ORDINANCE NO. 79-2012

AN ORDINANCE REGULATING THE DESIGN, CONSTRUCTION, INSTALLATION AND OPERATION OF RAIN BARRELS IN THE CITY OF READING

WHEREAS, the use of Rain Barrels as a means of collecting rainwater is determined by City Council to be an important water conservation measure; and

WHEREAS, City Council desires to provide for, promote and regulate the use of Rain Barrels in the City of Reading, which objective must necessarily include scheduling workshops to properly educate City residents about the proper use of Rain Barrels; and

WHEREAS, in order to accomplish this objective, it is necessary to amend the Code of Ordinances of the City of Reading; and

WHEREAS, City Council desires to provide for such an amendment in the form of a new Chapter to be entitled Resource Conservation, the first Article of which will be entitled Rain Barrels.

NOW THEREFORE, be it ordained by City Council that Chapter 28 of the Code of Ordinances of the City of Reading, entitled Resource Conservation, is hereby established, and that Part One of Chapter 28 shall provide as follows:

Chapter 28, Part 1: Rain Barrels

§28-1. Definitions
As used in this Part, the following terms shall have the meanings indicated:

COLLECTING STRUCTURE: Any house, garage, building or canopy that possesses a roof drainage system utilized to collect precipitation and/or rainwater in a containment vessel.

NON-POTABLE: Water that has not been examined, properly treated and approved as safe for consumption.

RAIN BARREL: A ready-made or self-fabricated aboveground durable fiberglass, polypropylene, resin, recycled steel or lined wooden containment vessel that collects rainwater for Non-Potable outdoor use from a rooftop drainage system.

§28-2. Authorized Users
Rain Barrels may only be installed by fee simple owners of real property, or by tenants who obtain written permission from the owner prior to installation.

§28-3. Authorized Uses
Rain Barrels shall only be used to collect rainwater for Non-Potable use on lawns and gardens, for irrigation, for washing vehicles and for other outdoor uses. Under no circumstances shall water from a Rain Barrel be used for any potable purpose, including without limitation drinking, cooking or bathing.

§28-4. Maximum Size and Number
The maximum capacity of a Rain Barrel shall not exceed 75 gallons. Multiple interconnected Rain Barrels are permitted.

§28-5. Height
The height of a Rain Barrel shall not exceed six feet above the surrounding grade. An elevated platform is permitted, but the height of the Rain Barrel and platform together shall not exceed the six foot height limitation.

§28-6. Location

A. Rain Barrels shall be installed aboveground.
B. Rain Barrels shall not be placed less than one foot away from any Collecting Structure.
C. To prevent tipping, Rain Barrels shall be placed on a flat, stable surface or platform.
D. Rain Barrels must be situated at ground level and may not be installed on porches or decks located above ground level on any multi-story Collecting Structure.
E. Rain Barrels located on sidewalks may not project into the areaway beyond that allowed by regulations of the City Engineer.

***§28-7* Rain Barrels in Historic Districts**

F. Rain Barrels installed in any historic district must conform to any aesthetic design, construction or landscaping requirements of the Historical Architectural Review Board and shall require a Certificate of Appropriateness prior to installation, including any requirement that the Rain Barrels be screened or shielded to obscure their view.

§28-8. Specifications

A. Rain Barrels may be ready-made or self-fabricated of durable fiberglass, polypropylene, resin, recycled steel or wood.
B. Wooden Rain Barrels must be lined.
C. Recycled Rain Barrels may not have been previously used as containment vessels for substances regulated by the Toxic Substances Control Act, 15 U.S.C. §2601 *et seq.*
D. All interior surfaces of a recycled Rain Barrel must be washed clean with soap and water before the Rain Barrel is put into service.
E. Every Rain Barrel must be equipped with an automatic stormwater diverter or automatic overflow system so that when the Rain Barrel is full, rainwater is either

diverted back into the Collecting Structure's downspout system, or away from the foundation of the Collecting Structure by way of an overflow hose and into a drainage swale. No drainage from an overflow hose shall discharge upon any neighboring property.

F. Overflow piping must be at least 2" in diameter.
G. Rain Barrels must be equipped with a mosquito-proof screen on the lid and over the flow hole, constructed of corrosion resistant wire or other approved mesh.
H. Lids on Rain Barrels must be securely fastened to prevent access by small children and animals.
I. Rain Barrels fabricated from fiberglass, polypropylene and resin must be opaque in color to inhibit algae growth.
J. The exterior of a Rain Barrel shall not be painted or decorated in such a manner that is inconsistent with the surrounding area or offensive to the general senses of neighboring properties and neighboring property owners.
K. Where not inconsistent with the standards set forth herein, Rain Barrels shall otherwise conform to the standards for Rain Barrel design, construction and operation set forth in the guidance document *Rainwater Catchment Design and Installation Standards*, published on January the 20th, of 2009 by the American Rainwater Catchment Systems Association and the American Society of Plumbing Engineers.

§28-9. Alternative Materials, Design and Methods of Construction and Equipment
The provisions of this ordinance are not intended to prevent the installation of any material, or to prohibit any design or method of construction not specifically prescribed by this ordinance, provided that any such alternative has been pre-approved by the City Engineer or his/her designee. An alternative material, design or method of construction may be approved, where the City Engineer determines that the proposed design is satisfactory and complies with the intent of this ordinance, and that the material, method or work is offered for the purpose intended, and is at least the equivalent of that prescribed in this ordinance in terms of quality, effectiveness, durability and safety.

§28-10. Connections
Rain Barrels shall be completely isolated from any potable water source.

§28-11. Operation
Rain Barrels shall be operated in such a manner as to avoid creating a public or private nuisance.

§28-12. Maintenance

A. The operation and maintenance of a Rain Barrel is the responsibility of the property owner.
B. Rain Barrel screens and associated gutters and downspouts must be kept clear of debris and cleaned as needed to ensure proper operation.
C. Rain Barrel constituent parts and accessories should be routinely inspected, and if no longer functioning as intended, repaired or replaced.

D. During periods of time when the outdoor temperature is at or below 32° Fahrenheit, the Rain Barrel shall either be disconnected from its water source, or the volume of water in the Rain Barrel shall be maintained at ½ capacity, or the Rain Barrel shall be drained and its spigot left open.

§28-13. Underground Cisterns and Rain Barrels
Underground cisterns or containment vessels installed below grade are not regulated by this ordinance and require a building permit, drainage plan and approval by the City Engineer.

§28-14. Abandonment
If the owner of a Rain Barrel elects to cease use of, or fails to properly maintain the Rain Barrel, the owner shall abandon the system. To abandon the system, the owner shall remove the Rain Barrel and reconfigure the Connecting Structure's downspouts so that they once again drain into the City's stormwater conveyance system.

§28-15. Enforcement
The Property Maintenance Division of the Department of Community Development for the City of Reading, Pennsylvania, shall enforce this Part and its Sections through its officers, inspectors and/or authorized agents.

§28-16. Fines and Penalties
1. Upon complaint, for the first violation of this Part a warning will be issued noting the necessary action to correct the violation. A re-inspection is not necessary.

2. Upon complaint, for the second violation of this Part within a twelve (12) month period, a violation notice shall be issued in the amount of Twenty-Five Dollars ($25.00) and an educational session is mandatory for the correct operation and maintenance of rain barrels.

3. For the third violation of this Part within a twelve (12) month period, violation notice shall be issued in the amount of Fifty Dollars ($50.00).

4. For the fourth and subsequent violation of this Part within a twelve (12) month period, a violation notice shall be issued in the amount of One Hundred Dollars ($100.00).

§28-17. Appeals
Any person aggrieved may appeal the same to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and § 752.

§28-18. Full Force and Effect
This Ordinance shall be in full force and effect ten (10) days after its passage, in accordance with Charter Section 219.

§28-19. Conflicting Ordinances
All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Enacted Aug 13 2012

Council Vice President

Attest:

City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 13 day of Aug A. D. 20 12. Witness my hand and seal of the said City this 14 day of Aug A. D. 2012

CITY CLERK

Submitted to Mayor:
Date: 8/14/12

Received by the Mayor's Office:
Date: 8/14/12

Approved by Mayor:
Date: 8/14/12

Vetoed by Mayor:
Date: