



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
2015
COUNCIL CHAMBERS**

MONDAY, APRIL 13,

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: Msgr. Thomas Orsulak, St. Peter's Roman Catholic Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, April ____ was related to ____ matters.

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Fair Housing Month, accepted by the Human Relations Commission
- Council Commendation recognizing the RHS Boys Basketball team, accepted by Coach Rick Perez and the boys basketball team

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 March 23, 2015

B. AGENDA: Regular Meeting of April 13, 2015

5. Consent Agenda Legislation

A. Resolution 31-2015 – authorizing the disposition of AP invoices for 2008

B. Resolution - authorizing the submission of a PA DCNR Community Conservation Partnerships Program Grant application to request funding (\$910,098.00) of the total project cost (\$1,820,197.00) for improvements to be made at the Schuylkill River Trail

C. Resolution – authorizing the promotion of Sean Hart to 1st Deputy Fire Chief

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 15-2015 – amending Chapter 339 Of The Reading City Code, Entitled “Licenses And Permits,” by creating a New Part 3 adding definitions, duties, penalties, exceptions, prohibited acts, licensing requirements and other related items regarding provision of immigration assistance services provided by Notary Public businesses and individuals; all under certain terms and conditions ***Introduced at the March 9 regular meeting; Advertised on 3-10 and 3-16***

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – Amending the City Code, Chapter 576 “Vehicles and Traffic,” Part 5 “Parking Meters” adding kiosks as an acceptable type of parking meter, to add electronic payment as an acceptable form of payment for parking and to have the Reading Parking Authority, by resolution, establish rates and periods of time for parking. ***Advertised on 4-20-15***

B. Ordinance – Amending the City Code § 453-205 by increasing the number of Sidewalk Vending Licenses for food related sales issued annually to 20. ***Advertised on 4-20-15***

C. Ordinance – Repealing and rewriting Chapter 564 Health and Safety, Part 105 Storage of Motor Vehicle Nuisances, by providing clarification on the prohibition of parking commercial and recreational vehicles in Residential and Preservation zoning districts and providing the PennDOT classification sheets explaining the types of commercial vehicles that are affected ***Advertised on 4-20-15***

11. RESOLUTIONS

A. Resolution 30-2015– increasing the salary of Pamela Hoffman, Confidential Secretary, City of Reading Police Department, to \$15.00 per hour ***Tabled at the March 23 regular meeting***

B. Resolution - adding campaign expense reports and statements filed by candidates and political committees to the City of Reading Record Retention Schedule

C. Resolution – appointing Annarose Ingarra-Milch to the Stadium Commission

D. Resolution – appointing Kevin Graybill to the Stadium Commission

E. Resolution – appointing William Long to the CRIZ

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, April 13

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, April 20

Nominations & Appointments Committee – Council Office – 4 pm

Finance, Budget and Audit Committee – Council Office – 5 pm

Standards of Living Committee – Council Office – 5 pm

Monday, April 27

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, April 13

Fire Civil Service Board – Penn Room – 4 pm
6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, April 14

Water Authority Workshop – Water Authority Office – 4 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, April 15

Officers & Employees Pension Board – Penn Room – 1:30 pm
Redevelopment Authority – Redevelopment Authority Office – 6:30 pm

Thursday, April 16

Diversity Board – Penn Room – 3 pm
Blighted Property Review Committee – Council Chambers – 6 pm

Friday, April 17

Fire Pension Board – Penn Room – 10 am

Monday, April 18

Library Board – 113 S 4th St – 4 pm

Tuesday, April 19

HARB – Penn Room – 6:30 pm
Charter Board – Council Chambers - 7 pm

Wednesday, April 20

Main Street Board – 2nd & Penn Sts, 5th floor – 3:30 pm
Parking Authority – Parking Authority Office – 5:30 pm

Monday, April 27

DID Authority – 645 Penn St, 5th floor – noon
District 7 Crime Watch – Holy Spirit Church – 7 pm

City of Reading City Council

Regular Meeting

March 23, 2015

Council Vice President Waltman called the meeting to order.

The invocation was given by Councilor Daubert.

All present pledged to the flag.

An executive session about the settlement of lawsuit relating to personnel was held during the Committee of the Whole session, preceding this meeting.

ATTENDANCE

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Reed, District 5

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director C. Snyder

Mayor V. Spencer

PROCLAMATIONS AND PRESENTATIONS

Council issued a commendation honoring Greek Independence Day.

PUBLIC COMMENT

Council Vice President Waltman stated that there are three (3) citizens registered to address Council on non-agenda matters. He asked if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended.

Councilor Daubert read the public speaking regulations adopted by City Council.

Mike Duggan, of North 12th Street, distributed his remarks in writing along with photographs of properties in his neighborhood. He stated that 418 North 12th Street is a rental property, although the City and Assessment Office believe this property is

owner occupied. He stated that he has never seen the property owner and that there are once again tenants occupying a basement apartment. He noted that he has repeatedly complained about this property and requested that the City properly enforce its ordinances. He also noted the large amount of rubbish and furniture in the alleyway, noting that the pile is clearly visible from the public right of way; however, Property Maintenance walks by the pile without addressing it. He stated that this is a good block with a few eyesores. He asked the City to address these problem properties.

Anthony Lavinga, of Franklin Street, described his recent problems with the Shade Tree Commission. The Shade Tree Commission is requiring that he replace the tree that he obtained a permit to remove. He stated that he does not have the physical ability or money to replace the tree. He expressed the belief that he should not have to replace the tree. He asked for the City's assistance.

Maryann Ciarlone, of North 5th Street, expressed the belief that RAWA is not fair, open or transparent. She explained the problems she had after she purchased and rehabilitated a property on North 4th Street when she was ready to have the water service turned on. She stated that the water bills were mailed to the previous owner, rather than to her for several months, which resulted in numerous late and penalty fees which she believes are inappropriate. She also described the errant charges for trash collection.

Ms. Ciarlone read from a recent court order which requires RAWA to provide a proper grievance process for customers that is fair, speedy and covers a citizen's due process rights before late fees and penalties are applied. She stated that when she applied for an appeal, her request was denied. She asked Council to make RAWA uphold the court's order.

APPROVAL OF THE AGENDA & MINUTES

Council Vice President Waltman called Council's attention to the minutes of the March 9th meeting, and to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. There are no proposed changes to the agenda.

Councilor Sterner moved, seconded by Councilor Reed, to approve the agenda, including the legislation listed under the Consent Agenda heading and the minutes as listed. The motion was approved unanimously.

Consent Agenda

A. Award of Contract – to McCormick Taylor, Exton, PA for the River Road Extension Design Project. The total cost of the project will be \$1,011,619.62. However, the City will only be paying 20% of that fee (that equates to \$202,323.93). Federal funds will cover the rest of the 80% of the project as well as 100% of the construction phase.

ADMINISTRATIVE REPORT

The mayor read the report to Council at the meeting. In summary:

- The issuance of the General Obligation Series A Bonds and the Federal Tax General Obligation Bonds will save the City \$2M over a two year period
- Announcement of the next Rain Barrel Workshop
- Implementation of the Pay and Display Kiosk at the State parking lot

AUDITOR'S REPORT

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

- Report on the 2015 Admissions Tax
- Report on the 2015 Real Estate Transfer Tax

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

There were no reports issued at this meeting.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 13-2015 - Amending the Zoning Ordinance, Chapter 27, §27-1204 C providing for Conditional Use applications and procedures eliminating the ability of the City and property owner to waive a decision made by City Council. *Introduced at the February 23 regular meeting; Advertised March 9th and March 16th; Public Hearing held March 23rd at 5 pm*

Councilor Daubert moved, seconded by Councilor Reed, to enact Bill No. 13-2015.

Bill No. 13-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman - 5

Nays: None - 0

B. Bill No. 14-2015 – Amending Plumbing Code Of The City Of Reading, Section § 180-902 amendments to allow installation of pex or plastic water type piping in all

structures, to the same extent that it is permitted under the 2009 International Plumbing Code as adopted by the Pennsylvania Uniform Construction Code ***Introduced at the March 9 regular meeting; Advertisement on 3-16***

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 14-2015.

Councilor Daubert stated that this amendment will create will a “win” for both the property owners and the police and potentially reduce the theft of copper piping from properties.

Bill No. 14-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman - 5

Nays: None – 0

Pending until April 13th Meeting

Bill No. -2015 – amending Chapter 339 Of The Reading City Code, Entitled “Licenses And Permits,” by creating a New Part 3 adding definitions, duties, penalties, exceptions, prohibited acts, licensing requirements and other related items regarding provision of immigration assistance services provided by Notary Public businesses and individuals; all under certain terms and conditions ***Introduced at the March 9th Regular Meeting; Advertised on 3-10 and 3-16***

INTRODUCTION OF NEW ORDINANCES

No ordinances were introduced at this meeting.

RESOLUTIONS

A. Resolution 30-2015 – increasing the salary of Pamela Hoffman, Confidential Secretary, City of Reading Police Department, to \$21,000.00 per annum

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Resolution No. 30-2015.

Resolution No. 30-2015 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman - 5

Nays: None - 0

COUNCIL COMMENT

Councilor Sterner thanked those speaking to Council this evening. He asked the administration to follow up on the issues raised by Mr. Duggan.

Councilor Goodman-Hinnershitz noted the recent common sense resolution of a Quality of Life issue in District 2.

Councilor Goodman-Hinnershitz described some of the planned events at the Pagoda and she encouraged residents to support the Royals as they play their 1000th game at the Santander Center.

Councilor Reed reminded those who travel through neighborhoods with schools to drive slowly and carefully during dismissal and arrival periods.

Council Vice President Waltman reviewed the upcoming Council meeting schedule, noting that no meetings are scheduled for next Monday, March 30th.

Councilor Reed moved, seconded by Councilor Daubert, to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Drafted by	Administrative Services
Sponsored by/Referred by	Managing Director
Introduced on	N/A
Advertised on	N/A

RESOLUTION NO. _____ 2015

Whereas, by virtue of Resolution 134-2009, adopted December 14, 2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; and

Whereas, in accordance with Act 428 of 1968 (as amended) each individual act of disposition shall be approved by resolution of the governing body of the municipality:

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

In accordance with the above cited schedule, Council hereby authorizes the disposition of the following public records:

Finance/Administrative Services Department

Invoices: 2008

Adopted by Council _____

President of Council

Attest:

City Clerk

AGENDA MEMO

VAUGHN SPENCER, MAYOR

CAROLE SNYDER, MANAGING DIRECTOR

TO: City Council

FROM: Ralph Johnson, Director of Public Works

PREPARED BY: Cindy DeGroote, Grants Coordinator

MEETING DATE: April 13, 2015

AGENDA MEMO DATE: April 8, 2015

REQUESTED ACTION: Council approve a resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Conservation and Natural Resources Community Conservation Partnerships Program Grant Application for the Schuylkill River Trail Improvements Project

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a PA DCNR Community Conservation Partnerships Program Grant application to request funding (\$910,098.00) of the total project cost (\$1,820,197.00) for improvements to be made at the Schuylkill River Trail.

BACKGROUND

The State Department of Conservation and Natural Resources' Community Conservation Partnerships Program (an umbrella term used for DCNR grant programs of which now includes the grant program originally known as Keystone) provide grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining partnerships within the aforementioned neighborhoods, communities, and regions.

The City is partnering with the Berks County Conservancy. The City will serve as the grant applicant with the intension of making needed improvements to the Schuylkill River Trail located from Franklin Street to the Penn Street Bridge to the Buttonwood Street Bridge. The improvements will include construction of raised landscape buffers, street restriping, crosswalk construction, trail construction to connect with the existing trail, and retaining design services for the site work. The need for the rehabilitation of this site has been identified as a priority in the current City's Ten Year Park, Recreation and Open Space Plan and Comprehensive Plan. The required (\$910,099.00) local match of the total project cost (\$1,820,197.00) will be applied to through the Commonwealth Financing Authority Greenways, Trails, and Recreation Program's 2015 round.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY

Director of Public Works, Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the Mayor to sign and submit a Community Conservation Partnerships Program Grant application for the Schuylkill River Trail Improvements Project.

Drafted by Business Analyst

Sponsored by/Referred by Managing Director

Resolution No. _____

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR A PA DCNR COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM GRANT FOR AN IMPROVEMENT PROJECT AT THE SCHUYLKILL RIVER TRAIL.

WHEREAS, the Community Conservation Partnerships Grants Program, under the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, provides grant funds to meet recreation, park and conservation needs in neighborhoods, communities and regions while fostering and maintaining relationships within the aforementioned neighborhoods, communities, and regions; and

WHEREAS, the City of Reading desires to make improvements to a public recreational facility, the Schuylkill River Trail. The need for the improvements to be made at the site is identified as a priority in the City's Ten Year Park, Recreation and Open Space Plan.

WHEREAS, THE City of Reading is requesting \$910,098.00 of the total project cost of \$1,820,197.00 through the DCNR Community Conservation Partnerships Program Grant funds; and

WHEREAS, the required local share of funding, \$910,099.00, will be applied to through the 2015 round of the Commonwealth Financing Authority Greenways, Trails, and Recreation Program funding; and

WHEREAS, the City of Reading acknowledges the responsibility to annually budget funds for maintenance and operation of the project facilities.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING that it agrees to comply with the requirements of the Community Conservation Partnerships Program Grant and the Department of Conservation and Natural Resources for the purpose of obtaining grant funds to make improvements to the Schuylkill River Trail.

ADOPTED BY COUNCIL _____, 2015

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Fire Chief William Stoudt, Jr.
PREPARED BY: Fire Chief William Stoudt, Jr.
MEETING DATE: April 13th, 2015
AGENDA MEMO DATE: April 8th, 2015
REQUESTED ACTION: Authorize promotion

RECOMMENDATION

The Mayor and the Fire Chief request the following promotion be approved within the Division of the Department of Fire and Rescue Services:

BACKGROUND

There is a need for this promotion due to the retirement of 1st Deputy Chief Stephen J. Serba on May 6, 2014:

2nd Deputy Fire Chief, Sean L. Hart to 1st Deputy Fire Chief.

BUDGETARY IMPACT

None.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Council to take action to approve this promotion within The Department of Fire and Rescue Services

RECOMMENDED BY

The Fire Chief recommends approval.

Drafted by	Fire
Sponsored by/Referred by	Managing Director
Introduced on	April 13, 2015

R E S O L U T I O N NO. ____ 2015

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

Authorizing the following promotion within the Department of Fire and Rescue Services, effective May 7th, 2015:

2nd Deputy Fire Chief Sean L. Hart to 1st Deputy Fire Chief

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

Drafted by	City Clerk
Sponsored by/Referred by	Council President Acosta
Introduced on	March 9, 2015
Advertised on	March 10 and March 16, 2015

BILL NO. _____

AMENDING CHAPTER 339 OF THE READING CITY CODE, ENTITLED “LICENSES AND PERMITS,” BY CREATING A NEW PART 3 ADDING DEFINITIONS, DUTIES, PENALTIES, EXCEPTIONS, PROHIBITED ACTS, LICENSING REQUIREMENTS AND OTHER RELATED ITEMS REGARDING PROVISION OF IMMIGRATION ASSISTANCE SERVICES; ALL UNDER CERTAIN TERMS AND CONDITIONS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS:

SECTION 1. Chapter 339 of the Reading City Code is hereby amended to add a new Part 3 as follows:

PART 3. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

§ 339-301. Immigration Assistance Services.

Definitions. As used in this Section:

“BIA” means the Board of Immigration Appeals as determined under Title 8 (Aliens and Nationality) of the Code of Federal Regulations, as amended.

“Director” means the Director of the Administrative Services Department

"Compensation" means money, property, services, promise of payment, or anything else of value.

“CSC” means Customer Service Center.

“Department” means the Department of Administrative Services.

"Employed by" means that a person is on the payroll of the employer and the

employer deducts from the employee's paycheck social security and withholding taxes, or receives compensation from the employer on a commission basis or as an independent contractor.

"Immigration matter" means any proceeding, filing or action affecting the status of any person which arises under immigration and naturalization law, regulations, procedure, executive order or presidential proclamation, including those which arise under actions or jurisdiction of the United States Department of Homeland Security, the Department of Justice, the United States Department of Labor, the United States Department of Revenue, the United States Department of State or any successor agencies or department(s).

"Immigration assistance service" means the business of providing any form of assistance, for a fee or other compensation, to any person in an "immigration matter."

"Provider" means any person or entity, including but not limited to a corporation, partnership, limited liability company, sole proprietorship or natural person, that provides immigration assistance services, but shall not include persons or entities exempt under Subsection (2).

§ 339-301. Exemptions. Nothing in this Part shall regulate any business to the extent that such regulation is prohibited by state or federal law. The requirements of this Part shall not apply to any of the following persons or entities if such person or entity can prove eligibility for an exemption as follows:

(a) Any person who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbaring, or otherwise restricting him or her in the practice of law, or any person working under the supervision of such person;

(b) Any organization recognized by the BIA that provides immigration assistance services via representatives accredited by such board to appear before the Department of Homeland Security or the Executive Office for Immigration Review, that does not charge a fee or charges nominal fees, as defined by the BIA;

(c) Any person employed by the federal government or by the Commonwealth of Pennsylvania and authorized to provide services in an immigration matter, when acting within the scope of such employment or authority;

(d) Any elected official who, acting within the scope of his or her official capacity, without a fee or other payment makes inquiries in an "immigration matter";

(e) Any City official or employee who, acting within the scope of his or her duties, without requiring a separate fee or other payment, makes inquiries in an “immigration matter” on behalf of an individual.

§ 339-303. Provider Requirements.

(a) Registration. In addition to obtaining a business privilege license as required under Chapter 339, Part 2, a provider shall register with the CSC annually, pursuant to such registration process as may be established by the Department. A single registration shall include all locations at which a provider performs immigration-related services.

(1) At the time of registration, a provider must sign a form designated by the Department, attesting the provider’s knowledge and consent to conduct business in accordance with the provisions of this Part, and acknowledging that any violation of the provisions of this Part by the provider may result in fines and penalties in addition to those stated in Part 339, as well as cease operations orders and suspension or revocation of the provider’s business privilege license.

(2) At the time of registration, a provider must provide proof of a surety bond in the amount of \$50,000 in order to ensure payment of all final judgments and decrees entered against the provider for damages arising from the provision of immigration assistance services. The surety bond shall be in effect for the entire period in which the provider provides immigration assistance services, plus one year after the provider ceases all operations.

(b) Signs. All providers shall post signs at the provider's place of business, and every location where the provider regularly meets with customers. Signs shall be posted in a conspicuous interior location where the signs will be visible to customers who enter the office. Signs shall meet all of the following requirements:

(1) Each sign shall be at least 11 inches by 17 inches

(2) If the signs are placed on the exterior of the building or are located in a window the signs shall comply with Zoning and Historic Preservation regulations

(3) Notice signs shall contain the following statement:

(i) “This office is not an authorized government agency. I am not an attorney licensed to practice law or a representative accredited by the Board of Immigration Appeals. I cannot represent you before any immigration authority or agency and may not give legal advice or accept fees for legal advice. Advice on obtaining legal representation can be obtained from the Berks County Bar Association. Fingerprints taken at this location will not be accepted by the United States Department of Homeland Security for any purpose. You may cancel any contract within three (3) business days and get your money back for services not performed. If you have a complaint about this business, contact the City of Reading Customer

Services Center.”

(4) Notice signs shall be designed and approved by the Department or its designee and posted in a downloadable Portable Document Format (PDF) on the Department’s website. The notice signs shall contain the statements required under this Section in English and any other language as determined by the Department. Providers shall reproduce the PDF from the Department website, without modification, and post as required herein.

(4) A fee sign, which contains a schedule of all services and fees regularly charged, shall be posted.

(c) Brochure. Before providing any services, a provider shall provide each customer with a brochure or handbill containing all disclosures in the form required under this section. Such brochure or handbill shall be designed and approved by the Department, and shall be posted on the Department’s website in PDF Format. Providers shall reproduce and distribute the brochure exactly as obtained from the Department website, without modification. The brochure or handbill shall be in English and any other language as determined by the Department.

(d) Documents. Providers shall retain copies of all documents prepared or obtained in connection with services provided to a customer for a period of three (3) years after the date a written contract is executed by the provider and the customer, whether or not the contract is subsequently cancelled.

(1) Documents shall be retained at the provider’s principal place of business and made available for confirmation of such retention by the Director or his representative upon demand, during normal business hours.

(e) Advertising. When advertising immigration assistance services by signs, pamphlets, newspapers, internet, television, radio or any other means, a provider shall post or otherwise include with the advertisement a notice in English and in every other language in which the person provides or offers to provide assistance. The notice shall be of a conspicuous size and shall state the following: "The individual offering to provide assistance to you is NOT an attorney licensed to practice law or a representative accredited by the Board of Immigration Appeals. The individual cannot represent you before any immigration authority or agency and may not give legal advice or accept fees for legal advice.”

(1) No advertisement for immigration assistance services shall expressly or impliedly guarantee that the licensee will achieve any particular government action, including, but not limited to, the granting of employment authorization, lawful

permanent residence status, citizenship, or any other form of immigration benefit or relief.

(2) Advertising posted at a provider's place of business shall be subject to confirmation of compliance with subsection (3) (e) by the Director or his representative, upon demand, during normal business hours.

3) All advertising in violation of this Section may be subject to penalties.

(f) Providers shall comply with all reasonable and lawful requests by the Department.

§ 339-304. Legal Duties of a Provider. Each provider may only perform the following immigration assistance services:

(a) Transcribing responses to a government agency form which is related to an immigration matter, but not advising a customer as to his or her answers on those forms;

(b) Translating information on forms, including the instructions, to a customer and translating the customer's answers to questions posed on those forms, but not advising a customer as to his or her answers on those forms;

(c) Securing for the customer supporting documents, requested by the customer, currently in existence, including but not limited to birth and marriage certificates, foreign passports, tax forms, police clearances and educational credentials, which may be needed to submit with government agency forms;

(d) Translating documents from a foreign language into English;

(e) Notarizing signatures on government agency forms, if the person performing the service is a notary public licensed in Pennsylvania;

(f) Arranging for the performance of medical testing and the obtaining of reports of such test results;

§ 339-305. Written Agreements.

(a) Each provider shall execute a written contract with the customer before providing any form of assistance in an immigration matter.

(1) The written contract shall include the following provisions:

(a) Name, address and telephone number of the provider;

(b) Itemization of all services to be provided and performed for the customer;

(c) Identification of all compensation and costs to be charged to the customer for the services to be performed;

(d) A statement that any originals of documents prepared, submitted or obtained may not be retained by the provider for any purpose, including payment of compensation or costs;

(e) A statement that the provider shall give the customer a

copy of each document filed with a government entity;

- (f) A statement that the customer is not required to obtain supporting documents through the provider, but may obtain such documents himself or herself;
- (g) A statement, on the face of the contract and in print larger and more conspicuous than other print on the contract, in plain language and substantially similar to the following: "The individual providing assistance to you under this contract is not an attorney licensed to practice law or accredited by the Board of Immigration Appeals to provide representation to you and may not give legal advice or accept fees for legal advice.";
- (h) A statement that the customer may rescind the contract within three (3) business days, which shall be conspicuously set forth in the contract in plain language substantially similar to the following: "You have three (3) business days to cancel this contract. Notice of cancellation must be in writing. If you cancel this contract within three (3) business days, you will get back your documents along with any fees that you have paid.";
- (i) A statement conspicuously set forth in plain language substantially similar to "The individual providing assistance to you under this contract is prohibited from disclosing any information or filing any forms or documents with immigration or other authorities without your knowledge and consent.";
- (j) A statement conspicuously set forth in plain language substantially similar to "A copy of all forms completed and documents accompanying the forms shall be kept by the service provider for three years. A copy of the customer's file shall be provided to the client on demand and without fee.";
- (k) A statement that the provider has financial surety in effect for the benefit of any customer in the event that the customer is owed a refund, or is damaged by

the actions of the provider, together with the name, address and telephone number of the surety. The statement should be in plain language and substantially similar to “The provider is required by law to have insurance, which is called a financial surety. If you are not given the services you agreed on, as the customer you may be able to get your money back through this insurance.”

(2) The contract shall be in a language understood by the customer, an English language version of the contract shall also be provided.

(3) A copy of the contract shall be provided to the customer upon the customer's execution of the contract.

(4) Receipts shall be issued for all services provided, and any guarantee must be made in writing.

(5) The customer has the right to cancel the contract within three (3) business days after his or her execution of the contract, without fee or penalty.

(6) The contract may be cancelled at any time after execution. If the contract is cancelled after three (3) business days, the provider may retain fees for services rendered, and any additional amounts actually expended on behalf of the customer. All other amounts must be returned to the customer within fifteen (15) days after cancellation.

(7) If any interpreter services are provided, the contract shall include an attestation from the interpreter affirming the accuracy of the translation and the translator's certification that he or she is competent to translate from the specified foreign language into English.

(8) Upon demand of the customer, providers must provide to the customer any documents prepared, submitted or obtained in relation to an immigration matter.

(9) Signature—Where a form has a section for the preparer to fill out, the provider must provide his or her own information and sign the form as the preparer.

§ 339-306. Prohibited acts. It shall be unlawful for any provider, person, or business entity engaged in the business of immigration assistance services to:

(a.) In the course of dealing with customers or prospective customers:

(1) Make any statement that the person can or will obtain special favors from or has special influence with the United States Department of Homeland Security, the Department of Justice or any other government agency; or threaten to report the client to immigration or other authorities or undermine in any way the client's immigration status or attempt to secure lawful status;

(2) Make any guarantee or promise to a customer, regarding outcomes in an immigration matter;

(3) Demand or retain any compensation for service not performed or costs that are actually not incurred;

(4) Fail to provide a customer with copies of documents filed with a governmental entity, or refuse to promptly return documents supplied by, prepared by, or paid for by the customer upon the request of the customer, or upon termination of the contract, even if there is a fee dispute between the licensee and the customer;

(5) Give any legal advice concerning an immigration matter or otherwise engage in the practice of law, including, but not limited to, any advice regarding the selection of forms to be completed and submitted to any government agency in connection with an immigration matter;

(b) Represent or advertise, in connection with the provision of assistance in immigration matters, the title of lawyer or attorney at law, or equivalent terms in the English language, or any other language, including, but not limited to, "notary public," "accredited representatives of the Board of Immigration Appeals" or "immigration consultant," that could reasonably cause a customer to believe that the person possesses any form of license, accreditation, or official authorization to provide advice on an immigration matter. Provided, however, that a notary public licensed in Pennsylvania may use the term "notary public" if such use is accompanied by the statement that the person is not an attorney;

(c) State, imply, offer or otherwise represent that a person, business, agency, office or organization is authorized to provide fingerprinting services which will be accepted by the United States Department of Homeland Security (DHS) for the process of DHS applications or for any other purpose;

(d) Charge fees, directly or indirectly, for referring an individual to an attorney for any immigration matter. Provided, however, that a person may charge a fee

for notarizing documents as permitted by the Pennsylvania laws regarding notary publics;

(f) Represent that a fee may be charged, or charge a fee, for the distribution, provision or submission of any official document or form issued or promulgated by a state or federal governmental entity, or for the referral of the customer to another person or entity that is qualified to provide services or assistance which the provider will not provide;

(g) Disclose any information to, or file any forms or documents with, immigration or other authorities without the knowledge or consent of the customer.

(h) Refuse to comply with any reasonable and lawful request from a Department inspector acting within the scope of responsibility under this Part.

(i) Perform, or offer to perform, any immigration assistance services or other act which requires a business privilege license under this Chapter and registration under this Part without a valid business privilege license issued by the Department and registration approved by the Department.

(j) Fail to adhere to any provision of this Part.

§ 339-307. Penalties and Enforcement.

(a) Enforcement. In addition to any other penalty provided by law, any person who violates any provision of this Part shall be subject to appropriate Code enforcement proceeding and subject to fines and penalties specified. Each day that a violation of any provision of this Part continues shall constitute a separate and distinct offense. Any person who violates any provision of this Part shall further be liable in a private action as provided herein.

(b) Penalties. Upon the Department's determination that a provider is in violation of this Part hereof, or upon receipt of information of a provider's violation of this Part, the Department may take appropriate action against the individual or business entity, including:

(1) Suspension or Revocation of License. Suspension or revocation of licenses granted under Part 339 Part 2 for all premises operated by the individual where violations have occurred. During any period of license suspension, each and every location of the individual's business shall cease operation as an immigration assistance service provider.

(2) Cease Operations Order. The Department may issue a Cease Operations Order for each business location operated by the individual whose

license(s) has been suspended in accordance with the same procedures as set out in Part 339, Part 2, provided that the Cease Operations Order shall identify the prohibited operations and shall state that the applicable license has been suspended for violation(s) of the Code.

(3) No License. No new license shall be issued for a business location posted with a Cease Operation Order or a license suspension, so long as any person under a license suspension imposed by the Department, or any member of such person's immediate family, or, in the case of a corporation, the corporation or any affiliated business entities, retain a pecuniary interest in the property at that location.

§ 339-308. Private right of action. Any person aggrieved by any violation of this Section or any rule or regulation promulgated hereunder, may bring an action in an appropriate court against any person subject to this Part, for injunction against the violation or for such other or additional relief as may be appropriate to deter, prevent or compensate for the violation. Remedies for violation of this Ordinance shall be cumulative, and shall include costs, compensatory damages, and punitive damages, to the extent allowed by law. Any judgment obtained against a provider under this Part may be provided to the Department and provide a basis for a suspension of license and cease operations order.

SECTION 2. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

SECTION 3. This ordinance shall become effective six (6) months after its adoption and in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2015

President of Council

Attest:

City Clerk

DATE: March 4, 2015

FROM: Linda A. Kelleher, City Clerk

Please place the following ad in the Reading Eagle Times in the Public Notice Section on March 10th and March 16th

City of Reading

Ordinance Introduction

The City of Reading City Council introduced the following ordinances at their regular business meeting on Monday, March 9, 2015:

Ordinance – Amending Chapter 339 Of The Reading City Code, Entitled “Licenses And Permits,” by creating a New Part 3 adding definitions, duties, penalties, exceptions, prohibited acts, licensing requirements and other related items regarding provision of immigration assistance services provided by Notary Public businesses and individuals; all under certain terms and conditions

This ordinance is eligible for enactment at Council’s March 23, 2015 regular business meeting. For more information or for a copy of the complete ordinance please contact the City Clerk’s Office, City Hall, 815 Washington St, Rdg, PA during regular business hours or by E Mail at Council@readingpa.org. A copy of the ordinance is also available on the City’s website on the Regular Meeting agenda March 9th and March 23rd.

Drafted by	Legal Specialist
Sponsored by/Referred by	Managing Director
Introduced on	March 9, 2015
Advertised on	March 9 and March 16, 2015

BILL NO. _____ - 2015

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODE BOOK, CHAPTER 576 ENTITLED "VEHICLES AND TRAFFIC," PART 5 ENTITLED "PARKING METERS" TO ADD KIOSKS TO BE AN ACCEPTABLE TYPE OF PARKING METER, TO ADD ELECTRONIC PAYMENT AS AN ACCEPTABLE FORM OF PAYMENT FOR PARKING AND TO HAVE THE READING PARKING AUTHORITY, BY RESOLUTION, ESTABLISH RATES AND PERIODS OF TIME FOR PARKING

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

SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 576 entitled "Vehicles and Traffic", Part 5 entitled "Parking Meters", as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance 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 decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

ENACTED: _____, 2015

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: _____

EXHIBIT A

**Part 5
Parking Meters or Kiosks**

**A
Regulations**

§ 576-501. Definitions.

The following words, whether in the singular or plural, when used in this part, shall have the meanings ascribed to them in this Part except in those instances where the context clearly indicates otherwise:

DIRECTOR - - The Executive Director of the Reading Parking Authority or designee.

PARKING METER *or* KIOSK - - A device intended to assist municipalities and public authorities in enforcing ordinances limiting the time during which vehicles may be parked on any street or highway or other public place within ~~P~~**parking meter Z**zone.

PARKING METER ZONE - - Streets or highways, or portions thereof, or municipal parking lots operated by the City or the Parking Authority of the City on which ~~P~~**parking M**meters *or* **Kiosks** are installed, operated and used.

PAYMENT - - *Any proper currency that is legal tender of the United States and shall also mean any and all other approved electronic means and methods of payment of the amount due at a Parking Meter or Kiosk, including but not limited to credit cards, debit cards or other electronic means of payment that are accepted at a Parking Meter or Kiosk.*

PUBLIC PLACES - - Any municipal parking lot operated by the City or the Parking Authority of the City.

§ 576-502. ~~Parking meter-zones established.; traffic control maps.~~ [Amended 11-27-2006 by Ord. No. 85-2006; 2-12-2007 by Ord. No. 3-2007]

All municipal parking lots operated by the City of Reading or the Parking Authority of the City of Reading;*and the area in the City bounded by Elm Street to the north, Chestnut Street to the south, Front Street to the west and 10th Street to the East shall be the Parking Zone established by this Ordinance.*

Parking meter zones shall be established and set forth by legend on the traffic control maps of the City; the provisions of this section shall not become effective until the adoption of the traffic control maps by Council.

Parking meter zones are hereby established on the following streets, highways and blocks in the City of Reading and on municipal parking lots operated by the City or the Parking Authority of the City of Reading, as follows:

(1) Parking Meter Zone 1 (one-hour parking).

~~[Amended 9-26-2011 by Ord. No. 47-2011; 9-10-2012 by Ord. No. 94-2012]~~

~~Cherry Street—800, 600, 500, 400~~

~~Penn Street—400, 500, 700, 800, 900~~

~~Court Street—300, 400, 500, 600, 700, 800 (500 has a mix of thirty minute and one-hour)~~

~~Walnut Street—400, 500~~

~~Reed Street—100~~

~~Elm Street—500~~

~~Church Street—000~~

~~South Third Street—000~~

~~South Fourth Street—000~~

~~North Fourth Street—000~~

~~South Fifth Street—100~~

~~North Sixth Street—000, 100~~

~~South Sixth Street—000~~

~~North Eighth Street—100~~

~~South Eighth Street—000~~

~~North Ninth Street—000~~

~~South Ninth Street—000~~

(2) Parking Meter Zone 2 (two-hour parking).

~~[Amended 9-26-2011 by Ord. No. 47-2011; 9-10-2012 by Ord. No. 94-2012]~~

~~Cherry Street—300~~

~~Penn Street—200, 300~~

~~Franklin Street—400, 500~~

~~Court Street—200~~

Walnut Street—600, 700, 800
North Third Street—000 (meters added by Chiarelli Garage)
North Fifth Street—100, 200, 300
South Sixth Street—100
North Sixth Street—200
North Ninth Street—100
Washington Street—100

(3) ~~Parking Meter Zone 3 (one half hour parking).~~

~~Court Street—500
North Fifth Street—000
East side of North Fifth Street from Court Street to Washington Street.
North side of Court Street from North Fifth Street to Church Street (post office)~~

§ 576-503. Saturdays, Sundays and holidays excepted. [Amended 9-26-2011 by Ord. No. 47-2011; 9-10- by Ord No. 94-2012]

Parking restrictions and limitations in any ~~P~~parking meter ~~Z~~zone are exempted on Saturdays, Sundays and on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Eve and Christmas unless otherwise posted.

§ 576-504. Time of parking limited by zone; hours of operation. [Amended 9-26-2011 by Ord. No. 47-2011; 9-10-2012 by Ord. No. 94-2012]

~~On all days, other than those set forth in § 576-503; parking in Parking Meter Zone 1 is hereby limited to a period of one hour(s), and in Parking Meter Zone 2 a period of two hours, and in Parking Meter Zone 3 a period of 30 minutes between the hours of 8:00 a.m. and 6:00 p.m.~~

On all days not exempted pursuant to 576-503 above, the Reading Parking Authority is authorized to set rates and the period of time for parking between the hours of 8:00 a.m. and 6:00 p.m. by Resolution.

§ 576-505. Marking of spaces.

In all ~~P~~parking ~~M~~meter zones, *either a ~~P~~parking ~~M~~meter or Kiosk* shall be installed for each parking space *or a*

Kiosk for multiple spaces. whenever practical. All parking spaces shall be plainly designated by lines or markings on the surface of the street or highway or parking lot and may be placed parallel, diagonal or perpendicular to the curb. Parking in other than designated parking spaces where so marked is prohibited in any ~~P~~parking ~~meter~~ ~~Z~~zone.

§ 576-506. Meter signals *and Kiosk receipts.*

Parking ~~M~~meters shall be placed immediately adjacent to each designated parking space and in such manner as to show or display by signal that the parking space controlled by such meter is or is not legally occupied. Each ~~P~~parking ~~M~~meter shall indicate by a proper legend the established legal parking time and, when in operation, shall also indicate on or by its daily, display, pointer or printed receipt the duration of the period of legal parking or any legal or overtime parking.

Kiosks shall be placed covering multiple parking spaces within a block face. Upon payment, the parking receipt shall be placed on driver's side dashboard or, where applicable, the car's license number shall be entered into the Kiosk.

§ 576-507. Manner of parking.

Every vehicle parked parallel with the curb in any ~~P~~parking ~~meter~~ ~~Z~~zone on a street or highway shall be parked with the front end of such parked vehicle at or immediately adjacent to the ~~P~~parking ~~M~~meter controlling such parking space, *or in the case of a Kiosk controlled area, in the center of the lines of the parking space.* Every vehicle parked perpendicular to the curb of any street or highway or any parking lot within a ~~meter~~-~~Parking~~ ~~Z~~zone shall be parked with the front end or the rear end of such parked vehicle, as the situation may be, at or immediately adjacent to the ~~P~~parking ~~M~~meter controlling such parking space, *or in the case of a Kiosk controlled area, in the center of the lines of the parking space.* All vehicles shall be parked entirely within the confines of the designated parking space. ~~controlled by the meter situated adjacent thereto.~~

§ 576-508. Deposit of proper *Payments in a Parking Zone.* ~~coins in meter.~~

Upon parking any vehicle in any parking ~~meter~~ space *in a Parking Zone*, the operator shall immediately deposit in the ~~Parking~~ ~~M~~meter *or Kiosk* controlling such space the proper *Payment* ~~coin of the United States~~ as designated for such parking on the

instructions for operations of such *Parking Meter or the Kiosk*. Upon the deposit of such coin *Payment* and placing the meter in operation, such meter-space may be lawfully occupied by any vehicle during the period of parking time as indicated on the *Parking Meter or the Kiosk*.

- A. Pursuant to this section, the Executive Director is hereby authorized and empowered to designate the proper coin *Payment* or amount to be placed in such *Parking Meter or Kiosk* and to amend the instructions on the *Parking Meter or Kiosk* to reflect the proper coin *Payment* or amount required *to occupy the parking space*. ~~for the operation of such meter. The Director shall be required to receive approval from the Administration and Council before raising meter rates for parking on any of the streets in the City.~~
- B. *The Reading Parking Authority, by Resolution, shall be responsible for setting on-street meter rates. Rates may vary depending upon the location of the parking space and demand. Rates shall be set by Authority's Resolutions.*

§ 576-509. No parking beyond indicated time.

No owner or operator of any vehicle shall cause, allow, permit or suffer such vehicle to be parked overtime or beyond the period of legal parking time as indicated or set forth on the instructions of such sign, device, *Parking Meter or Kiosk*. ~~or meter~~. A vehicle which continues to be parked in violation for a period of three (3) hours after receiving notice of such violation, may be cited with an additional violation notice for the same infraction.

§ 576-510. Use of *Parking Meter or Kiosk* funds.

The coins *Payment* required to be deposited in *Parking Meters or Kiosks* ~~is~~ *are* levied and assessed as fees to provide for the proper regulations and control of traffic upon the streets and highways and other public places in the City, including the cost of supervising and regulating the parking of vehicles in the *Parking meter Zones* created hereby, and the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the *Parking Meters or Kiosks* and municipal parking lots and garages. The coins *Payment* required to be deposited in *Parking Meters or Kiosks* shall be collected and accounted for under the direction of the Executive Director of the Parking Authority and deposited by the Executive Director or their designee.

§576-511. Slugs prohibited.

No person shall deposit or cause to be deposited in any ~~P~~parking ~~M~~meter *or Kiosk* any slug, device or metallic substitute for legal coins of the United States *or any device to substitute an electronic payment.*

§576-512. Injuring or defacing meters.

No person shall deface, injure, tamper with, break, destroy or impair the usefulness of any ~~P~~parking ~~M~~meter *or Kiosk* installed by authority of Council or by the Parking Authority of the City.

§576-513. Exceptions.

Nothing in this Part shall be construed as prohibiting the Mayor or Council from providing for free parking spaces for loading or unloading of commercial vehicles, for bus stops, taxicab stands or for other matters of a similar nature.

§576-514. Enforcement.

The duty of enforcing the provisions of this Part shall be on the Department of Police and the Reading Parking Authority. In case of emergency, any of the provisions of this Part may temporarily be suspended by such Chief of Police or Executive Director, who shall then have the authority to adopt and enforce such other temporary rules and regulations as traffic conditions, during such emergency, may demand or require.

§576-515. Duty of police and authorized agents.

It shall be the duty of police officers, Parking Authority personnel or other duly authorized ~~C~~ity employees of the City, acting in accordance with instructions issued by the Chief of Police or designee or the Director of the Parking Authority, to deposit a copy of the violation ticket in a designated receptacle in the Police or Parking Authority office. The copy shall contain:

The number of each ~~P~~parking ~~M~~meter *or Kiosk* which indicates that the vehicles occupying the parking space adjacent to such ~~P~~parking ~~M~~meter *or designated by a Kiosk*, is, or has been, parked in violation of any of the provision of this Part.

A. The state license *plate* number of such vehicle.

- B. The day and hour at which such vehicle is parked in violation of any of the provisions of this Part at the time of inspection.
- C. Any other facts and knowledge of which may be considered necessary to a thorough understanding of the circumstances attending such violation.

§576-516. Verification of *Parking Meters or Kiosks*. [Amended 6-26-2006 by Ord. No. 48-2006]

All *Parking Meters and Kiosks* located in the City shall be checked for accuracy at least once every three (3) years. A statement verifying that the inspection has been completed shall be submitted to City Council. *Parking Meters and Kiosks* shall meet maintenance and acceptable tolerances established by the Pennsylvania Department of Agriculture, Bureau of Weights and Measures.

§576-517. Notice of violation; violations and penalties; waiver. [Amended 5-27-2003 by Ord. No. 16-2003; 11-10-2008 by Ord. No. 71-2008; 9-27-2010 by Ord. No. 75-2010]

- A. Any police officer or other duly authorized Parking Authority employee shall place on motor vehicles/conveyance parked in violation of the provisions of this Part a notice of said violation.
- B. Each such owner may within 10 days of the time when such notice was attached to his motor vehicle/conveyance, pay as penalty in full satisfaction of each violation the sum of \$20.00 and after 10 days but within 20 days of the violation the sum of \$35.00 and, in default of payment of fine and costs, be imprisoned not more than ten (10) days.

Drafted by	City Clerk
Sponsored by/Referred by	Councilor Reed
Introduced on	April 13, 2015

BILL NO. ____-2015

AN ORDINANCE

AMENDING THE CITY CODE PART § 453-205 BY INCREASING THE NUMBER OF LICENSES THAT CAN BE ISSUED ANNUALLY

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Amending the City Code, Part § 453-205 by increasing the number of Sidewalk Vending Licenses for food related sales that can be issued annually as follows:

§ 453-205. License required. [Amended 1-26-2009 by Ord. No. 6-2009; 11-9-2009 by Ord. No. 62-2009; 5-10-2010 by Ord. No. 24-2010]

From a vehicle or other conveyance; or in or about a structure that is not permanently affixed to real property and that is located upon privately owned property and not on a public street, sidewalk, alley or public way of the City.

A. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this section. Such sidewalk vending activities are only permitted within the Downtown Improvement District (DID) area and between the southern right-of-way line of Franklin Street, the northern right-of-way line of Washington Street, the western right-of-way line of Front Street and the eastern right-of-way line of 11th Street.

(1) Vending is prohibited in all areas outside the Downtown Improvement Authority (DID) area.⁶

(2) Preexisting vendors operating inside the Downtown Improvement District (DID) area are required to comply with all regulations contained herein and shall not be "grandfathered."

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

(1) Location, type and number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Downtown Improvement Authority (DID) area. All sidewalk vending shall be conducted within the public right-of-way as defined herein. Up to a maximum of ~~15~~ **20** sidewalk vending licenses shall be issued for food-related sales annually for the Downtown Improvement Authority (DID) area as determined by the Property Maintenance Division. Ten sidewalk vending licenses for self-serve vending machines will be issued annually. The Property Maintenance Division shall determine the exact location of each vendor or vending machine in the Downtown Improvement District (DID) area. City Council may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. City Officials may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) forty-eight-hour notice.

(1) More than two licenses prohibited. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

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

Section 2. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

Section 4. 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: _____, 2015

President of Council

Attest:

City Clerk

(Adm Services & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



CITY OF READING CITY COUNCIL

Brief

Agenda Item: Parking of
Commercial
Vehicles

From: Councilor Marmarou

Date: April 13, 2015

SUBJECT: Repeal and re-create the ordinance re Prohibition of Commercial Vehicle Parking in residential neighborhoods.

SUMMARY: There has been an increase in the number of complaints about large commercial vehicles in residential neighborhoods. Initially I asked the City Clerk to perform research to expand the restrictions to include all commercial vehicles. The City Clerk found that similar prohibitions are applied in numerous municipalities across the nation. She and Legal Specialist Coleman began working on draft legislation. When they reviewed the draft legislation with the Sergeant in the Traffic Office, they learned that there was an issue with enforcement of the existing ordinance due to some confusion about which types of vehicles were affected. The re-write clarifies the existing language, adds the PA Motor Vehicle Code definition of Commercial Vehicle and includes the PennDOT Classification sheet to provide clarity.

This ordinance:

- Prohibits commercial vehicles with a GVW of 10,000 lbs or more from parking in all residential and preservation zoning districts unless the vehicle is involved in the actual

delivery, pick up of goods, supplies, or merchandise from any building, residence or business, or the vehicle is used to perform services for any permitted residential or commercial project in that block

- Prohibits any attached or unattached motorized boat, recreational vehicle, camping trailer, or vehicle rated Department of Transportation Class 5 or greater in residential and preservation zoning districts
- Adds the definition of Commercial Vehicle from the PA Motor Vehicle Code and the PennDOT Classification of Commercial Vehicle sheet
- Allows recreational vehicles to be parked at homes to prepare for a trip and providing the Police Chief with the discretion to issue a permit allowing the vehicle to be at the property for longer periods of time

ATTACHMENTS:

PennDOT Commercial Classification Sheet

Drafted by	Legal Specialist & City Clerk
Sponsored by/Referred by	Councilor Marmarou

BILL NO. _____ 2015

AN ORDINANCE

AN ORDINANCE REPEALING AND RECREATING THE CITY CODE, CHAPTER 564 HEALTH AND SAFETY, PART 105 STORAGE OF MOTOR VEHICLE NUISANCES, SECTION 105 – PARKING BY PROHIBITING COMMERCIAL VEHICLES FROM PARKING IN RESIDENTIAL AND PRESERVATION ZONING DISTRICTS, AS ATTACHED IN EXHIBIT A.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Repealing and recreating the City Code, Chapter 564 Health and Safety, Part 105 Storage of Motor Vehicle Nuisances, by providing clarification on the prohibition of parking commercial and recreational vehicles in Residential and Preservation zoning districts and providing the PennDOT classification sheets explaining the types of commercial vehicles that are affected, as attached in Exhibit A.

SECTION 2: All other items, parts, sections, etc. of the City Code of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2015

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: _____

Overridden by Council : _____

	Yea	Nay
Daubert	___	___
Goodman-Hinnershitz	___	___
Marmarou	___	___
Reed	___	___
Sterner	___	___
Waltman	___	___
Acosta	___	___

EXHIBIT A

§ 564-101. Definitions.

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

COMMERCIAL VEHICLE - any motor vehicle or trailer designed or used to transport passengers or property:

- (1) if the vehicle has a gross vehicle weight rating of 10,000 or more pounds;*
- (2) if the vehicle is designed to transport 16 or more passengers, including the driver;*
- (3) if the vehicle is a school bus; or*
- (4) if the vehicle is transporting hazardous materials and is required to be placarded in accordance with PennDOT regulations.*

For purposes of this section the phrase "commercial vehicle" shall include self-propelled vehicles, vehicles that are not self-propelled such as utility trailers and other types of trailers designed or used to store or haul equipment and materials and the combination of self-propelled vehicles and vehicles that are not self-propelled. (See attached diagrams) The term does not include an antique or classic motor vehicle, or an implement of husbandry.

MOTOR VEHICLE — — Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, ~~and including trailers or semitrailers pulled thereby.~~

NUISANCE — — Any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods.

PERSON — — A natural person, firm, partnership, association, corporation or other legal entity.

In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

§564-105. Parking Trucks, Trailers and Mobile Homes.

A. It shall be unlawful for a person to park, or allow to remain parked for more than 1 hour any commercial vehicle with a gross vehicle weight rating (GVWR) of 10,000 lbs or more in plain view from the public right of way. Tow Trucks designated medium or heavy duty, Car Carriers and Low Boy Trailers are similarly prohibited. This restriction applies to the foregoing districts and includes without limitation school buses, construction equipment, trucks, trailers, or tractors, whether attached or unattached unless the vehicle is involved in the actual delivery, pick up of goods, supplies, or merchandise from any building, residence or business, or the vehicle is used to perform services for any permitted residential or commercial project in that block:

R1A, R1, R2, R3 – Residential Districts

- A. Commercial Residential Districts – CR
- B. Commercial Neighborhood Districts – CN
- C. Residential Professional Office – RPO
- D. Preservation

B. It shall be unlawful for a person to park for more than 24 hours in plain view from the public right of way any attached or unattached motorized boat, trailer, camping trailer, or vehicle rated Department of Transportation Class 5 or greater in the above zoning districts.

Mobile homes and recreational vehicles designed or adapted for use as a mobile dwelling, including a

vehicle equipped with a truck-camper, with a maximum length of 24 feet and a maximum weight that does not exceed 12,000 GVW may however park on private property, in accordance with § 600-1602A and B of Chapter 600, Zoning.

Each household may apply to the Department of Police, Traffic Enforcement Office, for no more than two temporary recreational vehicles parking permits that will allow the recreational vehicle to be parked at the property for longer than 24 hours. Barring a special exception, the cost of the permit shall be set at \$50, as per Chapter 212, Section 145, be visibly displayed on the dashboard at all times the vehicle is not in use, and shall last for a period of time as determined by the Chief of Police, or his designee.

C. Prior to the issuance of the citation and fine, notification of this law and a warning of the penalties imposed upon violation shall be posted on the vehicle one time or a copy issued to the owner or tenant of the property. Such warning shall be properly recorded in the Police Department, the Property Maintenance Division and the Parking Authority Office by the issuing enforcement official. If the vehicle is not removed within 48 hours, per Subsection F below, the citing officer may issue a citation or exercise discretion to tow the vehicle to alleviate a safety or hazard concern.

D. Any person who shall violate any provision of this section shall be cited and fined \$100. If the \$100 fine is not paid within 10 days, the fine shall be automatically increased to \$200. At the discretion of the citing officer, the vehicle(s) located in the public right-of-way may be subject to tow after the third citation in any calendar year.

F. The Department of Police, Property Maintenance Division and Reading Parking Authority are hereby provided with enforcement authority on public and private property for this section.

Law enforcement communications with towing and recovery operators describing an incident and the vehicles involved can insure quick and efficient clearing of these scenes and less disruption to traffic flow. In an effort to standardize communications, the towing industry is adopting the federal vehicle class standards as outlined herein.

VIN CODES

The year of the vehicle is critical information for towing operators in order for them to reference correct towing procedures. The diagrams on the front are examples of classifications. The following information about vehicle identification numbers affixed to the chassis will help determine the vehicle's year. As noted, the vehicle's year, identified by a letter or number in the VIN sequence, is the eighth character from the right.

1P8ZA1279SZ215470

EXAMPLE 1995 VIN NUMBER: _____ ↑

1980.....A	1987.....H	1994.....R	2001.....1	2008.....8
1981.....B	1988.....J	1995.....S	2002.....2	2009.....9
1982.....C	1989.....K	1996.....T	2003.....3	2010.....A
1983.....D	1990.....L	1997.....V	2004.....4	2011.....B
1984.....E	1991.....M	1998.....W	2005.....5	2012.....C
1985.....F	1992.....N	1999.....X	2006.....6	
1986.....G	1993.....P	2000.....Y	2007.....7	

TOW TRUCK/CAR CARRIER CLASSIFICATION

<p>LIGHT-DUTY</p> <p>TOW TRUCK </p> <p>CAR CARRIER </p>	<p>HEAVY-DUTY</p>   
<p>MEDIUM-DUTY</p> <p>TOW TRUCK </p> <p>CAR CARRIER </p>	<p>LOW BOY TRAILER</p> 

Illustrations: © T.T. Publications and Vehicle Identification Guide: ©TRAA

Drafted by	Legal Specialist
Sponsored by/Referred by	
Introduced on	N/A
Advertised on	N/A

RESOLUTION NO. _____-2015

INCREASING THE SALARY OF PAMELA HOFFMAN, CONFIDENTIAL SECRETARY, CITY OF READING POLICE DEPARTMENT, IN ACCORDANCE WITH CHAPTER 70, SECTION 701 (G) OF THE PERSONNEL CODE.

WHEREAS, Pamela Hoffman is currently a Confidential Secretary for the City of Reading Police Department; and

WHEREAS, the current salary of Pamela Hoffman does not reflect the duties which she has been assigned; and

WHEREAS, the City of Reading wants to compensate Pamela Hoffman for the work that she performs.

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

That the salary of Pamela Hoffman, Confidential Secretary, City of Reading Police Department, shall be FIFTEEN DOLLARS (\$15.00) per hour, effective April 1, 2015.

Adopted by Council _____, 2015

President of Council

Attest:

City Clerk

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Law
Introduced on	N/A
Advertised on	N/A

RESOLUTION NO. _____ 2015

A RESOLUTION ADDING CAMPAIGN EXPENSE REPORTS AND STATEMENTS FILED BY CANDIDATES AND POLITICAL COMMITTEES TO THE CITY OF READING RECORD RETENTION SCHEDULE

Whereas, by virtue of Resolution 134-2009, adopted December 14, 2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; and

Whereas, by virtue of Ordinance 28-2013, enacted May 28, 2013, the Code of Ethics requires candidates to file campaign reports and statements; and

Whereas, the City will follow the State Record Retention Schedule for County Election Records which states:

Campaign Expense Reports and Statements Filed by Candidates and Political Committees

Expense report shows name and address of candidate, committee, individual or lobbyist; office sought; summary of receipts and expenditures; signature of person swearing to accuracy of report; summary of contributions and receipts; itemized lists of contributions, receipts and expenditures; unpaid debts and obligations; and in-kind contributions. Statement includes name and address of candidate, committee or lobbyist; office sought; and certification of compliance with the Election Code.

Retain 5 years from date of filing. (25 P.S. § 3259(4))

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

That the City will retain these records for a period of 5 years as set by the State Record Retention Schedule.

Adopted by Council on _____

President of Council

Attest:

City Clerk

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Council Nominations and Appointments Committee
Introduced on	N/A
Advertised on	N/A

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

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

That Annarose Milch is appointed to the Stadium Commission with a term ending August 18, 2020.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Council Nominations and Appointments Committee
Introduced on	N/A
Advertised on	N/A

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

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

That Kevin Graybill is appointed to the Stadium Commission with a term ending August 18, 2020.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

Drafted by	Deputy City Clerk
Sponsored by/Referred by	Council Nominations and Appointments Committee
Introduced on	N/A
Advertised on	N/A

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

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

That William Long is appointed to the CRIZ Authority with a term ending December 31, 2019.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk