere sentiments of this legislative body.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Laura Cooper is appointed to the Downtown Improvement District Authority with a term ending January 1, 2019.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Lisa Blount is reappointed to the Human Relations Commission with a term ending February 14, 2018.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION ___-2014
AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING
WITH THE READING AREA WATER AUTHORITY FOR BILLING
THE 2014 CURBSIDE COLLECTION PROGRAM

WHEREAS, the Reading Area Water Authority (RAWA) Articles of Incorporation, enacted in 1994, require City Council to approve all non-water related activities performed by RAWA, which would include the billing and collection of the City's curbside collection program fees; and

WHEREAS, in the past City Council was asked to adopt legislation authorizing the transfer, conveyance or collection of various assets or receivables to outside agencies; and

WHEREAS, in 2013 Mayor Spencer negotiated a Memorandum of Understanding with the RAWA to secure billing services for the City's curbside collection program and Mayor Spencer personally executed the Memorandum of Understanding, without obtaining authorization from Council; and

WHEREAS, the consolidated billing services for the City's curbside collection program for the year 2014 which provides a monthly statement for water, sewer, curbside collection program fees, and various surcharges and fees and will save the City an estimated \$322,000 in costs in 2014; and

WHEREAS, the proposed arrangement with RAWA ensures program expenses for the City's curbside collection program will be fully funded in 2014; and

WHEREAS, while Council agrees to consider authorizing this Memorandum of Understanding to allow RAWA to bill and collect the curbside collection program fees for 2014, providing this authorization does not excuse or authorize the Mayor's unauthorized execution of the same fees for 2013.

NOW, THEREFORE, the Council of the City of Reading hereby resolves as follows:

1. That the Mayor shall be authorized to enter into the Memorandum of Understanding, attached as Exhibit A, with the Reading Area Water Authority for 2014 only. Council approval to allow and authorize the billing and collection of the curbside collection program fees must be obtained annually Mayor no later than November 1st of each succeeding year beginning in 2014.
2. That the Reading Area Water Authority is hereby authorized to provide billing and collection services for the City's curbside collection program for the year 2014.

Approved by Council on _____ 2014

President of Council

Attest:

City Clerk

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING

THIS FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING is made this ___ day of 2014, between Reading Area Water Authority, a Pennsylvania municipal authority, with an address at 1801 Kutztown Road, Reading, PA 19604 (together with permitted successors and assigns, collectively, "RAWA") and The City of Reading, Berks County, Pennsylvania (the "City"),

BACKGROUND

A. RAWA and the City have heretofore agreed that RAWA will include charges for curbside solid waste collection services of the City on the water bills of RAWA at no additional charge to the City and in pursuance thereof have entered into a Memorandum of Understanding, executed by the Mayor without Council approval dated April 9, 2013 (the "MOU").

B. Certain intervening facts, including certain court actions, have caused confusion with respect to certain matters related to the billing of solid waste collection and disposal fees for a portion of 2013 and beyond.

C. Through discussions and negotiations between the Administration of the City and RAWA, it has been determined that the payment amount and payment dates for 2014 and thereafter should be memorialized in this Amendment and approved by Council.

NOW, THEREFORE, in consideration of the premises and covenants herein contained, it is agreed by and between the parties hereto, as follows:

1. Section 3 of the MOU shall be amended and restated in its entirety to state:

"Payment for the Receivables by RAWA –

(a) Calendar Year 2014 -- For calendar year 2014, RAWA shall pay to the City, in exchange for the City's transfer, conveyance, assignment and release to RAWA of the Receivables \$5,867,456. Such amount shall be payable, as follows:

January 24, 2014	\$279,505.88
February 15, 2014	\$279,505.88
March 15, 2014	\$279,505.88
April 15, 2014	\$279,505.88
May 15, 2014	\$593,679.06
June 15, 2014	\$593,679.06
July 15, 2014	\$593,679.06
August 15, 2014	\$593,679.06
September 15, 2014	\$593,679.06
October 15, 2014	\$593,679.06
November 15, 2014	\$593,679.06
December 15, 2014	\$593,679.06

(b) **Calendar Years after December 31, 2014** – After receiving further authorization by City Council no later than November 1st annually for each calendar year beginning after December 31, 2014, RAWA shall pay to the City, in exchange for the City's transfer, conveyance, assignment and release to RAWA of the Receivables, a total amount equal to the sum of the following two products:

1. Curbside Waste Collection With Municipal Trash Service: the product of (U) the number of billing accounts as of November 1 of each year for Curbside Waste Collection With Municipal Trash Service TIMES (V) the rate per annum for Curbside Waste Collection With Municipal Trash Service for the year at issue TIMES (W) Ninety-Seven Percent (97.00%); and Product

2. Curbside Waste Collection Without Municipal Trash Service: the product of (X) the number of billing accounts as of November 1 of each year for Curbside Waste Collection Without Municipal Trash Service TIMES (Y) the rate per annum for Curbside Waste Collection Without Municipal Trash Service for the year at issue TIMES (Z) Ninety-Seven Percent (97.00%).

Such amount shall be payable in equal monthly installments (each equaling one-twelfth of the total average amount), on the 15th day of each month beginning January 15 of each such year."

2. Except as revised and amended hereby, the MOU shall remain in full force and effect. IN WITNESS WHEREOF, RAWA and the City have hereunto set their hands the day and year first above written.

*Reading Area Water Authority
Executive Director*

The City of Reading
Managing Director