

BILL NO. 42 -2009

AN ORDINANCE

AN ORDINANCE AMENDING THE DUTIES OF CITY HEALTH OFFICER  
AS SET FORTH IN CHAPTER 1 ADMINISTRATION AND GOVERNMENT  
PART 5 BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS SUBPART D  
BLIGHTED PROPERTY REVIEW COMMITTEE SECTION 1-156 RESTRICTIONS

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

**SECTION 1.** Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart D Blighted Property Review Committee Section 1-156 Restrictions of the City of Reading Codified Ordinances is hereby amended as follows:

**§1-546. Restrictions.**

The Blighted Property Review Committee and the Planning Commission, upon making a determination that any property is blighted as defined in §1-544, above, must certify said blighted property to the Redevelopment Authority except that:

A. No property shall be certified to the Redevelopment Authority unless it is vacant or abandoned.

B. No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for the receipt of service of notices has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing blight and notification that failure to do so may render the property subject to condemnation. The notice shall be served upon the owner or his agent. The owner or his agent shall have the right of appeal from the determination ~~in the same manner as an appeal from the determination of public nuisance~~ by filing an appeal with the City of Reading Building and Fire Board of Appeals within 20 days of the determination hearing.

(1) **Procedure.** Whenever the Committee shall determine, after such examination, investigation or hearing as shall suffice to inform its judgment, that a public nuisance exists or is about to exist, it may order the nuisance to be removed, abated, suspended, altered, or otherwise prevented or avoided. Notice of such order, bearing the official title of the Committee and the number of days for compliance therewith and the alternative remedy of the Committee in case of noncompliance, shall be served upon the person, if any, whom the Committee deems responsible therefore or concerned therein, and upon the owner or abutting owner of the land, premises or other places whereon such a nuisance is or is about to be, if any. In case no such party or parties can be discovered by the Committee, the order shall be served by posting a copy or copies thereof conspicuously upon the premises for a period of at least 10 days.

(2) **Contents of Notice.** The notice of the Committee's order shall clearly specify:

(a) The place and manner of the nuisance or anticipated nuisance as determined by the Committee.

(b) The nature or condition thereof.

(c) The Committee's order with respect to the nuisance or anticipated nuisance.

(d) The name of the persons found by the Committee to be responsible therefore or concerned therewith and the name of the owner, if any, of the land or premises involved; in the event the owner or contact cannot be determined, said notice shall reflect this.

(e) The date of the Committee's order and the number of days therefrom allowed for compliance with it.

(f) The alternative remedy of the Committee in case of noncompliance.

(g) Notice that the persons affected thereby may apply, within the time set for compliance with the order, to the Committee for a hearing, and may request such stay of execution or modification or rescission of the said order as they shall believe just and proper.

(h) The signature of the Chair of the Committee, attested by the Secretary.

(i) The right to appeal.

(3) **Hearing and Disposition.**

(a) If any person affected thereby shall apply for a hearing within the time provided, the Committee shall promptly notify all interested parties of the time and place of the hearing.

(b) The Committee shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing and thereafter may rescind, modify or reaffirm its order and require execution of the original or of a new or modified order, as it shall determine and direct. ~~The persons affected shall be notified of the Committee's final order, and within 10 days from the mailing of such notice may appeal therefrom to the Court of Common Pleas, which appeal may operate~~

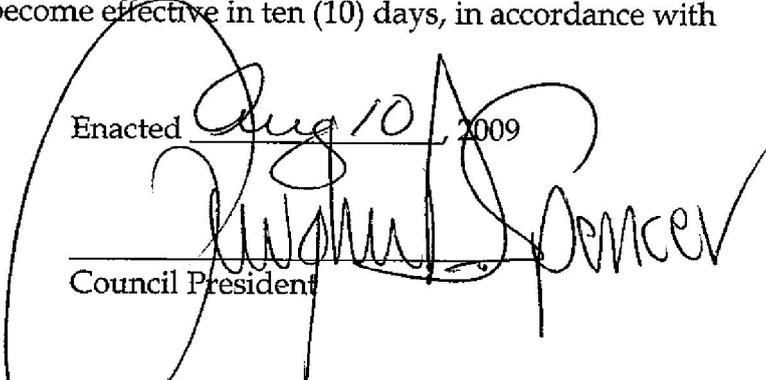
~~as a supersedeas if the Court, upon proper cause shown, so orders, and provided the appellants post bond, approved by the Court, for the use of the City, with sufficient surety to cover all the expenses and costs of executing the Committee's order.~~

**SECTION 2:** All relevant ordinances, regulations, remaining sections of Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart D Blighted Property Review Committee Section 1-156 Restrictions and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

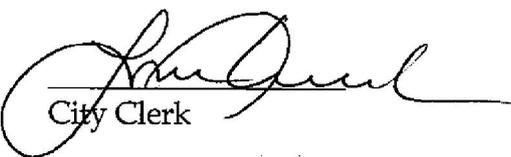
**SECTION 3:** If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**SECTION 4:** This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted Aug 10, 2009

  
\_\_\_\_\_  
Council President

Attest:

  
\_\_\_\_\_  
City Clerk

(LAW)

Submitted to Mayor: 

Date: 8-11-09

Received by the Mayor's Office: 

Date: 8-11-09

Approved by Mayor: 

Date: 8/11/09

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_