



# *CITY COUNCIL*

## *Public Safety Committee*

**Monday, July 16, 2007  
Meeting Report**

**Committee Members in Attendance: D. Sterner, Chair, S. Fuhs, S. Marmarou**

**Others Attending: V. Spencer, B. Reinhart, C. Younger, M. Mayfield, D. Heckart, F. Denbowski**

Public Safety Committee Chair, Dennis Sterner, called the meeting order at 5:10 pm.

### **SIDEWALK VENDOR ORDINANCE**

Ms. Kelleher explained that the Sidewalk Vendor Ordinance seeks to establish reasonable regulations and licensing for sidewalk vendors who exhibit, display, or sell food, beverages, goods and materials, etc. from free stand carts and vending machines in the public right of way. She explained that the research into this ordinance began in the late 1990's. The issue again resurfaced on complaints from the Downtown Improvement District and Codes officials and neighbors residing in the 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Street areas. She explained that the ordinance before the committee combines the ordinance drafted by DID, the Right of Way Ordinance drafted through the efforts of Public Works and Planning Staff in the late 1990's, and the ordinances used by other cities.

Mr. Reinhart explained that the Ordinance limits sidewalk vendors to the Commercial Core zoning district and limits the numbers of sidewalk vendors to ten for food related sales and ten for other materials. The location of each vendor shall be determined by the Vending License Board. The Vending License Board shall consist of one member of DID or their designee, one member of the Reading Planning Commission or their designee, and one member from the Codes Office, Police Traffic Enforcement Office and Public Works Department.

The Committee reviewed the boundaries of the Commercial Core zoning district and suggested expanding the sidewalk vending area to 11<sup>th</sup> & Penn. The Committee also requested the addition of language allowing sidewalk vendors wanting to locate outside the Commercial Core to appeal to Council.

Mr. Reinhart explained that currently anyone having a health permit can become a sidewalk vendor. Ms. Kelleher noted that many of these vendors have located permanently and connect to utilities at homes and businesses through extension cords, etc.

Mr. Marmarou and Mr. Sterner agreed with the problems these vendors have caused along N. 9<sup>th</sup> Street and N. 8<sup>th</sup> Street. They agreed with the need for some regulation to control these businesses.

## **ANIMAL CONTROL ORDINANCE**

Dylan Heckart from the Humane Society stated that the Animal Control Board expects the aggressive designation to go into effect in February 2008 due to the number of bite statistics through June. Mr. Heckart distributed the bite statistics. He stated that currently 385 pit bulls are licensed within the City of Reading. However, the Humane Society believes that triple that number currently exists. He stated that the Humane Society believes that the enforcement of the Aggressive Dog designation will cause a large increase in the need for euthanasia.

Mr. Fuhs suggested applying the 40% rule to outdoor attacks only.

Mr. Heckart expressed the belief that the Ordinance should be amended to allow the Animal Control Board to debate, discuss and decide if the number of bites generated equals the need for implementation of the Aggressive Dog section.

Ms. Kelleher explained that the implementation of the Aggressive Animal section drastically reduced the number of dog attacks and dog bites. However, the implementation put a strain on the Humane Society due to a dramatic increase in the number of euthanasia and containment cases. She stated that the number of pit bulls turned in was so large the Humane Society was forced to put an addition on the building.

Mr. Heckart agreed that the Humane Society would be financially and physically challenged if the Aggressive Dog section went into effect. He explained that the Humane Society expects a building expansion project in the spring of 2008.

Mr. Sterner reported on a conversation between Ms. Kelleher and Chief Heim where the Chief, in an email message, expressed the belief that the ordinance should not be changed as it is an efficient and effective means to protect the public safety of City residents.

Mr. Younger explained the current legal challenge to the ordinance and the plaintiff's appeals to the Commonwealth Court.

Mr. Heckart stated that will confer with Mr. Minor about containment and confinement regulations and report back to the Committee.

## **TRASH SET-OUT**

Mr. Waltman noted the ongoing enforcement issue concerning improper trash set-out. He questioned the need for citizen witnesses to appear at District Justice hearings to support Codes Enforcement Officers' citations.

Mr. Reinhart noted the repeated problems Codes Enforcement Officers have in District Justice court. He stated that a District Justice is more likely to impose a fine or agree with a citation if citizen witnesses are there. He explained that District Justices have often told Code Enforcement Officials to stop wasting their time with trash set-out and codes violations. He again stated that a DJ is more likely to give a guilty verdict if a complaint is supported by a citizen.

Mr. Waltman suggested placing a sliding scale fine that would allow the District Justice to issue a smaller fine for a first offense and a larger fine for subsequent violations.

Mr. Marmarou agreed and noted the problems District 4 residents experience with trash set-out at the end of the college year.

Mr. Waltman expressed the belief that the application of a scaled fine would help to get the DJ's on board and remove obstacles to trash enforcement.

Mr. Younger inquired why the City's contractor does not immediately pick up all trash set out and bill the owner for overage. Mr. Denbowski stated that the contract with Allied is pre-paid. The City pays the average collection costs and then bills the property owner.

Mr. Reinhart described a new approach to quality of life violations. He stated that the Codes Department is now issuing an eight day warning for items like uncut grass, etc. If the situation is unresolved on the day the property is revisited, the City will issue a work order and bill the property owner for the cost of service. He stated that the District Justices have promised to cooperate by charging the property owner with restitution costs.

Ms. Kelleher stated that currently Solid Waste Ordinance already imposes the sliding scale fine. Mr. Reinhart replied that District Justices do not allow Codes Enforcement Officers to cite under the Solid Waste Ordinance.

Ms. Kelleher questioned if it would be beneficial to give the Solid Waste Manager enforcement authority. She stated that the Solid Waste Ordinance provides enforcement authority to Codes, Police and Public Works Departments. She stated that as the Solid Waste office is in the Public Works Department, enforcement authority could be issued to the Solid Waste manager.

Mr. Denbowski stated that currently only AFSCME employees have enforcement authority. He stated that discussion would need to occur with AFSCME before the Solid Waste manager can be given enforcement authority. He inquired if Council would

be willing to add personnel to the Solid Waste Office. The Public Safety Committee agreed to look at this when discussions about the 2008 budget begin.

The Public Safety Committee adjourned.