REGULAR MEETING  MONDAY, JANUARY 9, 2017
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 “Live and Archived Meeting Videos”. 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: Danny Moore, Holy Trinity Church of God
C. PLEDGE TO THE FLAG
D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS
- Recognizing RHS Berks Best fall athletes
- Recognizing the 105th Anniversary of Faller's Pretzels, accepted by Mike Hechinger, owner
- Recognizing Daniel DeTurk

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 & MINUTES
A. AGENDA: Meeting of January 9, 2017
B. MINUTES: December 19, 2016 Regular Meeting

5. Consent Agenda Legislation
A. Award of Contract - for the Dam Engineering Support Services to Aecom, 12420 Milestone Center Drive Suite 150, Germantown, MD 20876 at a total cost of $481,797.00

B. Award of Contract - for the Electrical Distribution System Bid to EnerG-Test, 204 Gale Lane, Kennett Square, PA 19348 in the amount of $15,000.00

C. Resolution – disposing the 2009 Financial Interest Statements
D. Resolution – promoting Officer Christopher Dinger to the rank of Sergeant

E. Resolution – promoting Officer Thomas Fleming to the rank of Sergeant

F. Resolution – promoting Officer Bradley McClure to the rank of Sergeant

G. Award of Contract – Purchase of Tazers To be distributed Monday

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS
Reading Public Library Report – Heather Hanna, President

9. ORDINANCES FOR FINAL PASSAGE

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OVERRIDE OF VETO

A. Bill 72-2016 – Amending the 2017 Position Ordinance by adding a Programs & Project Manager to Public Works Administration

B. Bill 73-2016 – Amending the 2017 Position Ordinance by removing the Deputy Police Chief from the Police Department Administration
A. Bill No. 1-2017 - Authorizing the execution of a Termination and Mutual Release Agreement re the redevelopment project of properties situated on Penn Street between 4th and 5th Streets owned by the City

Introduced at the December 19 regular meeting

B. Bill No. 2-2017 – Repealing Bill No. 22-2016 requiring the dissolution of the RAWA

Introduced at the December 19 regular meeting

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance – authorizing a No-Parking zone on the south side of Chestnut Street adjacent to the west side of the existing driveway for Remcon Plastics at 208 Chestnut Street, for a distance of approximately 40 feet. The purpose of the restriction is to improve the safety conditions of that driveway for delivery trucks entering and leaving and the cars that park near the driveway entrance.

B. Ordinance – amending the Code of Ordinances Chapter 23 Boards, Commissions, Committees and Councils Part 4 First Energy Stadium Commission by adding language regarding capital expenditures funded by the City, as attached

C. Ordinance – amending the 2016 City of Reading Self Insurance Fund budget by authorizing the transfer of $80,000 from the Human Resources/Risk & Safety Division Worker’s Compensation Claims line item to the Self Insurance Fund Other Insurance Premiums line item

D. Ordinance - amending Code of Ordinances of the City of Reading, Chapter 212 Fee Schedule, Section 113, Fire Prevention, Fire Protection and Medical Transportation

E. Ordinance - amending the City of Reading Code of Ordinances Chapter 396 Parks and Recreation, Part 5 Memorial Structures on Public Property by prohibiting all activities that could cause physical damage to any memorial

F. Ordinance - authorizing the payment of two of the Kansas State Bank loans in the amounts of $176,300.29 and $37,025.75

11. RESOLUTIONS

A. Resolution 88-2016 – authorizing the mayor to rescind the agreement to transfer for the City’s Micro-Loan Program to the Community First Fund, bringing the administration of the program in-house

Tabled at 11-28, 12-12 and 12-19 Regular Meetings
B. Resolution – appointing Jose Delfi to the Electrician's Examining Board

C. Resolution – appointing Melvyn Jacobson to the Planning Commission

D. Resolution – reappointing John Kramer to the Main Street Board

E. Resolution – reappointing Wynton Butler to the Diversity Board

F. Resolution – appointing Michael Gombar Jr to the Berks County Civic Center Authority

G. Resolution – appointing John Slifko as the Council liaison to the Main Street Board with Brian Twyman as alternate

12. PUBLIC COMMENT – GENERAL MATTERS
Please see public speaking rules on second page

13. COUNCIL BUSINESS/COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, January 9
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

Monday, January 16
**City Hall Closed – Martin Luther King Holiday**

**Tuesday, January 17**
Nominations & Appointments Committee – Council Office – 4 pm
Strategic Planning Committee – Penn Room – 5 pm

Monday, January 23
Committee of the Whole – Penn Room – 5 pm
Regular Meeting – Council Chambers – 7 pm

Saturday, January 28
15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Tuesday, January 10
Water Authority Workshop – Water Authority Office – 4:30 pm

Wednesday, January 11
Zoning Hearing Board – Council Chambers – 5:30 pm
Human Relations Commission – HRC Office – 6 pm
Animal Control Board – Penn Room – 6 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, January 12
Police Pension Board – 3rd floor conference room – 9:30 am
Outlet Area Neighborhood – St. Mark’s Lutheran Church – 6:30 pm

Monday, January 16
Library Board – 113 S 4th St – 4:30 pm

Tuesday, January 17
Fire Civil Service Board – Fire Training Center – 3 pm
HARB – Penn Room – 6:30 pm
Charter Board – Council Chambers – 7 pm

Wednesday, January 18
O & E Pension Board – Penn Room – 1:30 pm
Redevelopment Authority – Redevelopment Authority office – 3 pm

Thursday, January 19
Diversity Board – Penn Room – 3 pm
Blighted Property Review Committee – Council Chambers – 6 pm
Shade Tree Commission – Public Works Center – 6 pm

Friday, January 20
Fire Pension Board – Penn Room – 10 am

Monday, January 23
DID Authority – 645 Penn St 5th floor - noon

16. ADJOURN
City of Reading City Council  
Regular Meeting  
December 19, 2016

Council Vice President Reed called the meeting to order. She announced that the Council President excused due to an illness.

The invocation was given by City Councilor Daubert.

All present pledged to the flag.

ATTENDANCE
Councilor Daubert, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Twyman, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Slifko, District 6
City Auditor D. Cituk
Solicitor C. Younger
City Clerk L. Kelleher
Managing Director G. Steckman
Mayor W. Scott

There was an executive session on litigation issues at the Committee of the Whole meeting.

PROCLAMATIONS AND PRESENTATIONS
There were no proclamations or presentations at the meeting.

PUBLIC COMMENT
Council Vice President Reed stated that there is one (1) citizen registered to address Council on agenda matters. There was no need to suspend the rule requiring non-agenda comment at the end of the meeting.

Councilor Daubert read the public speaking rules that were adopted by Council.
Frank Denbowski, North 6th Street, stated that he registered to address Bill No. 67-2016 regarding the inclusion of a mediation option into the Code of Ethics. He stated that he agrees with the concept as it could reduce the City’s legal expenses. He suggested further review of the campaign finance regulations and making adjustments to the campaign donations specified in the Code to make them similar to ratios used in the federal regulations.

APPROVAL OF THE AGENDA & MINUTES
Council Vice President Reed called Council’s attention to the agenda for this meeting and the minutes from the December 12th Regular Meeting. She announced that the following resolutions approving police promotions will be added to the Consent Agenda:

1. Lieutenant Paul J. Reilly, date of employment January 16, 2001, to the rank of Captain
2. Lieutenant Richard A. Tornielli, date of employment January 16, 2001, to the rank of Captain
3. Lieutenant Matthew D. Schappell, date of employment January 21, 2002, to the rank of Captain
4. Sergeant Scott E. Shultz, date of employment January 16, 2001, to the rank of Lieutenant
5. Sergeant Eric S. Suydam, date of employment January 21, 2002, to the rank of Lieutenant
6. Sergeant David A. Liggett, date of employment January 21, 2002, to the rank of Lieutenant

Council Vice President Reed also announced the addition of a Resolution announcing City Council’s intent to repeal Bill No. 62-2016 at the first Council meeting in 2017.

Councilor Daubert moved, seconded by Councilor Slifko, to approve the minutes from the December 12th Regular Meeting and the agenda, including the legislation on the Consent as amended. The motion was approved unanimously.

Consent Agenda
A. Resolution 95-2016 – exonerating the City property taxes for the Islamic Center of Berks County for 101 W. Windsor St. as the property has been used by a church since 1903 and 822 N Front St. as the parking lot will be open for community parking in the total amount of $29,219.36 for 2014-15
B. Resolution 97-2016 – approving the promotion of Lieutenant Paul J. Reilly, date of employment January 16, 2001, to the rank of Captain
C. Resolution 98-2016 – approving the promotion of Lieutenant Richard A. Tornielli, date of employment January 16, 2001, to the rank of Captain
D. Resolution 99-2016 – approving the promotion of Lieutenant Matthew D. Schappell, date of employment January 21, 2002, to the rank of Captain
E. Resolution 100-2016 – approving the promotion of Sergeant Scott E. Shultz, date of employment January 16, 2001, to the rank of Lieutenant

F. Resolution 101-2016 – approving the promotion of Sergeant Eric S. Suydam, date of employment January 21, 2002, to the rank of Lieutenant

G. Resolution 102-2016 – approving the promotion of Sergeant David A. Liggett, date of employment January 21, 2002, to the rank of Lieutenant

H. Resolution 103-2016 – approving the promotion of Sergeant Kyle E. Rentschler, date of employment January 16, 2001, to the rank of Lieutenant.

ADMINISTRATIVE REPORT
The mayor wished everyone Happy Holidays and announced the event planned for Friday, December 23rd at 8th and Washington Streets at 5 pm.

The managing director announced that there will be no deviation to the regular trash and recycling collection schedule over the holiday season.

AUDITOR’S REPORT
The auditor wished everyone Happy Holidays.

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS
None.

ORDINANCES FOR FINAL PASSAGE

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C. Bill 67-2016 – amending City Code Chapter 5 Administrative Code, Part 10 Code of Ethics, Section 5-1009 Complaint and Investigation Procedure by creating a mediation process and clarifying which parties must submit annual statements of financial interest *Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 67-2016.

Councilor Goodman-Hinnershitz stated that the campaign regulations were enacted at the December 12th regular meeting. This amendment will add a mediation option and clarify those who must submit annual financial interest statements to the City Clerk’s office. She stated that the amendment was tabled on December 12th as the transparency of the mediation process was questioned. She explained that transparency and confidentiality are embedded in the Ethics Code and is unrelated to the addition of the mediation option.

Councilor Slifko agreed. He noted that mediation is an additional option that can sometimes be used. He stressed that mediation is not mandatory. He noted that transparency and confidentiality are embedded in both the Code of Ethics and the Charter Board Ordinance.

Council Vice President Reed stated that members of Council worked on the Ethics Code amendments with the Ethics Board.

Bill No. 67-2016 was enacted by the following vote:

**Yeas:** Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6  
**Nays:** None – 0

D. Bill 68-2016 – providing the Police with the authority to seize and dispose of All Terrain Vehicles unregistered with the DCNR *Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting*

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 68-2016.

The managing director stated that he and the mayor support the Police Chief’s desire to have these regulations in place.
Councilor Marmarou expressed the belief that the issue is regulated elsewhere in the City’s codes and in the State Motor Vehicle Code and that there is no need for duplicative language. He read from the City’s Guidebook.

Councilor Goodman-Hinnershitz stated that she supports this ordinance and thanked the Assistant Solicitor and Sergeant Rothermel for clarifying the need to have these local regulations in place. She noted that the ordinance will place proper limits on the resale of unregistered ATVs that are seized by the police.

Councilor Twyman agreed with the need for these local regulations as they will provide the police with the tools they need to address the public health and safety issues associated with these vehicles.

**Bill No. 68-2016 was enacted by the following vote:**

- **Yeas:** Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
- **Nays:** None – 0

**E. Bill 70-2016** – amending the Position Ordinance by creating a Deputy Police Chief *Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting*

There was no motion to move Bill 70-2016 forward for a vote. The Bill was declared dead.

**F. Bill 71-2016** – setting the salary of the Deputy Police Chief at $90,500 *Introduced at the November 28 regular meeting; Tabled at the Dec 12th Regular Meeting*

There was no motion to move Bill 70-2016 forward for a vote. The Bill was declared dead.

**G. Bill 72-2016** – Amending the 2017 Position Ordinance by adding a Programs & Project Manager to Public Works Administration

Councilor Goodman-Hinnershitz moved, seconded by Councilor Twyman, to table Bill No. 72-2016.

**Bill No. 72-2016 was NOT tabled by the following vote:**

- **Yeas:** Goodman-Hinnershitz, Twyman - 2
- **Nays:** Daubert, Marmarou, Reed, Slifko – 4
Councilor Goodman-Hinnershitz moved, seconded by Councilor Twyman, to enact Bill No. 72-2016.

Councilor Goodman-Hinnershitz explained that she moved to table this Bill due to the Solicitor’s opinion distributed at the Committee of the Whole meeting that occurred just prior to the start of this meeting. She stated that in the opinion of the Solicitor Council cannot make amendments to this ordinance before the start of 2017.

The Solicitor read the memo, dated December 5th, aloud. The memo is attached as Exhibit A. He apologized for distributing this memo to Council previously. He expressed the belief that Council is unable to amend the 2017 Position Ordinance before 2017 begins.

Councilor Slifko stated that the Solicitor cites Charter Section 908 as the main reason that Council cannot amend the 2017 Position Ordinance. However he noted that Charter Section 908 relates to appropriations related to the adopted budget, not the Position Ordinance.

Section 908. Amendments After Adoption.

(a) Emergency appropriations may be made by the Council to meet a public emergency posing a sudden, clear and present danger to life or property. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 220 of this Charter.

(b) Supplemental appropriations may be made by the Council by ordinance upon certification by the Mayor that there are available for appropriation revenues in excess of those estimated in the Budget.

(c) Transfer of appropriations may be made in accordance with provision of the Administrative Code.

Councilor Goodman-Hinnershitz expressed the belief that Council should heed the advice of the Solicitor about this issue and that further discussions about this proposed bill should occur in 2017. She questioned the process used to move this ordinance forward. She expressed the belief that Council should not second guess the administration.

The mayor questioned if Council understands the nature of this position. Councilor Slifko replied that it is his understanding that the Project Manager is an assistant to the Public Works Director and undertakes tasks assigned by the Public Works Director. He stated that Council was uninformed that the elimination of this position would also eliminate an employee.
The mayor stated that he does not support displacing employees and that he prefers the relocation of the employee to a new position instead. He stated that some positions are needed and others can be eliminated. He expressed the belief that the Project Manager position was created by the former administration as a safety net for a person who formerly worked for the mayor’s office. He stated that he had a conversation about the need to retain this position with the Public Works Director and he did not raise the need to retain this position as it has no defined function. He stated that it is not his intention to fire any employee and that this position is unneeded.

**Bill No. 72-2016 was enacted by the following vote:**

**Yeas:**  Daubert, Marmarou, Reed, Twyman – 4

**Nays:** Goodman-Hinnershitz, Slifko - 2

**H. Bill 73-2016** – Amending the 2017 Position Ordinance by removing the Deputy Police Chief from the Police Department Administration

Councilor Slifko moved, seconded by Councilor Marmarou, to enact Bill No. 73-2016.

Councilor Slifko expressed the belief that the elimination of this position is a matter of priorities and the need for police manning versus police management. He stated that the department would be better served with more boots on the ground rather than more management.

The managing director explained that the elimination of this position will not free funding for more police officers due the salary caps created in the amended Recovery Plan. He stated that the Deputy Chief is funded in the Management cap and the elimination of the position will not free funding under the Police/FOP cap. He further explained that the Recovery Plan requires the department to eliminate certain benefits such as the purchase of “Ghost Time” and the DROP program or reduce the pay of the police by 3 ½%. He stated that the Scott Administration does not want to reduce the salaries of the officers and instead requested the use of the vacancy allowance to build the required credit in salary expenses. He noted the problem with retaining new officers after they graduate from the academy.

Councilor Goodman-Hinnershitz expressed the belief that this position should have been discussed during the budget process. She noted the repeated process to address this position during budget discussions. She stated that her vote will follow the Solicitor’s advice. She expressed the belief that additional management will support the officers on the street. She suggested further dialog on this
matter. She stated that supporting this position has nothing to do with the need for the public safety of the City. She suggested amending the Recovery Plan by adjusting the salary caps.

Councilor Marmarou stated that he has been against the creation of the Deputy Chief position since the concept was first broached by the mayor. He stated that he favors adding police officers on the street. He expressed the belief that a Deputy Chief should come from the ranks of the department, not the outside and that the candidate for this position should understand Reading and its police department. He questioned the supervisory experience of the candidate under consideration and his municipal policing experience.

Councilor Twyman expressed the belief that the position should be retained as better management of the department will improve the department overall. He suggested that improved management will improve the performance of the department.

Councilor Daubert stated that this decision is difficult and that hiring from outside does negatively affect department morale.

The mayor expressed the belief that no one in the department wants the Deputy Chief position as taking the promotion would remove them from the collective bargaining unit, as it is a management position. He stated that he originally encouraged applicants from within the department. He stated that the Police Chief needs assistance, such as “eyes and ears” to help him manage the department. He expressed the belief that the Chief is doing an outstanding job.

The mayor stated that the position has not been offered to anyone and that the rumors spread are untrue. He offered to allow Council to vet the candidate selected. He stated that allowing the Deputy Chief position will provide 24 hour coverage of the department, as the Deputy Chief would cover the evening shift. He expressed the belief that “adding police” is a great sound bite for those seeking election or reelection; however, that is not practical. He expressed the belief that he would kill anyone running against him who made that claim as hiring additional officers is not practical. He explained the difficulty of hiring graduates from the Police Academy as suburban departments pay much more than the City. He expressed the belief that adding more police will not reduce the crime rate, as crime is generally an emotional reaction to specific situations. He stated that his fight is for a Chief on dayshift and a Deputy on night shift to better manage the department which will help Reading residents.
Councilor Marmarou questioned if a retired state trooper applied and was offered the job. He stated that the rumor that the job has already been offered to a retired state trooper is widespread.

The mayor stated that he discussed this issue with Councilor Twyman previously. He stated that the position was not offered to any candidate, as the Chief was not yet authorized to hire any applicant for this position. He again stated that officers who currently work for the department are not interested in leaving the bargaining unit. He stated that his conversation with Councilor Twyman was months ago prior to the consideration of creating the position within the department.

Council Vice President Reed called for a point of order. She suggested avoiding discussion about specific individuals and avoiding speaking separately with the body of Council, which creates confusion. She noted the confusion created by the approval of the 2017 Position Ordinance and then the introduction of adding the position to the 2016 Position Ordinance. She agreed that Council should have questioned the position earlier in the process. She suggested that the mayor and Councilors improve their communication, which will improve all decision making.

Councilor Goodman-Hinnershitz agreed with the need to improve communication. She stated that her vote is based on the need for the position, not any applicants for the position. She suggested discussing this issue further when Council reconvenes after the New Year begins.

Bill No. 73-2016 was enacted by the following vote:

- **Yeas:** Daubert, Marmarou, Reed, Slifko - 4
- **Nays:** Goodman-Hinnershitz, Twyman – 2

**I. Bill 74-2016 –** to amend the General Fund Budget Salary line items as listed

The managing director stated that the next two (2) bills are housekeeping matters to make transfers within various department budgets.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 74-2016.

Bill No. 74-2016 was enacted by the following vote:

- **Yeas:** Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
- **Nays:** None – 0
J. Bill 75-2016 – to amend the General Fund Budget Self Insurance Salary line item

Councilor Marmarou moved, seconded by Councilor Slifko, to enact Bill No. 75-2016.

Bill No. 75-2016 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
Nays: None – 0

K. Bill 77-2016 - Providing a one-time allowance of no more than two percent (2%), to Management employees who have been employed by the City of Reading for a minimum of one (1) full year, excluding the Managing Director

Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 77-2016.

The managing director explained that this bill will provide management employees, who have worked for the City for one (1) year, to receive a one (1) time allowance that will not affect their base salary rate. He stated that the allowance is being provided as management employees have only had two (2) 2% pay increases since Act 47 began in 2010 and others have taken 5% salary reductions. He stated that there have been approximately $300K savings generated by unfilled positions. He explained that he excluded himself from the allowance.

Councilor Slifko stated that he supports this ordinance.

Councilor Goodman-Hinnershitz stated that she supports the concept and the process used by the administration to move the concept forward for Council consideration.

The auditor expressed support for the allowance due to the extensive pay freezes and cuts endured by management employees. He noted that while the collective bargaining units have occasionally received 2% increases, management was excluded. He noted that the allowance will not increase the base pay assigned or pension payments.

Bill No. 77-2016 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
Nays: None – 0
INTRODUCTION OF NEW ORDINANCES
The following ordinances were read into the record by Councilor Goodman-Hinnershitz:

A. Bill No. 2017 - Authorizing the execution of a Termination and Mutual Release Agreement re the redevelopment project of properties situated on Penn Street between 4th and 5th Streets owned by the City

B. Bill No. 2017 – Repealing Bill No. 62-2016, terminating the Reading Area Water Authority

RESOLUTIONS

A. Resolution 88-2016 – authorizing the mayor to rescind the agreement to transfer for the City’s Micro-Loan Program to the Community First Fund, bringing the administration of the program in-house

Tabled at 11-28 and 12-12 Regular Meetings

Councilor Goodman-Hinnershitz moved, seconded by Councilor Slifko, to table Resolution No. 88-2016.

Resolution No. 88-2016 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
Nays: None – 0

B. Award of Contract – approving the award of contract for municipal curbside waste – trash and recycling – to Republic/BFI

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 89-2016.

The managing director explained the bidding process and the vetting that occurred prior to the recommendation. He stated that the cost for these services to the City’s customers will be reduced. He noted that the contract for recycling collection applies to all City residents and that Republic will take over this service in March. He stated that the outsourcing of recycling will generate a savings of approximately $500K annually.

Councilor Slifko stated that he is pleased with the outcome of the bidding process and the resulting savings to City customers.
Councilor Daubert stated that although the outsourcing of the recycling program will displace some employees, the resulting savings to the City’s customers creates much needed balance.

The managing director stated that the City will work with employees to help them relocate into other employment positions.

Councilor Twyman expressed support for the changes in the program that will shift the City’s focus into clean city issues.

Council Vice President Reed thanked the managing director for working to correct the errors in the documentation originally provided to Council.

Resolution No. 89-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
Nays: None – 0

C. Resolution 103-2016 – announcing Council’s intent to repeal Bill No. 62-2016 which requires the dissolution of RAWA at the meeting scheduled for January 9, 2017.

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 103-2016.

Councilor Goodman-Hinnershitz explained that the ordinance introduced to repeal Bill No. 62-2016 cannot be enacted prior to the end of 2016 due to the Charter requirement for a 14 day layover period after an ordinance in introduced. Therefore this resolution publically announces intent to repeal Bill 62, which requires the dissolution of RAWA.

Resolution No. 103-2016 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Twyman - 6
Nays: None – 0

COUNCIL BUSINESS
The mayor clarified that originally the administration made an offer to a prospective candidate for the Deputy Chief position, but that offer was retracted due to his desire to first offer the position to officers within the ranks of the department.
Councilor Goodman-Hinnershitz stated that Fairview Mennonite Church has been caroling in District 2, despite the crime within the District 2 area. She announced the upcoming holiday events at the Peanut Bar, 5th and Penn and the Pagoda.

Councilor Twyman encouraged citizens to become involved in the legislative process and their government.

Councilor Marmarou noted the celebration of Greek Orthodox Christmas on January 7, 2017.

Council Vice President Reed wished everyone Happy Holidays. She also noted the importance of the upcoming election cycle. She reviewed the upcoming meeting schedule for 2017.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

Exhibit A
Memo

To: Wally Scott, Mayor
From: Charles D. Younger, Esq., City Solicitor
CC:
Date: 12/5/2016
Re: Budget Amendment

Pursuant to your request, please accept the following in response.

ISSUE: MAY CITY COUNCIL AMEND A PASSED 2017 BUDGET IN 2016 BY ADDING OR REMOVING POSITIONS IN THE 2017 POSITION ORDINANCE?

OPINION: NO.

DISCUSSION:

When City Council passes a budget, Home Rule Charter Section 908 provides what amendments may be made after budget adoption. What City Council is attempting to do by proposing position amendments after adopting the 2017 budget prior to January 1, 2017, is simply not allowed under the Home Rule Charter. City Council should have amended the budget (and position ordinance) prior to adopting it (them) pursuant to Home Rule Charter Section 906 (and Section 904).

City Council may propose amendments to the 2017 Annual Position Ordinance in 2017, not 2016.
RECOMMENDATION
The recommendation is to award the contract for the Dam Engineering Support Services to Aecom, 12420 Milestone Center Drive Suite 150, Germantown, MD 20876.

BACKGROUND
The purpose of this is to procure technical consulting related to the City-owned dams to improve unsafe conditions, eliminate public safety hazards, and reduce dam owner liability. This is a multiple phase project for infrastructure at multiple locations with some alternate tasks described, and this establishes multiple year wage rates for corresponding personnel by classification. The tasks include design, permitting, document preparation, and construction management for dam removal, additional specific studies as recommended by the City’s Dam Portfolio Management Report, subsequent technical report follow-up, and engineering support services related to dams, bridges, and related structures.

BUDGETARY IMPACT
The Department of Public Works has confirmed there are sufficient funds to cover the project. The total amount is $481,797.00.

PREVIOUS ACTION
None

SUBSEQUENT ACTION
Formal action by Council is required to award the contract at the January 9, 2017 meeting.

RECOMMENDED BY
Mayor, Managing Director, Public Works Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION
Approve/Deny the recommendation for the Dam Engineering Support Services in order that the contract may be awarded to Aecom.
AGENDA MEMO
DEPARTMENT OF ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: January 9, 2016
AGENDA MEMO DATE: January 4, 2017
RECOMMENDED ACTION: Awarding of Contract for the Electrical Distribution System Bid

RECOMMENDATION
The recommendation is to award the contract for the Electrical Distribution System Bid to EnerG-Test, 204 Gale Lane, Kennett Square, PA 19348

BACKGROUND
The purpose of this contract covers the Annual Preventive Maintenance for Electrical Distribution Systems associated with the City’s Waste Water Treatment Plant and remote pump stations. All work will be done in accordance with the manufacturer’s recommendations.

BUDGETARY IMPACT
The Department of Public Works has confirmed there are sufficient funds to cover the project. The total amount is $15,000.00.

PREVIOUS ACTION
None

SUBSEQUENT ACTION
Formal action by Council is required to award the contract at the January 9, 2017 meeting.

RECOMMENDED BY
Mayor, Managing Director, Public Works Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

**RECOMMENDED MOTION**
Approve/Deny the recommendation for the Electrical Distribution System Bid in order that the contract may be awarded to EnerG-Test.
RESOLUTION NO. _______ 2017

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:

City Clerk
Financial Interest Statements, 2009

Adopted by Council on__________________ 2017

__________________________________
President of Council

Attest:

__________________________________
City Clerk
TO: City Council
FROM: Chief Andrés Domínguez, Jr.
PREPARED BY: Chief Andrés Domínguez, Jr.
MEETING DATE: January 9, 2017
AGENDA MEMO DATE: January 9, 2017
REQUESTED ACTION: Authorize the Promotions of three Officers to Sergeants.

RECOMMENDATION
The Mayor and Police Chief recommend the promotion of the following officers:

Officer Christopher J. Dinger, date of employment January 31, 2011, to the rank of Sergeant.
Officer Thomas K. Fleming, III, date of employment January 16, 2012, to the rank of Sergeant.
Officer Bradley T. McClure, date of employment July 2, 2007, to the rank of Sergeant.

Officer McClure promoted to SGT and assigned to A Platoon
Officer Fleming promoted to SGT and assigned to B Platoon
Officer Dinger promoted to SGT and assigned to B Platoon

BACKGROUND
Officer Christopher J. Dinger from Patrol will be promoted to Sergeant and assigned to B Platoon.
Officer Thomas K. Fleming from Patrol will be promoted to Sergeant and assigned to B Platoon.
Officer Bradley T. McClure from Patrol will be promoted to Sergeant and assigned to A Platoon.

BUDGETARY IMPACT
None. These funded positions have current vacancies as of the appointment date.

PREVIOUS ACTIONS
None
**SUBSEQUENT ACTION**
Council to take action to approve a resolution to authorize the promotion of Officers Dinger, Fleming and McClure to the rank of Sergeant.

**RECOMMENDED BY**
The Mayor and Police Chief recommend approval.

**RECOMMENDED MOTION**
Approve/deny the resolution authorizing the promotion of Officers Dinger, Fleming and McClure to the rank of Sergeant effective January 9, 2017.
RESOLUTION NO.______2017

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

Authorizing the promotion of Officer Christopher J. Dinger to the rank of Sergeant effective immediately.

Adopted by Council____________________________, 2017

___________________________________
Jeffrey S. Waltman
President of Council

Attest:

___________________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO.______2017

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

Authorizing the promotion of Officer Thomas K. Fleming III to the rank of Sergeant effective immediately.

Adopted by Council__________________________, 2017

______________________________
Jeffrey S. Waltman
President of Council

Attest:

______________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO. _______ 2017

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

Authorizing the promotion of Officer Bradley T. McClure to the rank of Sergeant effective immediately.

Adopted by Council__________________________, 2017

___________________________________
Jeffrey S. Waltman
President of Council

Attest:

_______________________
Linda A. Kelleher
City Clerk
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”.


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:

<table>
<thead>
<tr>
<th>OFFICE</th>
<th>NAME</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Jeffrey Waltman</td>
<td>723 N 4th St Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reading, PA 19601</td>
</tr>
<tr>
<td>Vice President</td>
<td>Donna Reed</td>
<td>1525 Argonne Rd</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reading, PA 19601</td>
</tr>
<tr>
<td>Council Member</td>
<td>Chris Daubert</td>
<td>1135 Gregg Avenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reading, PA 19607</td>
</tr>
<tr>
<td>Council Member</td>
<td>Stratton P. Marmarou</td>
<td>1515 Linden Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reading, PA 19604</td>
</tr>
</tbody>
</table>
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______2016.

CITY OF READING
BERKS COUNTY, PENNSYLVANIA

By: ________________________________
    Wally Scott, Mayor

Attest: ______________________________
        Linda A. Kelleher CMC, City Clerk
COMMONWEALTH OF PENNSYLVANIA  :  
COUNTY OF BERKS  :

On this day of , 2014, before me a Notary Public in and for said Commonwealth, personally appeared the above named Vaughn Spencer and Linda A. Kelleher, who stated that their official positions in the City of Reading are, respectively, the Mayor and City Clerk of the City of Reading, and who, in due form of law, acknowledged the foregoing Articles of Incorporation to be the act and deed of said City of Reading for the purposes therein specified.

______________________________
Notary Public

NOTARIAL SEAL

My Commission Expires: ______________________
MEMBERS. The first members of the Board of said Reading Regional Water Authority, shall be specifically appointed members of said Board for the terms set commencing on the date of appointment and computed from the first Monday in January, 2017.

AUTHORITY TO EFFECT THE INCORPORATION OF THE AUTHORITY. The Mayor of the City is hereby authorized and directed to execute the Articles of Incorporation of the proposed Reading Regional Water Authority in substantially the form set forth in this Ordinance, and the City Clerk of the City is hereby authorized and directed to attest the same and to affix thereto the seal of the City. Such officers are authorized and directed to execute and deliver such other documents, agreements, certificates and instruments, and to do all acts necessary or appropriate to effect the incorporation of the proposed Reading Regional Water Authority, including, but not limited to, to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and the proposed filing of such Articles of Incorporation, to be published as required by the Municipality Authorities Act.

The Mayor of the City and the City Clerk of the City are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of the Reading Regional Water Authority, including payment of the required filing fees.

PURPOSES AND PROJECTS AUTHORIZED. The Reading Regional Water Authority shall have all the purposes, powers, and rights, as provided by the Municipality Authorities Act; provided, however, that the Authority shall be prohibited, without prior approval of City Council, from (a) undertaking any project which is not related to waterworks, water supply works or water distribution systems and (b) undertaking any project, whether or not related the waterworks, water supply works or water distribution systems, which involves the incurrence of any long term debt.

SEVERABILITY. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this City that such remainder shall be and shall remain in full force and effect.

REPEALER. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

EFFECTIVE DATE. This Ordinance shall take effect upon its advertisement and enactment as required by law.

DULY ENACTED, THIS _____ DAY OF ______________, 2016, BY THE COUNCIL OF CITY OF
READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL SESSION DULY ASSEMBLED.

Attest:  

CITY OF READING  
Berks County, Pennsylvania

_____________________________  By: __________________________________

Linda A. Kelleher CMC, City Clerk         Jeffrey Waltman, President of Council

(SEAL)
AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE, AS CODIFIED AS CHAPTER 600 OF THE CITY CODE, AND PARTICULARLY PROVIDING FOR THE REPEAL AND REPLACEMENT OF §600-2100 TELECOMMUNICATIONS TOWERS AND ANTENNA; AMENDING PORTIONS OF §600-800 DISTRICTS, §600-1202 SPECIAL EXCEPTIONS REPEALING TELECOMMUNICATIONS AND §600-1203 CONDITIONAL USE ADDING TELECOMMUNICATIONS AND §600-2200 DEFINITIONS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES AND NON-TOWER WIRELESS COMMUNICATION FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; SAVING CERTAIN PROVISIONS FROM REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby ORDAINED by the City of Reading City Council County, Commonwealth of Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

Findings of Fact.

By enacting this Ordinance, the City intends to:

a. Promote the health, safety and welfare of City residents and businesses with respect to wireless communications facilities;

b. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both City residents and wireless carriers in accordance with federal and state laws and regulations;

c. Establish procedures for the design, siting, construction, installation, maintenance and removal of both tower-based and non-tower based wireless communications facilities in the City, including facilities both inside and outside the public rights-of-way;

d. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other wireless communications facilities;

e. Encourage the co-location of wireless communications facilities on existing structures rather than the construction of new tower-based structures;
f. Protect City residents from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape; and

g. Update the City’s wireless facilities regulations to incorporate changes in federal and state laws and regulations.

SECTION I. Short Title.

This Ordinance shall be known as the “City of Reading Wireless Communications Facilities Ordinance.”

SECTION II. Amending Chapter 600-800 Districts as follows:

§ 600-810. C-H Commercial Highway District.

A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.

B. Allowed uses.

(1) Permitted-by-right uses: [Amended 2-14-2011 by Ord. No. 8-2011 Editor's Note: Amended during codification (see Ch. 1, General Provisions, Part 2). ]

- Banks and financial institutions, including drive-through
- Beverage distributors, beer and soft drinks
- Car wash
- College or university, not including residential uses, unless such dwellings meet the requirements for a dwelling occupied by a "family"
- Convenience stores, with or without auto fuel sales
- Emergency health-care facility/office
- Exercise clubs
- Fire and ambulance station
- Funeral homes
- Gardens, crop farming and forestry
- Home and garden supply centers
- Laundromats
- Miniature golf course
- Motels and hotels
- Municipal uses
- Nursing homes or personal-care centers
- Offices
- Parking lots and structures
- Passenger terminal facilities
- Personal service businesses
- Radio and television stations
- Recreational facilities, public parks and non-motorized recreation trails
- Residential uses: the same residential uses shall be allowed as are allowed in the R-3 District
- Restaurants, including eat-in, takeout, drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail stores which may include drive-through facilities
Social clubs and associations, PLCB and non-PLCB licensed. Such use shall not be open
between the hours of 12:00 midnight and 11:00 a.m. For any use that also meets the definition
of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.
Taxi headquarters
Temporary employment agencies and service
Vehicle sales or rental
Veterinary hospitals
Wholesale sales and services
(2) Accessory uses. See Part 10 unless otherwise noted.
   (a) Amusement devices: pursuant to § 600-1010 of this chapter.
   (b) Drive-through services: pursuant to § 600-1004 of this chapter.
   (c) Entertainment: pursuant to § 600-1005.
   (d) Home occupations, major or minor: see § 600-1006.
   (e) Off-site parking areas: pursuant to § 600-1008.
   (f) Telecommunications non-tower antenna if co-located on a municipal facility or a tower
that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See §
600-2106.
(3) Conditional uses. In compliance with § 600-1203.
   (a) Banquet hall.
   (b) Bottle clubs.
   (c) Group institution.
   (d) Public utilities.
   (e) Taverns and nightclubs.
   (f) Treatment center.
   (g) Telecommunications towers and facilities, including poles subject to Part 21 of this
chapter
(4) Special exception uses. In compliance with § 600-1202.
   (a) Adaptive reuse.
   (b) Amusement arcade.
   (c) Auto service stations or auto repair.
   (d) Day-care facilities.
   (e) Manufactured/mobile home park.
   (f) Pawn shop.
   (g) Place of worship.
   (h) Surface parking facility.
   (i) Telecommunications towers and facilities pursuant to Part 21 of this chapter.
   (j) Vehicle fuel sales.

§ 600-811. M-C Manufacturing Commercial District.
A. Dimensional requirements. Editor’s Note: See Table of Dimensional Requirements included
at the end of this chapter.
B. Allowed uses.
(1) Permitted-by-right uses. [Amended 2-14-2011 by Ord. No. 8-2011]

Manufacture or industrial processing within an enclosed building involving the following: (as listed on the North American Industrial Classification System, as applicable)

Assembly and packaging
Electronic and electrical equipment
Fabricated metals products
Food and beverage products
Leather and leather products (not including curing, tanning and finishing of hides)
Machinery
Medical and scientific equipment and related products
Motor freight transportation and warehousing
Non-PUC telecommunications facilities
Paper and allied products (other than raw paper pulp)
Petroleum and coal products, other than asphalt manufacture or petroleum refining
Pottery and ceramics
Primary metals industries
Railroad transportation
Research and development facilities
Rubber, synthetic rubber, resins and miscellaneous products
Sporting goods, toys, jewelry
Stone, clay and glass products
Textiles and apparel
Tobacco products
Transportation equipment
Transportation and public utilities
Wood products and furniture
Auto repair and car washes, in compliance with § 600-1105
Banks and financial institutions
College or university, not including residential uses
Convenience stores with fuel sales
Employee agencies and services
Exercise club
Fire and ambulance stations
Flex space buildings that include one or more permitted-by-right business uses
Gardens, crop farming and forestry
Lumber and building material supply center, retail or wholesale
Municipal uses
Offices and medical laboratories
Radio and television stations
Recreation facilities, public parks and non-motorized recreation trails
Restaurants, which may not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
Retail and wholesale sales and services
Self-storage facilities
Swimming pool as principal use
Taxi headquarters
Telecommunications towers and facilities, pursuant to Part 21 of this chapter.
Facilities may be placed on a leased area.
Trade, vocational and hobby schools, not including residential uses
Vehicle sales or rental
Warehouse, distribution and storage facilities

(2) Accessory uses. See Part 10, unless otherwise noted.
(a) Drive-through services for allowed principal uses: pursuant to § 600-1004 of this chapter.
(b) Entertainment: pursuant to § 600-1005 of this chapter.
(c) Swimming pools, accessory.
(d) Telecommunications non-tower antenna if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.
(e) Wind turbine as an accessory use in compliance with § 600-1012.

(3) Conditional uses. In compliance with § 600-1203.
(a) Banquet hall.
(b) Public utilities, other than City-owned or City-operated uses and other than utility lines.
(c) Taverns and nightclubs.
(d) Telecommunications antenna, towers and facilities, including poles, subject to Part 21 of this chapter.

(4) Special exception uses. In compliance with § 600-1202.
(a) Day-care facilities.
(b) Kennels.
(c) Manufacture or industrial processing of chemicals and allied products.
(d) Manufacture of plastics and polymers.

C. Additional requirements.
(1) A minimum of 10% of the lot shall be devoted to areas landscaped with trees and shrubs and vegetative ground cover. This area shall not be used for any other purpose.
(2) All activities shall take place indoors; all outdoor storage shall be screened from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.
(3) Landscaped buffer strips, meeting Part 14 with a minimum of 10 feet wide in M-C Zones and 25 feet wide in H-M Zones, and plant screening shall be provided in every case where an industrial use abuts a principally residential use. In addition, where a residential district is located across a street or alley from a new or expanded industrial use, a ten-foot wide landscaped buffer strip shall be provided alongside such street or alley along such adjacent front, side or rear lot line.
(4) Truck loading and unloading areas shall be provided in an amount sufficient to permit
the transfer of goods in other than a public street or front yard setback areas.

(5) Entrance and exit to permitted uses shall be clearly marked.

(6) Any glare, vibration or noise resulting from the use shall not be evident beyond the boundaries of the zoning district.

(7) The operation shall not result in the dissemination of smoke, dust, chemicals or odors into the air to such a degree as to be detrimental to the health, safety and welfare of any adjacent residents.

(8) Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

(9) A minimum seventy-five-foot setback shall apply from the average water level of the Schuylkill River for any new or expanded vehicle parking, outdoor storage area or building. This requirement shall not apply for recreational uses open for free for use by the general public.

§ 600-812. H-M Heavy Manufacturing District.
A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.
B. Allowed uses.
   (1) Permitted-by-right uses:
      (a) Manufacturing or industrial processing involving the following: (as listed in the North American Industrial Classification System, where applicable)
         [9] Petroleum and coal products, other than asphalt.
         [10] Primary metals industries.
         [16] Transportation equipment.
      (b) Banks and financial institutions.
      (c) College or university, not including residential uses.
      (d) Exercise clubs.
      (e) Fire and ambulance station.
(f) Flex space buildings, including two or more permitted business uses.
(g) Gardens, crop farming and forestry.
(h) Landing area for a helicopter, provided it meets requirements of State and Federal Aviation Agencies.
(i) Municipal uses.
(j) Offices.
(k) Radio and television stations.
(l) Recreation facilities, public parks and non-motorized recreation trails.
(m) Research and development facilities.
(n) Self-storage facilities.
(o) Telecommunications facilities other than towers and antennas. Lot size may be reduced to 2,500 square feet when on leased parcel, provided the structure may not be located in setback areas.
(p) Telecommunications towers and antennas pursuant to Part 21 of this chapter. See §§ 600-2106C(3).
(q) Trade, vocational and hobby schools, not including residential uses.
(r) Warehousing, storage, distribution, trucking or intermodal transfer facilities.
(s) Wind turbine as an accessory use in compliance with § 600-1012.

(2) Accessory uses. See Part 10 unless otherwise noted.
   (a) Telecommunications non-tower antenna if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.

(3) Conditional uses. See § 600-1203.
   (a) Group institution.
   (b) Junkyard.
   (c) Manufactured home parks.
   (d) Massage parlor (not including "massage therapy"), which shall meet the same regulations as a sexually oriented business, in addition to the City of Reading Code requirements.
   (e) Sexually oriented business: pursuant to § 600-1203.
   (f) Temporary shelter.
   (g) Treatment center.

   (h) Telecommunications antenna, towers and facilities, including poles, pursuant to Part 21 of this chapter.

(4) Special exception uses:
   (a) Manufacture of plastics and polymers.
   (b) Manufacture and industrial processing of chemicals and allied products.
   (c) Manufacture of asphalt.
   (d) Solid waste transfer facility.
   (e) Such other manufacturing and industrial uses as the applicant proves to the satisfaction of the Zoning Hearing Board will be similar to allowed uses and will not create hazards to public health and safety.

C. Additional requirements. Section 600-811C shall also apply to the H-M District.
§ 600-816. MU Municipal District.
A. Dimensional requirements. Editor's Note: See Table of Dimensional Requirements included at the end of this chapter.
B. Allowed uses.
   (1) Permitted-by-right uses:
      (a) Wastewater treatment operations.
      (b) Law enforcement operations.
      (c) Firefighting and rescue service operations.
      (d) Recycling operations.
      (e) Multiple principal uses and occupancies on single parcels within the Municipal Use District are expressly authorized; where common (City) ownership makes subdivision otherwise unnecessary; "area and bulk" standards shall apply to the property as a whole. The adequacy of separations between uses shall be established by agreement between the City's representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.
      (f) Governmental offices and public works facilities.
      (g) Public recreation facilities.
      (h) Non-motorized recreation trails.
   (2) Accessory uses. See Part 10 unless otherwise noted.
      (a) Telecommunications non-tower antenna if co-located on a municipal facility or a tower that existed prior to the approval of this part and pursuant to Part 21 of this chapter. See § 600-2106.
   (3) Conditional Permit uses:
      (a) Telecommunications towers, antennas and facilities, including poles, pursuant to Part 21 of this chapter.

SECTION III. Amending Chapter 600-2206 Telecommunications Definitions by adding the following:

1. Antenna—any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include Tower-Based Wireless Communications Facilities defined below.

2. Co-location—the mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF or utility or light pole.

3. Distributed Antenna Systems (DAS)—network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
4. **Emergency**—a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.

5. **FCC**—Federal Communications Commission.

6. **Monopole**—a WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

7. **Non-Tower Wireless Communications Facility (Non-Tower WCF)**—all non-tower wireless communications facilities, including but not limited to, Antennae and related equipment. Non-Tower WCF shall not include support structures for Antennae and related equipment.

8. **Persons**—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that Person does not include or apply to the City or to any department or agency of the City.

9. **Right-of-Way or ROW**—the surface of and space above and below any real property in the City in which the City or Commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the City or Commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for Utility purposes, but excluding lands other than Streets that are owned by the City or Commonwealth. The phrase “in the Right(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.

10. **Stealth Technology**—camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.

11. **Substantially Change**—(1) any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.
12. *Tower-Based Wireless Communications Facility (Tower-based WCF)*—any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs.

13. *City*—City of Reading, Berks County, PA

14. *Wireless*—transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

15. *Wireless Communications Facility (WCF)*—the Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

16. *Wireless Communications Facility Applicant (WCF Applicant)*—any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public ROW or other City owned land or property.

17. *Wireless Support Structure*—a freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the City.

**SECTION IV. Repealing and replacing §600-2100 Telecommunications Towers and Antenna as follows:**

**§600-2101 Purpose and Scope.**
A. The purpose of this Ordinance is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in City of Reading. While the City recognizes the importance of wireless communications facilities in providing high quality communications service to its residents and businesses, the City also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

**§600-2102. General Requirements for All Tower-Based Wireless Communications Facilities.**

The following regulations shall apply to all Tower-Based Wireless Communications Facilities:

1. Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and
repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

2. **Wind.** Any Tower-Based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

3. **Height.** Any Tower-Based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of one hundred fifty (150) feet, which height shall include all subsequent additions or alterations. All Tower-Based WCF applicants must submit documentation to the City justifying the total height of the structure.

4. **Public Safety Communications.** No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

5. **Maintenance.** The following maintenance requirements shall apply:
   
   a. Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
   
   b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City’s residents.
   
   c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

6. **Radio Frequency Emissions.** No Tower-Based WCF may, by itself or in conjunction with other WCF’s, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”, as amended.

7. **Historic Buildings or Districts.** No Tower-Based WCF may be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts list maintained by the City, or has been designated by the City as being of historic significance.

8. **Identification.** All Tower-Based WCF’s shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the City.

9. **Lighting.** Tower-Based WCF shall not be artificially lighted, except as required by law and as may be approved by the City. If lighting is required, the applicant shall provide a detailed plan for sufficient
lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.

10. **Appearance.** Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings.

11. **Noise.** Tower-Based WCF’s shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the City Code, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.

12. **Aviation Safety.** Tower-Based WCF’s shall comply with all federal and state laws and regulations concerning aviation safety.

13. **Retention of Experts.** The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City’s consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of any zoning permit.

14. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCF’s shall be acted upon within one hundred-fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the City shall advise the applicant in writing of its decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.

15. **Non-Conforming Uses.** Non-conforming Tower-Based WCF’s which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this Ordinance.

16. **Removal.** In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:

   a. All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.

   b. If the WCF and/or accessory facility is not removed within six (6) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and
accessory facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

c. Any unused portions of Tower-Based WCFs, including Antennas, shall be removed within six (6) months of the time of cessation of operations. The City must approve all replacements of portions of a Tower-Based WCF previously removed.

17. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

§600-2103 Tower-Based Facilities Outside the Rights-of-Way

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Rights-of-Way:

1. Development Regulations:

a. **Prohibited in Residential Zones.** No Tower-Based WCF shall be located in a district zoned residential or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF’s are permitted only by Conditional Use in such districts as specified in §600-800 Districts – sections 810, 811, 812, 816.

b. **Gap in Coverage.** An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City’s decision on an application for approval of Tower-Based WCF’s.

c. **Sole Use on a Lot.** A Tower-Based WCF is permitted as a sole use on a lot subject to the minimum lot area and yards complying with the requirements for the applicable zoning district in Section 600-800.

d. **Combined with Another Use.** A Tower-Based WCF may be permitted on a property with an existing use or on a vacant parcel in combination with another industrial, commercial, institutional or municipal use, subject to the following conditions:

   i. The existing use on the property may be any permitted use in the applicable district as per Section 600-800, and need not be affiliated with the communications facility.

   ii. **Minimum Lot Area.** The minimum lot shall comply with the requirements for the applicable district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.

   iii. **Minimum Setbacks.** The Tower-Based WCF and accompanying equipment building shall comply with the requirements for the applicable zoning district, provided that no
Tower-Based WCF shall be located within five hundred (500) feet of a lot in residential use or a residential district boundary.

2. **Notice.** Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

3. **Co-Location.** An application for a new Tower-Based WCF shall not be approved unless the City finds that the wireless communications equipment planned for the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a two-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

4. **Design Regulations:**
   
   a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.
   
   b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.
   
   c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.

5. **Surrounding Environs:**
   
   a. The WCF applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
   
   b. The WCF applicant shall submit a soil report to the City complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222-E, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.

6. **Fence/Screen:**


a. A security fence having a maximum height of six (6) feet shall completely surround any Tower-Based WCF, guy wires, or any building housing WCF equipment.

b. An evergreen screen that consists of a hedge, or a row of evergreen trees shall be located along the perimeter of the security fence.

c. The WCF applicant shall submit a landscape plan for review and approval by the City Planning Commission for all proposed screening.

7. **Accessory Equipment:**

   a. Ground-mounted equipment associated to, or connected with, a Tower-Based WCF shall be underground. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the City Engineer, then the ground mounted equipment shall be screened from public view using Stealth Technologies, as described above.

   b. All utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

8. **Additional Antennae.** As a condition of approval for all Tower-Based WCFs, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.

9. **Access Road.** An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the City that the property owner has granted an easement for the proposed facility.

10. **Bond.** Prior to the issuance of a permit, the owner of a Tower-Based WCF outside the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond or other form of security acceptable to the City Solicitor, in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file the bond with the City.

11. **Visual or Land Use Impact.** The City reserves the right to deny an application for the construction or placement of any Tower-Based WCF based upon visual and/or land use impact.
12. **Inspection.** The City reserves the right to inspect any Tower-Based WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§600-2104  **Tower-Based Facilities in the Rights-of-Way**

A. The following regulations shall apply to Tower-Based Wireless Communications Facilities located in the Rights-of-Way:

1. **Prohibited in Residential Zones.** No Tower-Based WCF shall be located within a residential zone or within 500 feet of a lot in residential use or a residential district boundary. Tower-Based WCF’s are only permitted in such districts as specified in §600-800 Districts, sections 810, 811, 812 and 816.

2. **Gap in Coverage.** An applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage exists with respect to all wireless operators in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage shall be a factor in the City’s decision on an application for approval of Tower-Based WCF’s in the ROW.

3. **Notice.** Upon receipt of an application for a Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the property or parcel of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

4. **Co-location.** An application for a new Tower-Based WCF in the ROW shall not be approved unless the City finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a Tower-Based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a one-mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the City that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.

5. **Time, Place and Manner.** The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF’s in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

6. **Equipment Location.** Tower-Based WCF’s and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards.
to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:

a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;

b. Ground-mounted equipment that cannot be undergrounded shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

c. Required electrical meter cabinets shall the screened to blend in with the surrounding area to the satisfaction of the City.

d. Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

e. Any underground vaults related to Tower-Based WCF’s shall be reviewed and approved by the City.

7. Design Regulations.

a. The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.

b. Any height extensions to an existing Tower-Based WCF shall require prior approval of the City, and shall not increase the overall height of the Tower-Based WCF to more than one hundred fifty (150) feet. The City reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the City.

c. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's Antennas and comparable Antennae for future users.

8. Visual or Land Use Impact. The City reserves the right to deny the construction or placement of any Tower-Based WCF in the ROW based upon visual and/or land use impact.

9. Additional Antennae. As a condition of approval for all Tower-Based WCFs in the ROW, the WCF applicant shall provide the City with a written commitment that it will allow other service providers to co-locate Antennae on Tower-Based WCFs where technically and economically feasible. The owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the City.
10. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

   a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;

   b. The operations of the City or other governmental entity in the Right-of-Way;

   c. Vacation of a street or road or the release of a utility easement; or

   d. An Emergency as determined by the City.

11. Compensation for ROW Use. In addition to permit fees as described in Section §600-2102.17 above, every Tower-Based WCF in the ROW is subject to the City’s right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Tower-Based WCF shall pay an annual fee to the City to compensate the City for the City’s costs incurred in connection with the activities described above. The Annual ROW management fee for Tower-Based WCF’s shall be determined by the City and authorized by ordinance and shall be based on the City’s actual ROW management costs as applied to such Tower-Based WCF.

12. Bond. Prior to the issuance of a permit, the owner of a Tower-Based WCF in the ROW shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of $100,000 to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

§600-2105 General Requirements for All Non-Tower Wireless Communications Facilities

A. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that do not substantially change the physical dimensions of the Wireless Support Structure to which they are attached:

   1. Permitted in All Zones Subject to Regulations. Non-Tower WCF’s are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.
2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

3. **Standard of Care.** Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

4. **Wind.** Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

5. **Public Safety Communications.** No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

6. **Aviation Safety.** Non-Tower WCF’s shall comply with all federal and state laws and regulations concerning aviation safety.

7. **Radio Frequency Emissions.** No Non-Tower WCF may, by itself or in conjunction with other WCF’s, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”, as amended.

8. **Removal.** In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
   a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
   b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.
9. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete an application, the time required by the applicant to provide the information shall not be counted toward the City’s ninety (90) day review period.

10. Permit Fees. The City may assess appropriate and reasonable permit fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Non-Tower WCF or $1,000, whichever is less.

B. The following regulations shall apply to all Non-Tower Wireless Communications Facilities that Substantially Change the Wireless Support Structure to which they are attached:

1. **Permitted in All Zones Subject to Regulations.** Non-Tower WCF’s are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the City.

2. Upon receipt of an application for any Non-Tower-Based WCF, the City shall mail notice thereof to the owner or owners of every property zoned residential on the same street within 500 linear feet of the parcel or property of the proposed facility and of every property zoned residential not on the same street within 500 feet of the parcel or property of the proposed facility if the application will be heard as a Conditional Use or a Variance.

3. **Standard of Care.** Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the City.

4. **Wind.** Any Non-Tower WCF structures shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSFEINTIA-222-E Code, as amended).

5. **Public Safety Communications.** No Non-Tower WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
6. **Historic Buildings.** Non-Tower WCFs may not be located on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places or the official historic structures and/or historic districts lists maintained by the City or has been designated by the City as being of historic significance.

7. **Aviation Safety.** Non-Tower WCF’s shall comply with all federal and state laws and regulations concerning aviation safety.

8. **Maintenance.** The following maintenance requirements shall apply:
   
   a. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
   
   b. Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the City’s residents.
   
   c. All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.

9. **Radio Frequency Emissions.** No Non-Tower WCF may, by itself or in conjunction with other WCF’s, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields”, as amended.

10. **Removal.** In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the City of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
   
   a. All abandoned or unused WCFs and accessory facilities shall be removed within three (3) months of the cessation of operations at the site unless a time extension is approved by the City.
   
   b. If the WCF or accessory facility is not removed within three (3) months of the cessation of operations at a site, or within any longer period approved by the City, the WCF and/or associated facilities and equipment may be removed by the City and the cost of removal assessed against the owner of the WCF.

11. **Timing of Approval.** Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the City, the City shall notify the applicant in writing of any information that may be required to complete such application. Within ninety (90) calendar days of receipt of a complete application, the City shall make its final decision on whether to approve the application and shall advise the applicant in writing of such decision. If additional information was requested by the City to complete
an application, the time required by the applicant to provide the information shall not be counted toward the City’s ninety (90) day review period.

12. **Retention of Experts.** The City may hire any consultant(s) and/or expert(s) necessary to assist the City in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Ordinance. The applicant and/or owner of the WCF shall reimburse the City for all costs of the City’s consultant(s) in providing expert evaluation and consultation in connection with these activities prior to the issuance of the zoning permit.

13. **Bond.** Prior to the issuance of a permit, the owner of each individual Non-Tower WCF shall, at its own cost and expense, obtain from a surety licensed to do business in Pennsylvania and maintain a bond, or other form of security acceptable to the City Solicitor, in an amount of $25,000 for each individual Non-Tower WCF, to assure the faithful performance of the terms and conditions of this Ordinance. The bond shall provide that the City may recover from the principal and surety any and all compensatory damages incurred by the City for violations of this Ordinance, after reasonable notice and opportunity to cure. The owner shall file a copy of the bond with the City.

14. **Permit Fees.** The City may assess appropriate and reasonable permit fees directly related to the City’s actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs. The Fee Schedule is located in Chapter 212.

**§600-2105 Non-Tower Wireless Facilities Outside the Rights-of-Way**

The following additional regulations shall apply to Non-Tower Wireless Communications Facilities located outside the Rights-of-Way that Substantially Change the Wireless Support Structure to which they are attached:

1. **Development Regulations.** Non-Tower WCFs shall be co-located on existing structures, such as existing buildings or Tower-Based WCF’s subject to the following conditions:
   
   a. Such WCF does not exceed a maximum height of one hundred fifty (150) feet.
   
   b. If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
   
   c. A six (6) foot high security fence shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

2. **Design Regulations.**
a. Non-Tower WCFs shall employ Stealth Technology and be treated to match the supporting structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF applicant shall be subject to the approval of the City.

b. Non-Tower WCFs, which are mounted to a building or similar structure, may not exceed a height of fifteen (15) feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use permit.

c. All Non-Tower WCF applicants must submit documentation to the City justifying the total height of the Non-Tower structure. Such documentation shall be analyzed in the context of such justification on an individual basis.

d. Antennae, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension than is reasonably necessary for their proper functioning.

e. Non-Commercial Usage Exemption. The design regulations enumerated in this Section shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

3. Removal, Replacement, Modification.

a. The removal and replacement of Non-Tower WCFs and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of Antennae.

b. Any material modification to a wireless telecommunication facility shall require a prior amendment to the original permit or authorization.

4. Visual or Land Use Impact. The City reserves the right to deny an application for the construction or placement of any Non-Tower WCF based upon visual and/or land use impact.

5. Inspection. The City reserves the right to inspect any WCF to ensure compliance with the provisions of this Ordinance and any other provisions found within the City Code or state or federal law. The City and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

§600-2106 Non-Tower Wireless Facilities in the Rights-of-Way

A. The following additional regulations shall apply to all Non-Tower Wireless Communications Facilities located in the Rights-of-Way:
1. **Co-location.** Non-Tower WCFs in the ROW shall be co-located on existing poles, such as existing utility poles or light poles.

2. **Design Requirements:**
   a. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
   b. Antennae and all support equipment shall be treated to match the supporting structure. WCFs and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.

3. **Compensation for ROW Use.** In addition to permit fees as described above, every Non-Tower WCF in the ROW is subject to the City’s right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the City’s actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the City. The owner of each Non-Tower WCF shall pay an annual fee to the City to compensate the City for its costs incurred in connection with the activities described above. The Annual ROW management fee for Non-Tower WCF’s shall be determined by the City and authorized by ordinance and shall be based on the City’s actual ROW management costs as applied to such Non-Tower WCF.

4. **Time, Place and Manner.** The City shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF’s in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the City and the requirements of the Public Utility Code.

5. **Equipment Location.** Non-Tower WCF’s and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the City. In addition:
   a. In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb;
   b. Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the City Engineer or his designee, that ground-mounted equipment cannot be installed underground, then all such equipment shall be screened, to the
fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the City.

c. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the City.

d. Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within ten (10) business days of notice of the existence of the graffiti.

e. Any underground vaults related to Non-Tower WCF’s shall be reviewed and approved by the City.

6. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the City, or such longer period as the City determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the City, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:

a. The construction, repair, maintenance or installation of any City or other public improvement in the Right-of-Way;

b. The operations of the City or other governmental entity in the Right-of-Way;

c. Vacation of a street or road or the release of a utility easement; or

d. An Emergency as determined by the City.

7. Visual or Land Use Impact. The City retains the right to deny an application for the construction or placement of a Non-Tower WCF based upon visual and/or land use impact.

§600-2107 Violations Applicable to All Wireless Facilities

1. Penalties. Any Person violating any provision of this Ordinance shall be subject, upon finding by a magisterial district judge, to a penalty not exceeding five hundred dollars ($500), for each and every offense, together with attorneys’ fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this Ordinance and any other remedy at law or in equity, the City may apply to a Federal District Court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this Ordinance.

2. Determination of Violation. In the event a determination is made that a Person has violated any provision of this Ordinance, such Person shall be provided written notice of the determination and the reasons therefore. Except in the case of an Emergency, the Person shall have thirty (30) days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the
City may, in its reasonable judgment, extend the time period to cure, provided the Person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the City may take any and all actions authorized by this Ordinance and/or federal and/or Pennsylvania law and regulations.

SECTION V. Amending §600-1203 Conditions for Conditional Use by adding Telecommunications Facility, Towers and Antenna as follows:

§600-1203. Conditions for conditional uses.
N. Telecommunications facility, towers and antenna (Note see §600-800, 2100 and 2206)
(1) The applicant shall present a plan showing the following items:
   (a) Locations of all existing uses and proposed telecommunications facilities
   (b) Elevations of any existing uses and proposed telecommunications facilities
   (c) Vehicular access, fencing and any easements for access and utilities
   (d) The locations desired with two (2) alternative locations
(2) The telecommunications facility shall comply with all State and Federal laws and regulations concerning aviation safety.
(3) The applicant shall provide Stealth Technology to camouflage the proposed facility to make them more visually appealing and blend the proposed facility to render it minimally visible to the casual observer defined.
(4) The City may retain the assistance of a consultant and/or expert to assist in the review and evaluation of the application. The applicant shall be responsible for all costs charged by the consultant and/or expert in connection with these activities. All associated fees and costs must be paid to the City prior to the issuance of the zoning permit, if the application is approved.
(5) If additional information is requested by the City or the consultant and/or expert from the applicant, the time required by the applicant to provide the additional information shall not be counted toward the 150 day review period.

SECTION VI. Amending Section §600-1202 Special Exceptions by eliminating telecommunication towers and renumbering the section as required as follows:

§ 600-1202. Conditions for special exception uses.
A. Adaptive reuse.
B. Bed-and-breakfast inn.
C. Cemeteries. Cemeteries shall be allowed as provided in Part 8 and shall meet the following standards:
D. Day-care facilities.
E. Colleges, universities, primary and secondary schools and trade/hobby schools.
F. Amusement arcade.
G. Home occupations, major.
H. Hospitals and centers for the care of children.
I. Kennels.
J. Life-care retirement facility and nursing home.
K. Nursing homes. See "life-care retirement facility and nursing home" in this section.
L. Parks, playgrounds and public buildings. This term includes parks and playgrounds operated by the federal, state or local government or nonprofit organizations as well as public buildings operated by governmental agencies.

M. Pawn shops.

N. Places of worship. The proposed use shall be a bona fide nonprofit religious use.

O. Private surface parking facilities (lot or structure).

P. Swimming pools as a principal use.

Q. Telecommunications towers and facilities. Telecommunications towers and facilities shall be allowed as provided in the zoning district regulations, provided they meet the standards outlined in Part 21 of this chapter in addition to any stipulations set forth by the Zoning Hearing Board. See § 600-2106C(3) for antenna attached to a building.

SECTION VII. Miscellaneous

1. Police Powers. The City, by granting any permit or taking any other action pursuant to this Chapter, does not waive, reduce, lessen or impair the lawful police powers vested in the City under applicable federal, state and local laws and regulations.

2. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.

3. Effective Date. This Ordinance shall become effective ten (10) days after enactment by the City Council.

ENACTED AND ORDAINED this _____ day of ________________, 2016.

ATTEST:

City Clerk ___________________________ Council President ___________________________

Submitted to Mayor by: ___________________________
Date Submitted: ___________________________
Received in Mayor’s Office by: ___________________________
Date Received: ___________________________
Approved by Mayor: ___________________________
Date Approved: ___________________________
Vetoed by Mayor: ___________________________
Date Vetoed: ___________________________
AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A TERMINATION AND
MUTUAL RELEASE AGREEMENT RE THE REDEVELOPMENT PROJECT OF
PROPERTIES SITUATED ON PENN STREET BETWEEN FOURTH & FIFTH
STREETS, READING, BERKS COUNTY, PENNSYLVANIA.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Pursuant to Bill No. 82-2014, the City of Reading entered into a certain
Redevelopment Agreement for certain Penn Square Properties with Our City-Reading,
Inc.

SECTION 2. The City of Reading and Our City-Reading, Inc. desire to end said
Redevelopment Agreement.

SECTION 3. The Mayor is hereby authorized to execute a Termination and Mutual
Release Agreement (attached hereto).

SECTION 4. This ordinance shall be effective ten (10) days after passage by City
Council and approval by the Mayor as set forth in the City of Reading Home Rule
Charter Article II Section 219.

Enacted__________________, 2017

________________________________
President of Council

Attest:

________________________________
City Clerk

Sent to Mayor ______
Date: __________
Signed by Mayor ______
Date: __________
Vetoed by Mayor: ______
Date: __________
Over-riden by Council:
Date: __________
TERMINATION AND MUTUAL RELEASE AGREEMENT

This Termination and Mutual Release Agreement (this “Agreement”), made this ___ day of ____________, 2016, is by and among the City of Reading, a political subdivision of the Commonwealth of Pennsylvania with offices at 815 Washington Street, Reading PA 19601 (the “City”), Penn Square MT LP, a Pennsylvania limited partnership (the “MT LP”), Penn Square MT Manager, Inc., a Pennsylvania corporation (“PSMT Manager”) and Our City Reading, Inc., a Pennsylvania non-profit corporation (“OCR”). The signatories to this Release are referred to individually as a “Party” and jointly as the “Parties.”

RECATALS:

(A) The City is the owner of certain buildings situated on Penn Street, between 4th Street and 5th Street, Reading, Pennsylvania (collectively, the “Buildings”), as more particularly legally described in Exhibit A attached hereto and made a part hereof, together with certain other improvements and all appurtenances, easements, rights of way and other rights belonging to or in any way pertaining thereto or to the Buildings (collectively, the “Properties”), together with all personal property located thereon and therein for the purposes of operating the Property for residential and commercial lease purposes.

(B) The Properties were acquired by the City on or about August 13, 2013 for the amount of $2,614,408.84.

(C) The City made the redevelopment of the Properties a priority in recognition of the importance of such redevelopment to higher and better uses than existed for the general improvement of the Penn Street downtown corridor.

(D) OCR is a community and economic development non-profit corporation, exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code, with extensive experience in developing, leasing and managing both commercial and residential properties within the City of Reading, Pennsylvania.

(E) The City engaged OCR to assist it in the redevelopment of the Properties (the “Redevelopment Project”) and to work in concert with the City to enhance the success of the Redevelopment Project as evidenced by, inter alia, (i) that certain Penn Square Redevelopment Agreement, dated November 14, 2014, by and between the City and OCR (the “Redevelopment Agreement”); and (ii) that certain City Council Resolution 81 2014 (“Resolution 81”), whereby the City Council of the City of Reading designated OCR as the City’s redevelopment partner and gave it the responsibility of coordinating the construction, renovation and leasing of the Properties.

(F) The City and OCR worked together to structure the Redevelopment Project in a manner (i) that qualifies for historic rehabilitation tax credit allowed for qualified rehabilitation expenditures incurred in connection with the “certified rehabilitation” of a “certified historic structure” (the “Historic Tax Credits”) pursuant to Section 47 of the Internal Revenue Code of 1986, as amended from time to time, or any corresponding provision or provisions of prior or succeeding law (the “Code”) and (ii) to accommodate incubators, office space, and restaurants (the
“Project”). The City further agreed to make certain loans and grants available as more fully described below.

(G) The City and PSMT Manager (as general partners) and OCR (as limited partner) formed a Pennsylvania limited liability company called “Penn Square MT LP” (“MT LP”) pursuant to that certain limited partnership agreement dated as of September 30, 2015 (the “Limited Partnership Agreement”).

(H) The City maintains ownership of the Properties and leased the Properties to MT LP pursuant to that certain Master Lease Agreement dated September 30, 2015 between the City (as landlord) and MT LP (as master tenant) (the “Lease Agreement”).

(I) MT LP engaged OCR as the exclusive managing agent of the Properties pursuant to that certain Management Agreement dated September 30, 2015 between MT LP and OCR (the “Management Agreement”; together with the Redevelopment Agreement, the Lease Agreement and the Limited Partnership Agreement, collectively, the “Transaction Documents”), pursuant to which OCR agreed to manage the day-to-day management and operation of the Properties.

(J) In order to finance the Redevelopment Project, as of the date of this Agreement, the following loans and grants were made:

1. **$1,500,000 HUD 108 Loan.** The City made application to the United States Department of Housing and Urban Development (“HUD”) for a loan under Section 108 of the Housing and Community Development Act of 1974 (the “Application”) in an amount of One Million Five Hundred Thousand Dollars ($1,500,000.00) (the “108 Loan”). The Application was approved by HUD and is secured by (i) an Open-End Leasehold Mortgage and Security Agreement recorded against the Properties (the “Mortgage”) as a first lien position against the leasehold interest in the Property. The City has entered into a Contract for Loan Guaranty Assistance under Section 108 of the Housing and Community Development Act of 1974 (the “Contract for Loan Guaranty”) with HUD by which HUD has agreed to make the 108 Loan to the City. The City in turn, as the borrower from HUD, loaned the 108 Loan proceeds to MT LP for use in the Redevelopment Project (the “City 108 Loan”). As security for the City 108 Loan, MT LP granted the Mortgage to the City. The City 108 Loan was evidenced by and secured by a number of loan documents, including without limitation that certain Loan Agreement, Note, the Mortgage, the Assignment of Leases and Rents, Assignment of Management Agreement, and any guarantee and all documents collateral thereto and entered in connection therewith are hereinafter, collectively referred to as the “HUD 108 Loan Documents”. The City 108 Loan proceeds have not been dispersed to MT LP by the City and may only be used for the sole and exclusive purpose of the Redevelopment Project.

2. **$750,000 BEDI Grant.** The City was awarded that certain Brownfield Economic Development Initiative grant (the “BEDI Grant”) from the U.S. Department of Housing and Urban Development (“HUD”) with respect to the Redevelopment Project in the amount of Seven Hundred and Fifty Thousand
Dollars ($750,000). The City sub-granted the Grant to OCR and by the sub-grant, OCR agreed to accept the BEDI Grant funds on behalf of MT LP in further financing of the Redevelopment Project through a loan facility provided OCR. The BEDI Grant has been used by MT LP to pay utilities of the Properties. As of March 1, 2016 the remaining BEDI Grant proceeds equaled $670,290. All documents executed in connection with the BEDI Grant are hereinafter, collectively referred to as the “BEDI Grant Documents”.

3. $300,000 CDBG. The City made a Community Development Block Grant Loan, as guaranteed by HUD, to MT LP in the principal amount of Three Hundred Thousand Dollars ($300,000) for working capital costs in connection with the Redevelopment Project (the “CDBG Loan”). The CDBG Loan was evidenced by and secured by a number of loan documents, including without limitation that certain Loan Agreement, Note, the Mortgage, the Assignment of Leases and Rents, Assignment of Management Agreement, and any guarantee and all documents collateral thereto and entered in connection therewith are hereinafter, collectively referred to as the “CDBG Loan Documents”; together with the HUD 108 Loan Documents and the BEDI Grant Documents, collectively, the “Finance Documents”.

(K) The City has requested and OCR, PSMT Manager and MT LP have agreed, pursuant to the terms and conditions of this Agreement to (i) terminate the Redevelopment Project in order to permit the City to sell the Properties or find another development manager; (ii) terminate all Transaction Document, (iii) dissolve and liquidate PSMT, (iv) return any and all remaining grant and loan proceeds; and (v) release each Party hereto from any and all claims and liabilities as more specifically set forth herein.

NOW, THEREFORE, and in consideration of the covenants, promises and conditions set forth herein, as well as, the execution of this Agreement and promises set forth below, the undersigned hereby agrees as follows:

Termination of Transaction and Finance Documents. On the Effective Date, the Parties, for mutual convenience, hereby agree that all of the terms, agreements and obligations contained in any and all of the Transaction Documents and Finance Documents shall and hereby are immediately and irrevocably terminated in all respects and shall be of no further force or effect. On the Effective Date, no Party shall have (except as otherwise expressly set forth herein) any obligation, responsibility, or liability to the other Party for any reason whatsoever in connection with the Transaction Documents and Finance Documents, including, but not limited to the Redevelopment Project or the repayment of any amount due and owing to one another under the Finance Documents, and any and all other past, present, or future payments, performance, or any other obligations under the Transaction Documents and Finance Documents.

Survival. Notwithstanding the terms of this Agreement, the provisions of the Agreements which by their terms are intended to survive termination of such Agreements shall survive the termination effected hereby.
Conveyance of Control. The Parties covenant and agree that immediately upon the Effective Date (1) any remaining BEDI Grant proceeds shall be conveyed and turned over to the City within three (3) business days of the Effective Date; (2) management, control and operation of the Properties shall be deemed transferred and assigned to and in the complete dominion and control of the City in all respects; (3) the City shall return the 108 Loan proceeds to HUD or follow any other written direction of HUD with respect to the 108 Loan.

Conditions Precedent. The effectiveness of this Agreement, and the Party's obligations hereunder, are conditioned upon the fulfillment by the Parties of all of the following conditions precedent (the date such conditions have been satisfied, the “Effective Date”):

- the execution of this Agreement by all Parties;
- receipt by all Parties of a written resolution by the City Council of the City of Reading authorizing the execution of this Agreement by Mayor Wally Scott on behalf of the City; and
- written approval from HUD that the parties may enter into and effectuate the terms of this Agreement at no liability or expense to the Parties and that the 108 Loan and all liens and security interests securing the 108 Loan shall be released and terminated, or alternatively, reallocated or used for such other purposes as approved by HUD.

This Agreement shall not be effective unless and until all of the above conditions have been satisfied. The Parties further agree that, except as set forth above, all rights and responsibilities under the Agreement have been satisfied. In case at any time after the Effective Date any further actions are necessary or desirable to give effect or carry out the purposes of this Agreement, each of the Parties agrees to take such further action (including the execution and delivery of such further instruments and documents) as any other Party may reasonably request.

Dissolution of MT LP. The Parties agree that after the Effective Date they shall cooperate and work together to dissolve MT LP.

Mutual Release. Upon and forever following execution of this Agreement, each Party to this Agreement does hereby fully and unconditionally release and forever discharge the other Party and its respective affiliates, past and present employees, agents, insurers, attorneys, administrators, officers, directors, shareholders, members, divisions, parents, subsidiaries, affiliates, predecessors, and successors-in-interest from, and agrees not to bring any action, proceeding or suit regarding, from any and all, past, present or future causes of action, suits, dues, sums of money, accounts, covenants, controversies, guarantees, promises, damages, judgments, executions, rights, obligations, liabilities, defenses, rights of set-off, all agreements, claims, demands, liabilities, damages, claims for damages or specific performance, or claims or counterclaims or demands of any nature whatsoever, at law or in equity, known or unknown, fixed or contingent, whatsoever, that any releasing Party may have against any released Party, arising out of or relating to the Transaction Documents, the Finance Documents, the
Redevelopment Project, the Properties or any matters or agreements incidental thereto; provided, however, that nothing herein shall release the parties from their obligations under this Agreement.

Representations and Warranties. Each Party represents and warrants to the other Parties that:

it is duly organized and validly existing under the laws of the jurisdiction in which it is incorporated or formed;

it has the power to enter into the transaction and to execute and deliver this Agreement and any and all other documents required to be delivered by it in connection with this Agreement;

its obligations under this Agreement and under any and all other documents required to be delivered by it in connection with this Agreement constitute its legal, valid, binding and enforceable obligations (subject to applicable bankruptcy, reorganization, insolvency, moratorium or similar laws affecting creditors' rights generally and subject, as to enforceability, to equitable principles of general application); and

other than as notified to the other Parties on or before the date of this Agreement, no notice to, registration with, consent or approval of or any other action by any relevant Governmental Authority is or will be required for it to execute, deliver and perform its obligations under this Agreement.

Entire Agreement. This Agreement contains the entire agreement between the Parties hereto relating to the subject matter hereof and there are no understandings, agreements, representations or warranties regarding the subject matter of this Agreement except as specifically set forth herein. This Agreement may not be modified or amended in full or in part except by a written instrument signed by all Parties hereto. No rights under this Agreement may be waived, unless such waiver is executed in writing by the party making such waiver. No such waiver shall be deemed a waiver of any other right or of the same right on any subsequent occasion.

Time is of the Essence. Each Party acknowledges and agrees that time is of the essence and will take whatever actions are reasonably required to implement the terms of this Agreement as soon as possible.

Governing Law. This Agreement shall be interpreted, construed, and governed by the laws of the Commonwealth of Pennsylvania without regard to conflict of law provisions. The parties agree that in any dispute arising out of this Agreement, jurisdiction and venue shall be in Philadelphia, Pennsylvania.
**Binding Nature of the Agreement.** This Agreement shall be binding upon the parties and their respective heirs, representatives, successors and assigns. All of the covenants and agreements herein contained in favor of the parties are for the express benefit of each and all of them.

**Counterparts.** This Agreement may be signed in one or more counterparts, all of which together shall constitute one and the same agreement. To the extent delivered by means of a facsimile machine or electronic mail, this Agreement shall be treated in all matters and respects and for all purposes as an original agreement and shall be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person.

**Notices.** All notices shall be made in writing directed to the parties at their last known address, or at such other address as shall be designated in writing by the parties, and shall be sent by either personal hand delivery, facsimile or certified mail, return receipt requested.

SIGNATURE PAGE FOLLOWS
IN WITNESS WHEREOF, the parties hereto have caused this Termination and Mutual Release Agreement to be executed the day and year first above written.

THE CITY OF READING

By: _______________________________
    Name: Wally Scott
    Title:   Mayor

OUR CITY-READING, INC.

By: _______________________________
    Name: Albert R. Boscov
    Title:   Chairman

PENN SQUARE MT LP

By:          Penn Square MT Manager, Inc.,
             its general partner

By: Our City-Reading, Inc.,
    its sole shareholder

By: _______________________________
    Name: Albert R. Boscov
    Title:   Chairman

By: Boscov’s, Inc., its limited partner

By: _______________________________
    Name: Albert R. Boscov
    Title:   Chairman
PENN SQUARE MT MANAGER, INC.,

By: Our City-Reading, Inc.,
    its sole shareholder

By: _________________________
    Name: Albert R. Bosco
    Title: Chairman

Exhibit A

[Legal Description of Properties]
AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, REPEALING BILL NO. 22-2016 DISSOLVING THE READING AREA WATER AUTHORITY

NOW THEREFORE, BE IT DULY ENACTED AND ORDAINED, by the City Council of this City, as follows:

Section 1. Repealing Bill No. 22-2016 dissolving the Reading Area Water Authority.

Section 13. All ordinances and resolutions or parts thereof, insofar as the same are inconsistent herewith, are repealed hereby.

Section 14. If a sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses sections or parts of this Ordinance. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been enacted had such provisions not been included.

Section 15. This Ordinance shall become effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

ENACTED and ORDAINED by the City of Reading City Council, Berks County, this ___day of _____, 2017.

________________________________________
President of Council

Attest:

________________________________________
City Clerk

Sent to Mayor _____
Date: __________
Signed by Mayor _____
Date: __________
Vetoed by Mayor:  ________
Date: __________
Over-ridden by Council:
Date: __________
B I L L    N O. ______ - 2017
A N    O R D I N A N C E

PROVIDING FOR NO-PARKING RESTRICTIONS 208 CHESTNUT STREET,
IN THE CITY OF READING

THE CITY OF READING HEREBY ORDAINS ASFollows:

SECTION 1. The City of Reading agrees to restrict parking by establishing a No-
Parking zone on the south side of Chestnut Street adjacent to the west
side of the existing driveway for Remcon Plastics at 208 Chestnut Street,
for a distance of approximately 40 feet. The purpose of the restriction is to
improve the safety conditions of that driveway for delivery trucks entering
and leaving the cars that park near the driveway entrance.

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__________________, 2017

________________________________
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. __________ 2017
AN ORDINANCE
AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 23
BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS, PART 4 FIRST
ENERGY STADIUM COMMISSION, BY ADDING LANGUAGE REGARDING
CAPITAL EXPENDITURES FUNDED BY THE COMMISSION.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:
SECTION 1. The City of Reading Code of Ordinances Chapter 23 Boards,
Commissions, Committees and Councils Part 4 First Energy Stadium Commission is
amended by adding language regarding capital expenditures funded by the
Commission, 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.

Enacted__________________, 2017

____________________________________
Council President

Attest:

____________________________________
City Clerk

Submitted to Mayor: __________
Date: __________
Received by the Mayor’s Office: __________
Date: __________
Approved by Mayor: __________
Date: __________
Vetoed by Mayor: __________
Date: __________
PART 4
FirstEnergy Stadium Commission
[Adopted 2-28-2000 by Ord. No. 2-2000 (Ch. 1, Part 5I, of the 2001 Code of Ordinances)]

§ 23-401. Creation and members. [Amended 4-24-2006 by Ord. No. 32-2006]

A FirstEnergy Stadium Commission ("Commission") is hereby created which shall consist of nine qualified electors of the City of Reading ("City") to serve as liaison between the "City" and the Reading Phillies Reading Fightin Phils or other baseball franchise organization.

§ 23-402. Appointments and vacancies. [Amended 3-28-2016 by Ord. No. 8-2016]

The members of the Commission shall be appointed by the Mayor and confirmed (four affirmative votes) by Council. Three of the members first appointed under this section shall serve for terms of one year, three for terms of three years, and three for terms of five years, respectively, from the date of the approval of this section and until their respective successors have been duly appointed. Appointments of successors, in each case, will be for a period of five years. Any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments. An ex-officio member representing the Public Works Department will be designated by the Mayor and an ex-officio member representing Council will be appointed via resolution.

§ 23-403. Removal of members. [Added 7-26-2010 by Ord. No. 36-2010; amended 8-26-2013 by Ord. No. 35-2013]

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 Commission 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 Commission 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.

§ 23-404. Compensation. [Amended 7-26-2010 by Ord. No. 36-2010]

Members of the Commission shall serve without compensation.

§ 23-405. Officers and procedural rules. [Amended 7-26-2010 by Ord. No. 36-2010]
The members of the Commission shall elect their own Chairman and Vice Chairman/Secretary and select all other necessary officers to serve for a period of one year. The Commission shall adopt rules and regulations for its internal organization and procedure and for the conduct of all business within its jurisdiction.

§ 23-406. Powers and duties. [Amended 7-26-2010 by Ord. No. 36-2010]

A. The Commission, in cooperation with the City and the Reading Fightin Phils or other baseball franchise organization, shall supervise the operation of the FirstEnergy Stadium. The Commission will assist the City and the Reading Phillies Organization in identifying the capital needs and repairs for the stadium, as listed in the revised and restated lease agreement dated October 25, 1999, "lease agreement." The Commission shall define capital project with the Reading Fightin Phils or other baseball franchise organization and shall submit to the Public Works Director and City Council, no later than July 1 of each year, its recommendation for capital repairs and improvements to the stadium for inclusion in the City’s operating budget and five-year capital plan.

B. The lease agreement transfers the responsibility of the beer sales from the City and the prior Stadium Commission to the Reading Phillies Organization. The $4,200 retained by the prior Stadium Commission to purchase beer products for the 2000 season shall be placed in an accounted titled "Stadium Capital." These monies will be expended for the capital repairs to the stadium as identified by the Commission and approved by the Public Works Operations Division Manager, as outlined in the lease agreement. This account will remain independent from all other City accounts and funds and will not be combined with the City's general fund at the end of any fiscal year. The City administration will appropriate a minimum of $5,000 per year in this account for each fiscal year.

Beginning January 1, 2017, the Reading Fightin Phils or other baseball franchise organization and the Commission shall open a new joint bank account within the Reading Fightin Phils or other baseball franchise organization bank accounting system entitled “Stadium Capital Fund” in which the City’s contribution of a minimum of $5,000 will be deposited, as per Parts A and B above. The account will require both the Chair of the Stadium Commission and the General Manager of the Reading Fightin Phils or other baseball franchise organization as signatories.

C. The Commission will supply a copy of all meeting minutes to the City Clerk and shall make an annual report to Council on the operations of the Commission.
TO: City Council
FROM: Pat Beisswanger, Risk & Safety Coordinator
PREPARED BY: Pat Beisswanger, Risk & Safety Coordinator
MEETING DATE: January 9, 2017
AGENDA MEMO DATE: January 9, 2017

REQUESTED ACTION: To approve a transfer of $80,000 from the Self Insurance Fund line item Workers’ Compensation Claims into Self Insurance Fund line item Other Insurance Premiums in the 2016 Self Insurance Fund Budget.

RECOMMENDATION: The Risk & Safety Coordinator is asking Council to approve this transfer of $80,000 within the Self Insurance Fund to pay the Builder’s Risk Insurance premium for the Wastewater Treatment Plant Project.

BACKGROUND: The cost of the Builder’s Risk Insurance is based on the cost of the project, which was determined when the bids were opened in November of 2016. The Builder’s Risk Insurance totals $183,558 and $125,000 was budgeted in 2016; the actual cost of the project was unknown when the budget was prepared. An increase in flood insurance premiums also depleted some of the money budgeted for the Builder’s Risk Insurance.

BUDGETARY IMPACT: NONE
PREVIOUS ACTION: NONE
SUBSEQUENT ACTION: NONE
RECOMMENDED BY: Josephina Encarnacion, Human Resources Manager and Pat Beisswanger, Risk & Safety Coordinator

RECOMMENDED MOTION: Approve a transfer of $80,000 from the Self Insurance Fund Workers’ Compensation Claims line item Acct# 52-11-27-4751 into Self Insurance Fund Other Insurance Premiums line item Acct # 52-11-00-4753.
AN ORDINANCE AMENDING THE 2016 CITY OF READING SELF INSURANCE FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEMS WITHIN THE SELF INSURANCE FUND BUDGET.

Section 1. Amending the City of Reading 2016 Self Insurance Fund Budget by authorizing the transfer of a total of $80,000 from the Human Resources/Risk & Safety Division Workers’ Compensation Claims line item #52-11-27-4751 to the following account/line item in the Risk & Safety Division budget:

1. Transferring $80,000 into the Self Insurance Fund Other Insurance Premiums line item #52-11-00-4753.

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: ____________________, 2017

____________________________
President of City Council

Attest:

____________________________
City Clerk
I have attached the Ordinance that would amend the Fee Schedule for Fire Prevention, Fire Protection, and Medical Transportation. The overall driving force behind the amendment of the ordinance was due to the approval of the contract between the City and PA Fire Recovery Service, LLC. This contract was approved and awarded by Council at their September 26th 2016 meeting and the contract was finalized on November 7th 2016.

Following the finalization of the contract, there was a meeting held in December between City officials that included Asst. Solicitor Tonya Butler, several representatives from the Fire Department, and representatives from PA Fire Recovery. The purpose of this meeting was to address the logistical issues required in order to move forward with the use of the services to be provided by PA Fire Recovery as per the contract. The bullet points below should provide the highlights of the changes:

- Fee schedule was divided into Emergency and Non-Emergency services. Emergency services will include those that are to be provided by PA Fire Recovery, where the Non-Emergency is where the Department will continue to provide for the billing of services that it had provided the billing for in the past. (These services are primarily the services provided through the Office of the Fire Marshal, i.e.; inspections, permits, plan review, false alarm fees)

- Changes were made where there may have been conflict between the previous charges and those now being covered by PA Fire Recovery

- $10.00 increase to the Unnecessary calls/False Alarm schedule

- A $25.00 increase minimum charge for plan reviews, along with an adjustment to the numbering sequence of the affected sections of the 2009 Edition of the International Fire Code as adopted.
• Changes were made in the EMS portion to remove the Wheelchair service fees that were discontinued in 2015

Following the meeting between the parties, Asst. Solicitor Butler revised the Ordinance to reflect the necessary changes that were then reviewed and approved by the parties in attendance at the December meeting.

Please let me know if you need me to provide anything else.
AN ORDINANCE AMENDING CODIFIED ORDINANCES OF THE CITY OF READING, CHAPTER 212, SECTION 113, FIRE PREVENTION, FIRE PROTECTION AND MEDICAL TRANSPORTATION, FEE SCHEDULE

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

SECTION 1: Chapter 212 Fire Prevention, Section 113, Fire Protection and Medical Transportation is amended to be in accordance with the Fee Schedule attached hereto as Exhibit “A.”

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 212, Section 113, Fire Prevention, Fire Protection and Medical Transportation, and policies of the City of Reading, Pennsylvania not amended hereby 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, in accordance with Charter Section 219.

Enacted _________________, 2017

______________________________
Council President
Attest:

______________________________
City Clerk

(LAW)

Submitted to Mayor: ____________
Date: ______________

Received by the Mayor’s Office: ____________
Date: ______________

Approved by Mayor: ____________
Date: ______________

Vetoed by Mayor: ____________
EXHIBIT A
# FEE SCHEDULE

Costs for emergency services provided by the City of Reading, PA - Department of Fire and Services.

## Apparatus

<table>
<thead>
<tr>
<th>Apparatus</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engine</td>
<td>$350.00 Per Hour</td>
</tr>
<tr>
<td>Aerial/Ladder</td>
<td>$400.00 Per Hour</td>
</tr>
<tr>
<td>Rescue</td>
<td>$300.00 Per Hour</td>
</tr>
<tr>
<td>Squad/Utility/Support</td>
<td>$150.00 Per Hour</td>
</tr>
<tr>
<td>Tanker/Tender</td>
<td>$300.00 Per Hour</td>
</tr>
</tbody>
</table>

## Equipment/Service

<table>
<thead>
<tr>
<th>Equipment/Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCBA</td>
<td>$50.00 Each</td>
</tr>
<tr>
<td>Hose (per 50’)</td>
<td>$25.00</td>
</tr>
<tr>
<td>Gas/Co Detector/Heat Gun</td>
<td>$50.00 Per Use</td>
</tr>
<tr>
<td>Deodorizer</td>
<td>$25.00 Per Use</td>
</tr>
<tr>
<td>Extinguisher (any class)</td>
<td>$50.00 Per Use</td>
</tr>
<tr>
<td>Fire Police Services</td>
<td>$100.00 Per Hour</td>
</tr>
<tr>
<td>Hand Tools</td>
<td>$15.00 Each</td>
</tr>
<tr>
<td>Hydraulic Rescue Tools</td>
<td>$200.00 Each</td>
</tr>
<tr>
<td>Scene Lighting</td>
<td>$75.00 Per Hour</td>
</tr>
<tr>
<td>Oil booms</td>
<td>$20.00 Each</td>
</tr>
<tr>
<td>Oil Absorbent Sheets</td>
<td>$10.00 Each</td>
</tr>
<tr>
<td>Oil Dry</td>
<td>$35.00 Per Bucket</td>
</tr>
<tr>
<td>Portable Pumps</td>
<td>$30.00 Per Hour</td>
</tr>
<tr>
<td>Power Tools</td>
<td>$50.00 Each</td>
</tr>
<tr>
<td>Road Closing/Traffic Control</td>
<td>$100.00 Per Hour</td>
</tr>
<tr>
<td>Salvage Covers</td>
<td>$35.00 Each</td>
</tr>
<tr>
<td>Debris Cleanup/Removal</td>
<td>$250.00</td>
</tr>
<tr>
<td>Flares</td>
<td>$8.00 Each</td>
</tr>
<tr>
<td>Ventilation Fans</td>
<td>$50.00 Each</td>
</tr>
<tr>
<td>IR Camera</td>
<td>$100.00 Each</td>
</tr>
<tr>
<td>Foam</td>
<td>$60.00 Per Gallon</td>
</tr>
<tr>
<td>Cribbing:</td>
<td></td>
</tr>
<tr>
<td>-Passenger</td>
<td>$100.00 Each</td>
</tr>
<tr>
<td>-Class B</td>
<td>$200.00 Each</td>
</tr>
<tr>
<td>-Trucks-Class A</td>
<td>$500.00 Each</td>
</tr>
<tr>
<td>Stabilization Struts</td>
<td>$50.00 Per Use</td>
</tr>
<tr>
<td>Latex Gloves</td>
<td>$2.00 Per Pair</td>
</tr>
<tr>
<td>Ladders</td>
<td>$35.00 Per Use</td>
</tr>
<tr>
<td>Medical Extrication (w/Hydraulics)</td>
<td>$1,500.00 Per Patient</td>
</tr>
<tr>
<td>Generator</td>
<td>$50.00 Per Hour</td>
</tr>
</tbody>
</table>
**Hand lights** $5.00 Per Use  
**Portable Pond** $150.00 Per Use  
**Wetting Agent** $25.00 Per Unit  
**Fire Line Tape** $0.25 Per Foot  
**Manpower** $25.00 Per Man Per Hour  
**Investigations** $100.00 Per Hour  

Costs for nonemergency services provided by the City of Reading, PA - Department of Fire and Services, above and beyond normal course of duties:

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION OF FEE</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-101</td>
<td>Administrative Fee for Retrieval of Fire Report</td>
<td>$35.00-$50.00</td>
</tr>
<tr>
<td>F-102</td>
<td>Heavy Rescue</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Hour</td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td>Each Additional Hour</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Engine for Standpipe Testing</td>
<td></td>
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<tr>
<td></td>
<td>Engine - $100/hour</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two Firefighters-$80/hour</td>
<td>Minimum 2 Hours $360.00</td>
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<tr>
<td></td>
<td>Each Additional Standpipe</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Processing of Detail</td>
<td>$75.00</td>
</tr>
<tr>
<td>F-103</td>
<td>Light Rescue</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Hour</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Each Additional Hour</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td>Water Removal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Two Firefighters - $80/hour</td>
<td>Minimum 2 Hours $80.00/ Hour</td>
</tr>
<tr>
<td></td>
<td>Engine - $100/hour</td>
<td>Minimum 2 Hours $100.00/ Hour</td>
</tr>
<tr>
<td></td>
<td>Processing of detail</td>
<td>$75.00</td>
</tr>
<tr>
<td>F-104</td>
<td>Water Supply for Standpipe or Fire Pump Test (Includes Fire Engine @ $100/Hour and Two (2) Firefighters @ $80/Hour)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lock-out/Accessing a Property</td>
<td>Minimum 2 Hours $360.00</td>
</tr>
<tr>
<td></td>
<td>Each Additional Standpipe (More than One)</td>
<td></td>
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<tr>
<td></td>
<td>Processing of Detail</td>
<td>$75.00</td>
</tr>
<tr>
<td>F-105</td>
<td>Water Removal</td>
<td>(Minimum Two Firefighters (2) Required – Per Hour)</td>
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<td>---------------------------------------------------</td>
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<td></td>
<td>Processing of Detail</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apparatus:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Fire Engine Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Consultation Fees</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Testimony in Any Litigation</td>
<td>Fee Per Hour</td>
</tr>
<tr>
<td></td>
<td>At Scene/Office Discussion Pertaining to Fire Investigations and/or Litigation</td>
<td>Fee Per Hour</td>
</tr>
<tr>
<td>F-106</td>
<td>Lock-Outs / Entry into Premises</td>
<td></td>
</tr>
<tr>
<td>F-107</td>
<td>Consultation Fees (Per Hour):</td>
<td></td>
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<tr>
<td></td>
<td>In Office Discussion with Insurance Fire Investigations, Adjusters, Attorneys, Etc.... Regarding Civil Litigation</td>
<td></td>
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<tr>
<td></td>
<td>At Scene Discussion with Insurance Fire Investigations, Adjusters, Attorneys, Etc.... Regarding Civil Litigation</td>
<td></td>
</tr>
<tr>
<td>F-108</td>
<td>Application for Alternate Method</td>
<td>Flat Fee</td>
</tr>
<tr>
<td>F-109</td>
<td>Spills/Leaks:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Spills</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Spills</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Apparatus</td>
<td>As Needed</td>
</tr>
<tr>
<td></td>
<td>Supplies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Processing of Detail</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Service Calls</td>
<td>Not defined by other category</td>
</tr>
<tr>
<td>F-110</td>
<td>Service Calls</td>
<td></td>
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<tr>
<td></td>
<td>Firefighters Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Fire Engine Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
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<tr>
<td></td>
<td>Fire Ladder Truck Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Processing of Detail</td>
<td></td>
</tr>
<tr>
<td>F-111</td>
<td>Unnecessary/Needless False Alarms:</td>
<td>-</td>
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<tr>
<td>-------</td>
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</tr>
<tr>
<td></td>
<td>(No Charge for 1st Alarm in Calendar Year)</td>
<td>-</td>
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<tr>
<td></td>
<td>2nd Unnecessary/Needless False Alarm in Calendar Year with</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>Increase Per Additional Occurrence in Calendar Year in Accordance with Unnecessary/Needless Fire Alarm Ordinance (SEE NEEDLESS ALARM INFORMATION BELOW)</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Fire Investigation</td>
<td>$1.00</td>
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<tr>
<td></td>
<td>Copies (Per Page)</td>
<td>$50.00</td>
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<tr>
<td></td>
<td>Photographs on Medium</td>
<td>$25.00</td>
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<tr>
<td></td>
<td>Fee for Reviewing Files</td>
<td>-</td>
</tr>
<tr>
<td>F-112</td>
<td>Fire Protection System Registration:</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Residential</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Commercial</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Firewatch</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Two firefighters required</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Fire Engine Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Fire Ladder Truck (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Other/Miscellaneous as determined</td>
<td>Per Hour</td>
</tr>
<tr>
<td>F-113</td>
<td>Fire Department Personnel &amp; Apparatus Standby Charges:</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Firefighters Charge (Per Hour)</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>(Minimum Two Firefighters (2) Required for All Standby Details—Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Apparatus:</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Fire Engine Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Fire Ladder Truck Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
</tr>
<tr>
<td></td>
<td>Processing of Detail</td>
<td>-</td>
</tr>
<tr>
<td>Description</td>
<td>Per Hour</td>
<td>Price</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td><strong>Health &amp; Safety Inspection</strong></td>
<td><strong>$75.00</strong></td>
<td></td>
</tr>
<tr>
<td>Hazardous Materials Cleanup (Minimum Two Firefighters (2) Required for All Standby Details — Per Hour)</td>
<td>Minimum 2 Hours</td>
<td><strong>$80.00</strong></td>
</tr>
<tr>
<td>Supplies</td>
<td></td>
<td>COST</td>
</tr>
<tr>
<td>Apparatus (Per Hour)</td>
<td>Minimum 2 Hours</td>
<td><strong>$100.00</strong></td>
</tr>
<tr>
<td>Processing of Detail</td>
<td></td>
<td><strong>$75.00</strong></td>
</tr>
<tr>
<td>Failure to Request Cancellation in Writing No Less Than 24 Hours Prior to Start of Scheduled Inspection</td>
<td>Per Hour</td>
<td><strong>$75.00</strong></td>
</tr>
<tr>
<td><strong>F-115A</strong> Copies per Page</td>
<td></td>
<td><strong>$1.00</strong></td>
</tr>
<tr>
<td><strong>F-115</strong> Re-Inspection Fee (Failure to Correct Violations Following 1st Re-Inspection)</td>
<td></td>
<td><strong>$25.00</strong> <strong>$75.00</strong></td>
</tr>
<tr>
<td><strong>F-115B</strong> Copies of Photographs per Photo</td>
<td></td>
<td><strong>$2.00</strong></td>
</tr>
<tr>
<td><strong>F-116</strong> Fee for Reviewing Existing Files</td>
<td></td>
<td><strong>$25.00</strong></td>
</tr>
<tr>
<td>Late Payment of Inspection Permit Fee Prior to Sixty (60) Days (Applicable to Pre &amp; Post Collections Process)</td>
<td></td>
<td><strong>$25.00</strong></td>
</tr>
<tr>
<td><strong>F-117</strong> Fire Watch (Minimum Two Firefighters (2) Required for All Standby Details — Per Hour)</td>
<td>Minimum 2 Hours</td>
<td><strong>$80.00</strong></td>
</tr>
<tr>
<td>Apparatus:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Engine Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
<td><strong>$100.00</strong></td>
</tr>
<tr>
<td>Fire Ladder Truck Charge (Per Hour)</td>
<td>Minimum 2 Hours</td>
<td><strong>$160.00</strong></td>
</tr>
<tr>
<td>Processing of Detail</td>
<td></td>
<td><strong>$75.00</strong></td>
</tr>
<tr>
<td>{Excludes Fireworks and Pyrotechnic Standbys}</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After Hours Inspections/Tests</td>
<td>Normal Work Hours 8:00 AM to 4:30 PM (Per Hour)</td>
<td><strong>$50.00</strong></td>
</tr>
<tr>
<td><strong>F-118</strong> Chronic Violations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>— 3rd Violation</td>
<td></td>
<td><strong>$50.00</strong></td>
</tr>
<tr>
<td>— 4th Violation</td>
<td></td>
<td><strong>$75.00</strong></td>
</tr>
<tr>
<td>— 5th Violation</td>
<td></td>
<td><strong>$100.00</strong></td>
</tr>
</tbody>
</table>
DEFINITIONS OF THE ABOVE TERMS

Heavy Rescue: Service rendered by Fire Department personnel requiring the use of special equipment or tools (including, but not limited to the “Jaws of Life, air-bags, etc.), to free persons entrapped, entangled, or confined in a wrecked vehicle, collapsed structure, excavation trench cave-in, any confined space, stalled elevator, or other similar major rescue effort, not mentioned above.

Light Rescue: Service rendered by Fire Department personnel using normal tools, equipment, and procedures to free persons confined in wrecked vehicles or other confined space. Such services shall also include. But not be limited to:
- Mitigation of hazards at an accident scene from spilled fluids using absorbent or neutralizing materials.
- Stabilization of wrecked vehicles.
- Treatment of injured victims prior to the arrival of EMS.
- Assisting EMS in preparation and removal of injured victims.
- Maintenance of scene security, traffic and crowd control prior to the arrival of police.

Unnecessary Calls / False Alarms: The City of Reading Department of Fire and Rescue Services shall charge for responding to calls resulting from the repeated activation of fire alarm systems due to causes other than fire or smoke. Such causes include, but are not limited to:
- Alarm activation for no apparent reason.
- Alarms resulting from failure to properly maintain or repair system.
- Failure to protect detection devices from dust, dirt, or fumes during construction, fumigation or similar situations.
- Failure to use proper exhaust or ventilation equipment to prevent activation of detection devices by cooking smoke, steam, fumes, etc.
- Intentional Activation of alarm when no emergency exists.

Service calls: A non-emergency call responded to by the Department of Fire and Rescue Services

Chronic Violations: Including but limited to a problem that continues to exist over an extended period of time without mitigation, failure to correct, failure to cease action.

Alternate Method: Acceptable Methods of Compliance (See Section 104.9 - 2009 IFC)
**Minor Spills:** 55 Gallons or less contained in a small area

**Other Spills:** More than 55 Gallons or a spill of 55 Gallons or less that exists in an extended area

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**OTHER MATTERS INVOLVING FEE SCHEDULE**

**Appeals:** Unless otherwise provided by law, to appeal a bill for a service provided under the above fee schedule you must request a hearing thereof by submitting a written request therefore within three (3) business days of receipt of the original bill for the service. Said request must set forth the information on the bill and is to be addressed to the Fire Marshal for the City of Reading, Room 1-41 City Hall, 815 Washington Street, Reading, Pennsylvania 19601. The Fire Chief and / or Fire Prevention Lt. may address the appeal in the absence of the Fire Marshal.

**Collections:** All bills for services provided and billed under the above fee schedule and as set forth herein which are not paid in full within sixty (60) days of the original date of billing shall be turned over to a collections agency for receipt. This provision shall not apply to situations where arrangements have been made and confirmed in writing prior to the expiration of the aforesaid sixty (60) days for payments to be made on such debt.

**Restitution:** In addition to the fees set forth above, the City of Reading Department of Fire and Rescue Services reserves the right to charge and issue bills to recover costs and fees beyond that set forth herein when required to mitigate, abate, render safe or respond to any situation, emergency or non-emergency, which is result of clear negligence or failure to comply with and follow code requirements and verbal instructions of the Department of Fire and Rescue Services.

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**UNNECESSARY/NEEDLESS FIRE ALARM RESPONSES**

The City of Reading adopted Ordinance 40-2010 amending the City of Reading codified ordinances Chapter 5 Code Enforcement, Part 3 International Fire Code, Section 5-308 fees, Part F111, by increasing the false alarm fees, as required by the Act 47 Recovery Plan (FD06) adopted June 11, 2010. Per the Ordinance including in this adoption was a fee change with the unnecessary calls/false alarms. (See fee schedule)

**UNNECESSARY CALLS/FALSE ALARMS:** Those calls resulting from the repeated activation of fire alarm systems due to causes other than fire or smoke. Fee shall be charged for each incident, commencing with the second occurrence during any calendar year. Such causes include, but are not limited to:

**Needless Alarms/False Alarms:** The City of Reading Department of Fire and Rescue Services shall charge for responding to calls resulting from the repeated activation of fire alarm systems due to causes other than smoke or fire. Such causes shall include, but are not limited to the following:
• Alarm activation for no apparent reason.
• Alarms resulting from failure to properly maintain or repair a fire alarm system.
• Failure to protect detection devices from dust, dirt, and/or fumes during as a result of construction, fumigation or similar situations actions.
• Failure to use proper exhaust or ventilation equipment to prevent activation of detection devices by cooking smoke, steam, fumes, etc.
• Intentional activation of alarm when no emergency exists.

UNNECESSARY CALLS/FAKE ALARM FEE SCHEDULE:

<table>
<thead>
<tr>
<th>ALARM IN CALENDAR YEAR</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FREE (no charge)</td>
</tr>
<tr>
<td>2</td>
<td>$50.00 - $60.00</td>
</tr>
<tr>
<td>3</td>
<td>$50.00 - $60.00</td>
</tr>
<tr>
<td>4</td>
<td>$100.00 - $110.00</td>
</tr>
<tr>
<td>5</td>
<td>$100.00 - $110.00</td>
</tr>
<tr>
<td>6</td>
<td>$150.00 - $160.00</td>
</tr>
<tr>
<td>7</td>
<td>$150.00 - $160.00</td>
</tr>
<tr>
<td>8</td>
<td>$150.00 - $160.00</td>
</tr>
<tr>
<td>9</td>
<td>$150.00 - $160.00</td>
</tr>
<tr>
<td>10</td>
<td>$250.00 - $260.00</td>
</tr>
<tr>
<td>11</td>
<td>$250.00 - $260.00</td>
</tr>
<tr>
<td>12</td>
<td>$250.00 - $260.00</td>
</tr>
<tr>
<td>13</td>
<td>$500.00 - $510.00</td>
</tr>
<tr>
<td>For each alarm 14 and greater (over 13) in a calendar year</td>
<td>$500.00 - $510.00 Per Alarm</td>
</tr>
</tbody>
</table>

OTHER MATTERS INVOLVING FEE SCHEDULE WITH THE CITY OF READING THROUGH ORDINANCE BILL

Appeals: Unless otherwise provided by law, to appeal a bill for a service provided under the above fee schedule you must request a hearing thereof by submitting a written request therefore within three (3) business days of receipt of the original bill for the service. Said request must set forth the information on the bill and shall be addressed to:

Department of Fire & Rescue Services
C/o Fire Marshal, Suite 1-41
The Fire Chief and/or Fire Prevention Lt. may address the appeal in the absence of the Fire Marshal.

**Collections:** All bills for services provided and billed under the above fee schedule and as set forth herein which are not paid in full within sixty (60) days of the original date of billing shall be turned over to a collection agency for receipt. This provision shall not apply to situations where arrangements have been made and confirmed in writing prior to the expiration of the aforesaid sixty (60) days for payments to be made on such debt.

**Restitution:** In addition to the fees set forth above, the City of Reading Department of Fire and Rescue services reserves the right to charge and issue bills to recover costs and fees beyond that set forth herein when required to mitigate, abate, render safe or respond to any situation, emergency or non-emergency, which is result of clear negligence or failure to comply with and follow code requirements and verbal instructions of the Department of Fire and Rescue Services.

### FIRE CODE INSPECTION FEES

**Annual Fee for Fire Code Inspection of Use/Occupancy:**

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION OF PERMIT/INSPECTION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PI-101</td>
<td>Assembly Occupancies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Occupant Levels Exceeding 1,000</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Unless Building is 30,000 Sq Ft or Greater</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Class B - Occupant Levels 301 - 1,000</td>
<td>$125.00</td>
</tr>
<tr>
<td></td>
<td>Class C - Occupant Levels 50 – 300</td>
<td>$100.00</td>
</tr>
<tr>
<td>PI-102</td>
<td>Apartment Buildings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 26 Units Per Building</td>
<td>$320.00</td>
</tr>
<tr>
<td></td>
<td>Class B - 11 to 25 Units Per Building</td>
<td>$175.00</td>
</tr>
<tr>
<td></td>
<td>Class C - 5 to 10 Units Per Building</td>
<td>$100.00</td>
</tr>
<tr>
<td>PI-103</td>
<td>Business - Office/College Per Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 30,000 Sq Ft Per Building</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Class B - 10,001 to 30,000 Sq Ft Per Building</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Class C - Less Than 10,000 Sq Ft Per Building</td>
<td>$100.00</td>
</tr>
<tr>
<td>PI</td>
<td>Description</td>
<td>Class A</td>
</tr>
<tr>
<td>----</td>
<td>------------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>104</td>
<td>Day Care Facilities Per Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A Daycare Center (13 or more persons receiving care)</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Class B Group Daycare (6 - 12 persons receiving care)</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td>Class C Home Daycare (1 - 5 persons receiving care)</td>
<td>$65.00</td>
</tr>
<tr>
<td>105</td>
<td>Educational</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unless 30,000 Sq Ft or Greater</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>Industrial/Factory Per Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 30,000 Sq Ft Per Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class B - 10,001 to 30,000 Sq Ft Per Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class C - Less Than 10,000 Sq Ft Per Building</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>Health Care Facilities - 24 Hour Basis Per Building</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Occupant Levels Exceeding 401 Per Building</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Class B - Occupant Levels 201- 400 Per Building</td>
<td>$210.00</td>
</tr>
<tr>
<td></td>
<td>Class C - Occupant Levels Less Than 200 Per Building</td>
<td>$210.00</td>
</tr>
<tr>
<td>108</td>
<td>Hotels/Motels</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 51 Rooms Per Building</td>
<td>$320.00</td>
</tr>
<tr>
<td></td>
<td>Class B - 26 - 50 Rooms Per Building</td>
<td>$175.00</td>
</tr>
<tr>
<td></td>
<td>Class C - 5 to 10 Rooms Per Building</td>
<td>$135.00</td>
</tr>
<tr>
<td>109</td>
<td>Lodging/Rooming House</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 26 Units Per Building</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Class B - 11 to 25 Units Per Building</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Class C - 5 to 10 Units Per Building</td>
<td>$100.00</td>
</tr>
<tr>
<td>110</td>
<td>Mercantile</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 30,000 Sq Ft or 3 Floors Per Building</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Class B - 5,000 to 30,000 Sq Ft Per Building</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Class C - Less Than 5,000 Sq Ft Per Building</td>
<td>$100.00</td>
</tr>
<tr>
<td>111</td>
<td>Storage, Warehouse, Parking Garage, Freight Terminal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Class A - Exceeding 30,000 Sq Ft Per Building</td>
<td>$250.00</td>
</tr>
<tr>
<td></td>
<td>Class B - 10,001 to 30,000 Sq Ft Per Building</td>
<td>$150.00</td>
</tr>
<tr>
<td></td>
<td>Class C - Less Than 10,000 Sq Ft Per Building</td>
<td>$100.00</td>
</tr>
<tr>
<td>112</td>
<td>Other/Miscellaneous as Determined (Per Hour)</td>
<td>Minimum</td>
</tr>
<tr>
<td>113</td>
<td>Pre-Sales Inspection (Per Hour)</td>
<td>Minimum</td>
</tr>
<tr>
<td>PI-114</td>
<td>Failure to Request Cancellation of Inspection in Writing within 24 Hours of Scheduled Start Time of Inspection</td>
<td>$50.00</td>
</tr>
<tr>
<td>PI-115</td>
<td>Re-inspection Fee (<em>Failure to correct violations noted after 1st re-inspection and subsequent inspections</em>)</td>
<td>$50.00</td>
</tr>
<tr>
<td>PI-116</td>
<td>Late Payment of Inspection Permit Fee Prior to Sixty (60) Days (<em>Applicable to Pre &amp; Post Collections Process</em>)</td>
<td>$25.00</td>
</tr>
<tr>
<td>PI-117</td>
<td>After Hours Inspections/Tests (<em>Per Hour</em>)</td>
<td>Minimum 2 Hours $40.00</td>
</tr>
<tr>
<td>PI-118</td>
<td>Chronic Violations (<em>In addition to each respective legal action initiated</em>):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3rd Violation</td>
<td>$50.00</td>
</tr>
<tr>
<td></td>
<td>4th Violation</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td>5th Violation</td>
<td>$100.00</td>
</tr>
<tr>
<td></td>
<td>Increase Per Additional Occurrences in Calendar Year For Ex. 6th Call $125.00 7th Call $150.00 8th Call $175.00, etc….</td>
<td></td>
</tr>
</tbody>
</table>

**DEFINITIONS OF ABOVE TERMS (If not defined see IFC 2009 Edition)**

**Assembly Occupancies:** Buildings in which people gather for such purposes as civic, social, religious functions, entertainment, dining, amusements or awaiting transportation

**Educational:** Schools, academics, kindergarten and nursery

**Health Care Facilities:** Hospitals, nursing homes, medical institutions

**Lodging/Rooming House:** Guest House, Bed & Breakfast, and Foster Homes

**Pre-Sales Inspection:** Inspection includes written verification of all fire protection systems

**Re-inspection fee:** For each inspection that is required as a result of the need to reschedule a scheduled inspection for one or more of the following reasons:

- Work not constructed/completed in accordance with applicable Code(s)/Standard(s)/Approved Construction Document(s)
- Work incomplete at time of requested inspection
- Access to work requiring inspection not provided
- Failure to correct noted violations upon 2nd and future re-inspection(s)

**After hour’s inspections/tests:** Inspections performed and tests witnessed after normal working hours.
**Chronic Violation:** Including but limited to a problem that continues to exist over an extended period of time without mitigation, failure to correct, failure to cease action.

### OPERATIONAL PERMITS FEES

Permits required to perform the operations set forth herein as defined in the International Fire Code/City of Reading Fire Prevention Code (2009 Edition):

<table>
<thead>
<tr>
<th>SECTION</th>
<th>OPERATION</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>105.6.1</td>
<td>Aerosol Products</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.2</td>
<td>Amusement Buildings</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.3</td>
<td>Aviation Facilities</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.4</td>
<td>Carnivals and Fairs</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.5</td>
<td>Cellulose Nitrate Film</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.6</td>
<td>Combustible Dust-Producing Operations</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.7</td>
<td>Combustible Fibers</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.8</td>
<td>Compressed Gases</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.9</td>
<td>Covered Mall Buildings</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.10</td>
<td>Cryogenic Fluids</td>
<td>$150.00</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>105.6.11</td>
<td>Cutting and Welding</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.12</td>
<td>Dry Cleaning Plans</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.13</td>
<td>Exhibits and Trade Shows</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.14</td>
<td>Explosives</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.15</td>
<td>Fire Hydrants and Valves</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.16</td>
<td>Flammable Combustible Liquids</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.17</td>
<td>Floor Finishing</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.18</td>
<td>Fruit and Crop Ripening</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.19</td>
<td>Fumigation and Thermal Insecticidal Fogging</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.20</td>
<td>Hazardous Materials</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.21</td>
<td>HPM Facilities</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.22</td>
<td>High Piled Storage</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.23</td>
<td>Hot Work Operations</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.24</td>
<td>Industrial Ovens</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.25</td>
<td>Lumber Yards and Woodworking Plans</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.26</td>
<td>Liquid or Gas Fueled Vehicles or Equipment in Assembly Buildings</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.27</td>
<td>LP-Gas</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.28</td>
<td>Magnesium</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.29</td>
<td>Miscellaneous Combustible Storage</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.30</td>
<td>Open Burning</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.31</td>
<td>Open Flames and Torches</td>
<td>$150.00</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>105.6.32</td>
<td>Open Flames and Candles</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.33</td>
<td>Organic Coatings</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.34</td>
<td>Places of Assembly</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.35</td>
<td>Private Fire Hydrants</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.36</td>
<td>Pyrotechnic Special Effects</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td><em>(Includes plan review fee and inspection)</em></td>
<td></td>
</tr>
<tr>
<td>105.6.37</td>
<td>Pyroxylin Plastics</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.38</td>
<td>Refrigeration Equipment</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.39</td>
<td>Repair Garages and Motor Fuel-Dispensing Facilities</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.40</td>
<td>Rooftop Heliports</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.41</td>
<td>Spaying and Dipping</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.42</td>
<td>Storage of Scrap Tires and Tire Byproducts</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.43</td>
<td>Temporary Membrane Structures, Tents and Canopies</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.44</td>
<td>Tire Rebuilding Plants</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.45</td>
<td>Waste Handling</td>
<td>$150.00</td>
</tr>
<tr>
<td>105.6.46</td>
<td>Wood Products</td>
<td>$150.00</td>
</tr>
<tr>
<td>ADD 105.6.47</td>
<td>Fireworks</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td><em>(Includes plan review fee and inspection)</em></td>
<td></td>
</tr>
<tr>
<td>ADD 105.6.48</td>
<td>Storage of Pesticides and Herbicides</td>
<td>$150.00</td>
</tr>
<tr>
<td>ADD 105.6.49</td>
<td>Tar Kettles</td>
<td>$150.00</td>
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OTHER MATTERS INVOLVING PERMITS / INSPECTION FEES
**Appeals:** Unless otherwise provided by law, to appeal a bill for a service provided under the above fee schedule you must request a hearing thereof by submitting a written request therefore within three (3) business days of receipt of the original bill for the service. Said request must set forth the information on the bill and is to be addressed to the Fire Marshal for the City of Reading, Room 1-41 City Hall, 815 Washington Street, Reading, Pennsylvania 19601. The Fire Chief and / or Fire Prevention Lt. may address the appeal in the absence of the Fire Marshal.

**Collections:** All bills for services provided and billed under the above fee schedule and as set forth herein which are not paid in full within sixty (60) days of the original date of billing shall be turned over to a collections agency for receipt. This provision shall not apply to situations where arrangements have been made and confirmed in writing prior to the expiration of the aforesaid sixty (60) days for payments to be made on such debt.

**Penalties:** Commencement of use or occupancy of a premise and any system installation which require an inspection and permit prior thereto will result in preclusion of use or occupancy of such premise or building until an inspection has been performed and a permit issued. Additionally, such use or occupancy may subject the violator to prosecution as authorized by law and/or doubling of the permit fee.

**Refunds:** The City of Reading will not issue refunds for fees / monies paid following submission for review of a construction permit or plan review whether or not the plan or project is built / completed.

To acquire an operational permit an applicant must submit, in addition to the appropriate fee, the documentation and information for such a permit per the regulations established by the Fire Marshal for the Department of Fire and Rescue Services. A permit will not be issued nor a plan therefore reviewed until compliance with the established regulations occurs and the appropriate fee received.

**Penalties:** Performance of the aforesaid operation without a permit or operation performed in excess of a permit will result in a charge of 100% of usual permit fee in addition to normal fee (or doubling of the cost of the permit fee.) Additionally, such performance of operation may subject the violator to prosecution as authorized by law.

**Refunds:** The City of Reading will not issue refunds for fees / monies paid following submission for review of the requirements for an operational permit or plan review whether or not the plan or project is built / completed.

**Restitution:** In addition to the fees set forth above, the City of Reading Department of Fire and Rescue Services reserves the right to charge and issue bills to recover costs and fees beyond that set forth herein when required to mitigate, abate, render safe or respond to any situation, emergency or non-emergency, which is result of clear negligence or failure to comply with and follow code requirements and verbal instructions of the Department of Fire and Rescue Services.
CERTIFICATE OF FITNESS

No person shall engage in the following activities without a Certificate of Fitness issued by the Fire Official (City of Reading, PA – Department of Fire & Rescue Services – Office of the Fire Marshal).

A Certificate of Fitness shall be obtained by all applicants/vendors (companies or person(s)) for the purposes of conducting any operation or performing an act for which a Certificate of Fitness is required as set forth below:

Application:

Applicant shall meet the standards and regulations established by the Fire Marshal, including possession of a Certificate of Insurance covering the work requested, Workmen’s Compensation for employees as required by Federal, State or local mandated regulations, laws, and statutes. Additionally, an exhibition of appropriate levels of education, training, certification, and experience shall be submitted to the Fire Marshal for review and Certificate of Fitness issuance prior to any work commencing. The applicant and all employees engaging in the specified work shall have a strong familiarity and understanding of fire protection systems/fire code application for which a Certificate of Fitness is requested. An application on a form prescribed by the Fire Marshal and a fee ($125.00 per system applied for) as established by Resolution of City Council of the City of Reading per system, shall be submitted to the Department of Fire and Rescue Services – Fire Marshal’s Office for review and approval for each system described herein for which an applicant seeks to obtain a Certificate of Fitness.

Certificates of Fitness shall be valid for one year, January 1 through December 31 of each calendar year. Certificate holders must reapply each calendar year, and provide the fee as established by City Council per system for which they seek approval and listing. Performance of work on a system described below in the City of Reading, PA without a Certificate of Fitness, shall cause the violator to be precluded from applying for a
Certificate of Fitness for a period of one (1) calendar year, and subject the violator to fines, double fee costs, citations, and additional costs as provided for herein.

Additional Categories:

The Fire Official may require a certificate of fitness for certain processes which pose an unusual risk to the public safety or in cases or as part of the code modification process.

**CERTIFICATE OF FITNESS:**

<table>
<thead>
<tr>
<th>CERTIFICATE OF FITNESS FEE: $125.00 PER SYSTEM PER CALENDAR YEAR</th>
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FIRE PROTECTION SYSTEMS - CONSTRUCTION PERMITS AND PLANS EXAMINATION REVIEW FEE

Permits shall be required from the City of Reading, PA - Department of Fire and Rescue Services for and prior to construction, installation, etc for the following work as defined in the IFC 2009 Edition as adopted by the City of Reading:

105.7.1 – Automatic Fire-Extinguishing Systems
105.7.1.1 – Automatic Sprinkler Systems
105.7.2 – Battery Systems
105.7.3 – Compressed Gases
105.7.4 – Fire Alarm and Detection Systems and Related Equipment
105.7.5 – Fire Pumps and Related Equipment
105.7.6 – Flammable and Combustible Liquids
105.7.7 – Hazardous Materials
105.7.8 – Industrial Ovens
105.7.9 – LP-Gas
105.7.10 – Private Fire Hydrants
105.7.11 – Spraying or Dipping
105.7.12 – Standpipe Systems
105.7.13 – Temporary Membrane Structures, Tents and Canopies
105.7.14 – Hood and Duct Systems

The cost of a permit shall include plan review and inspection, issuance of the permit as well as contact during plan review. The fee for a plan review and issuance of a permit for construction as described herein shall be the greater of:

ONE AND ONE-HALF PERCENT (1.5%) OF FINAL JOB COSTS
OR $50.00 $75.00 (Minimum)

To acquire a construction permit a person / developer must submit an application on the form prescribed by the Department of Fire and Rescue Services and comply with the requirements set forth on the application and packet in which it is encompassed including but not limited to submission of all necessary plans, documents, etc. A plan will not be reviewed nor a permit issued without a completed application and receipt of all requisite documentation and fee.
As Built: Should it be determined that the job costs greatly differentiate from the as built costs to save monies on the fee for the permit and plan review at the discretion of the Fire Marshal the City of Reading Department of Fire and Rescue Services reserves the right to undertake any and all appropriate and applicable methods including but not limited to commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as built costs.

Consultation Fee: In addition to the fee for a permit as set forth herein, a fee of $50.00 per hour shall be charged for consultation either in person or via telephone with the Fire Marshal or his/her designee for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one (1) hour total time.

Penalties: Commencement of a systems construction project prior to plan review or working without a permit or work performed in excess of a permit shall result in a fee in the amount of 100% of the usual the permit fee being accessed in addition to the usual fee (the fee will DOUBLED).

Refunds: The City of Reading Department of Fire and Rescue Services will not issue refunds for fees / monies paid for review of a plan for a systems construction permit following payment of the fee and submission of a plan regardless if the system is built.

Revised Plans: Should a person / developer elect not to proceed with construction of a project following submission and review of plan and / or receipt of approval / permit therefore but rather redesign the plan on their own, they shall be required to recommence the process of obtaining a permit and review including but not limited to payment of the fee in full.

PLANS EXAMINATION FEE FOR ARCHITECTURAL CONSTRUCTION REVIEW

Review of Architectural Plans to ensure compliance with all applicable laws, regulations, statutes and ordinance enforced and oversaw by the Department of Fire and Rescue Services for the City of Reading per the International Fire Code (2009 Edition) as adopted by the City:

105.7.14 105.7.16– Architectural Construction Plan Review:

The cost of a permit shall include plan review and inspection, issuance of the permit as well as consultation during plan review. The fee for a plan review and issuance of a permit for construction shall be based on the value of the project as described herein:

<table>
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<tr>
<th>Value of the Project</th>
<th>Fee</th>
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<td>$ 0 -- $500,000</td>
<td>$250.00</td>
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<tr>
<td>$500,001 - $1,000,000</td>
<td>$500.00</td>
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Fees for review of projects valued in excess of $1,000,000 shall be $250.00 for each additional $500,000 or part thereof of the value of the project.

To acquire a construction permit a person / developer must submit an application on the form prescribed by the Department of Fire and Rescue Services and comply with the requirements set forth on the application and packet in which it is encompassed including but not limited to submission of all necessary plans, documents, etc. A plan will not be reviewed nor a permit issued without a completed application and receipt of all requisite documentation and fee.

**As Built:** Should it be determined that the job costs greatly differentiate from the as built costs to save monies on the fee for the permit and plan review at the discretion of the Fire Marshal the City of Reading Department of Fire and Rescue Services reserves the right to undertake any and all appropriate and applicable methods including but not limited to commencement of legal action to obtain the difference of the fee submitted for a permit and estimated job costs and the as built costs.

**Consultation Fee:** In addition to the fee for a permit as set forth herein, a fee of $50.00 per hour shall be charged for consultation either in person or via telephone with the Fire Marshal or his/her designee for consultation prior to submission of plans for review and subsequent to approval of plans and issuance of permit beyond one (1) hour total time.

**Penalties:** A fee in the amount of 100% of the usual the permit fee will be accessed in addition to the usual fee (the fee will **DOUBLED**) for PERFORMANCE OF WORK OR CONSTRUCTION without permit fee, or in excess of a permit.

**Refunds:** The City of Reading Department of Fire and Rescue Services will not issue refunds for fees/ monies paid for review of a plan for an architectural review permit following payment of the fee and submission of a plan regardless if the system is built.

**Revised Plans:** Should a person / developer elect not to proceed with construction of a project following submission and review of plan and / or receipt of approval / permit therefore but rather redesign the plan on their own, they shall be required to recommence the process of obtaining a permit and review including but not limited to payment of the fee in full.

**MEMBERSHIP AND NONEMERGENCY TRANSPORTATION FEES:**

**CITY OF READING ANNUAL EMS MEMBERSHIP PLAN**

1. City of Reading annual membership plan:
   a. Single person: $45.
   b. Family plan: $70.

2. Wheelchair van services:
   a. Nonmember, one way trip: $60 plus $4 per loaded mile.
   b. Nonmember, round trip: $80 plus $4 per loaded mile.
   c. Member, one way trip: $50 plus $2 per loaded mile.
(d) Member, round trip: $70 plus $2 per loaded mile.
AN ORDINANCE

AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 396 PARKS AND RECREATION, PART 5 MEMORIAL STRUCTURES ON PUBLIC PROPERTY BY PROHIBITING ALL ACTIVITIES THAT COULD CAUSE PHYSICAL DAMAGE TO ANY MEMORIAL.

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

SECTION 1. The City of Reading Code of Ordinances Chapter 396 Parks and Recreation, Part 5 Memorial Structures on Public Property prohibiting all activities that could cause physical damage to any memorial, 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.

Enacted__________________, 2017

____________________________________
Council President

Attest:

____________________________________
City Clerk
Submitted to Mayor: 
Date: 

Received by the Mayor’s Office: 
Date: 

Approved by Mayor: 
Date: 

Vetoed by Mayor: 
Date:
CHAPTER 396 - Part 5
Memorial Structures on Public Property

§ 396-501. Evaluation of proposed monuments, statuary, markers and plaques.
   
   A. Any organization or entity wishing to place upon public property any artwork, artwork installation, monument, statue, marker or plaque (the memorial structure) for the purpose of memorializing an individual, group, or event, shall submit such proposal to the Director of Public Works.
   
   B. A Memorial Review Committee (the MRC) shall have the responsibility of reviewing each such proposal. The Committee shall be composed of the Historic Preservation Specialist, a City Planner, the Public Works Operations Division Manager, the City Clerk and the Director of the Berks County Office of Veterans Affairs. The Director of Public Works shall appoint a MRC Chairperson from the membership.
   
   C. The MRC shall provide a written evaluation of each proposal based on the following factors: the suitability of the proposed location of the memorial structure; the appropriateness of the design thereof; the appropriateness and anticipated longevity of the proposed material comprising the memorial; the proposers' plan and ability for long-term maintenance and upkeep of the memorial; and provisions for insuring the memorial against damage, vandalism and disrepair. In addition, if the proposed location of a memorial structure has been subject to a master- or comprehensive-planning initiative, the proposed memorial should be in comport with any such valid plan. The MRC shall provide this written evaluation to City Council with a recommendation.
   
   D. At its discretion, the MRC may request the approval for or advice of a proposed memorial structure from the Planning Commission.
   
   E. Any proposed memorial structure located within or immediately adjacent to a designated historic or conservation district shall be subject to the advance approval of the Historic Architectural Review Board.
   
   F. Approval of the placement or relocation of any memorial structure shall require the approval of City Council.

§ 396-502. Maintenance of existing memorial structures.
   
   A. It shall be the policy of the City of Reading that the maintenance and upkeep of any memorial structure shall be the responsibility of the entity placing such approved structure on public property. A plan for the perpetual care thereof shall be specified in a memorandum of understanding to which the Director of Public Works shall be a party.
   
   B. In the event a memorial structure falls into disrepair and is not promptly repaired, at the sole discretion of the Director of Public Works, the City may remove such structure and dispose of it.
C. The MRC shall have purview over existing memorial structures and may promulgate policies and programs that encourage their perpetual care, upkeep and repair with little or no public expense.

D. Vandalism to any memorial structure or the grounds that the structure sits on shall be enforced by the PA Crimes Code 18 Pa. C.S. §3304 Criminal Mischief, §3307 Institutional Vandalism and §5509 Desecration, Theft or Sale of Venerated Objects.

The following shall be prohibited:
- Skating, skate boarding, bicycling or using any object that could cause damage to any memorial structure or the grounds that the structure sits on located on public property. §3304 Criminal Mischief prohibits the application of skateboard wax or other foreign substances to any memorial structure of the grounds that the structure sits on.

An offense under this section is a felony of the 3rd degree if the act is defined as desecration under §5509 of is the actor causes pecuniary loss in excess of $5,000. Pecuniary loss shall include the cost of repair or replacement of the property affected. Otherwise institutional vandalism is a misdemeanor of the 2nd degree.

§ 396-503. Moratorium.
The Council of the City of Reading places a moratorium on the placement of any additional memorial structure on public lands. The moratorium shall commence on December 1, 2013, and shall continue until such date when the Council may choose to rescind this section.
BILL NO. _________ 2017

AN ORDINANCE

AUTHORIZING THE PAYMENT OF KANSAS STATE BANK LOANS

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

SECTION 1. Authorizing the payment of Kansas State Bank loans in the following amounts:

$176,300.29
$37,025.75

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

Enacted__________________, 2017

______________________________
Council President

Attest:

____________________________________
City Clerk
TO: CITY COUNCIL
FROM: ALEX PALACIOS, COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR
MEETING DATE: NOVEMBER 28, 2016
AGENDA MEMO DATE: NOVEMBER 10, 2016
REQUESTED ACTION: TO RESCIND THE AWARD OF THE CITY’S MICRO-LOAN PROGRAM TO THE COMMUNITY FIRST FUND

BACKGROUND: On May 23, 2016 City Council passed a resolution authorizing the transfer of the Commonwealth of Pennsylvania’s funded Micro-Loan Program to the Community First Fund. The administration has decided to rescind the offer. The loan program will be directly administered by the City.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: The Managing Director and the Mayor.

RECOMMENDED MOTION: To approve/deny a Council Resolution authorizing the Mayor to rescind the offer to transfer the City’s former Micro-Loan Program to the Community First Fund.

Attachment

Cc: Mayor Scott
    Glenn Steckman
    Charles Younger
RESOLUTION NO. ____________2016

RESOLUTION OF THE COUNCIL OF THE CITY OF READING AUTHORIZING THE MAYOR TO RESCIND THE OFFER OF ENTERING INTO AN AGREEMENT TO TRANSFER THE CITY’S MICRO-LOAN PROGRAM TO THE COMMUNITY FIRST FUND

WHEREAS, in the past the City of Reading received Commonwealth of Pennsylvania funding and created an Enterprise Zone Revolving Loan Program known as EZFRED;

WHEREAS, the City of Reading utilizing the loan repayment funds created a Micro-Loan Program which was previously administered by a consultant that is no longer under contract with the City of Reading;

WHEREAS, on May 23, 2016 City Council passed a resolution authorizing the transfer of the Micro-Loan Program to the Community First Fund;

WHEREAS, the Mayor has decided to rescind the offer to transfer the loan program to the Community First Fund;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The Mayor, on behalf of the City of Reading, is authorized and directed to rescind the offer to transfer the Micro-Loan Program to the Community First Fund. The loan program will be directly administered by the City.

ADOPTED BY COUNCIL ________________________, 2016

______________________________________________
PRESIDENT OF COUNCIL

ATTEST:

________________________________________
CITY CLERK
RESOLUTION NO.________________

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

That Jose Delfi is appointed to the Electrician’s Examining Board with a term ending October 1, 2023.

Adopted by Council ____________________, 2017

________________________________________
President of Council

Attest:

____________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO.__________________

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

That Melvyn Jacobson is appointed to the Planning Commission with a term ending April 1, 2021.

Adopted by Council ________________________, 2017

______________________________
President of Council

Attest:

______________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO._________________

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

That John Kramer is reappointed to the Main Street Board with a term ending December 31, 2019.

Adopted by Council _______________________, 2017

________________________________________
President of Council

Attest:

________________________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO.______________________

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

That Wynton Butler is reappointed to the Diversity Board with a term ending January 9, 2020.

Adopted by Council ________________________, 2017

______________________________
President of Council

Attest:

______________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO._________________

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

That Michael Gombar Jr is appointed to Berks County Civic Center Authority with a term ending August 29, 2020.

Adopted by Council ______________________, 2017

________________________________________
President of Council

Attest:

________________________________________
Linda A. Kelleher
City Clerk
RESOLUTION NO.__________________

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

That John Slifko is appointed as Council liaison to the Main Street Board with Brian Twyman as alternate.

Adopted by Council __________________________, 2017

______________________________
President of Council

Attest:

______________________________
Linda A. Kelleher
City Clerk