

CITY OF READING  
COUNTY OF BERKS, PENNSYLVANIA

ORD. NO. 36-2013

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

Be it enacted and ordained by the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

ARTICLE I  
**Adoption of Code**

Be it enacted and ordained by the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

**§ 1-101. Approval, adoption and enactment of Code.**

Pursuant to Section 1014.1 (53 P.S. § 36014.1) of the Third Class City Code, the codification of a complete body of legislation for the City of Reading, County of Berks, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code, and consisting of Chapters 1 through 600, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the City of Reading, which shall be known and is hereby designated as the "Code of the City of Reading," hereinafter referred to as the "Code."

**§ 1-102. Effect of Code on previous provisions.**

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the City Council of the City of Reading, and it is the intention of said City Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-103 below, and only new or changed provisions, as described in § 1-106 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-115 below.

**§ 1-103. Repeal of legislation not contained in Code.**

- A. All ordinances or parts of ordinances of a general and permanent nature adopted by the City of Reading and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-115 below, except as hereinafter provided. Included in such repealed legislation is the 2001 Code of Ordinances.
- B. The following items from the 2001 Code of Ordinances are specifically repealed:
- (1) Ch. 1, Part J, Building Inspector Civil Service Board, and Part K, Recreation Committee.
  - (2) Ch. 3, Bicycle Regulations.
  - (3) Ch. 5, Part 10, Citizens Inspection Program.
  - (4) Ch. 7, Part 2, Space Heaters.
  - (5) Chapter 10, Part 13, City Outdoor Air Policy.
  - (6) Ch. 13, Part 5, Food Vending Machines and Businesses, Part 6, Milk and Milk Products, Part 7, Frozen Desserts, Part 8, Meat and Meat Products, Part 9, Poultry, and Part 11, Ambulances.
  - (7) Chapter 23, Swimming Pools, Part 1, Private Swimming Pools.

**§ 1-104. Legislation saved from repeal; matters not affected by repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-103 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-103 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to December 17, 2012.
- B. Any right or liability established, accrued or incurred under any legislative provision of the City prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the City.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City or other instruments or evidence of the City's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.

- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the City.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the City or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

**§ 1-105. Inclusion of new legislation prior to adoption of Code.**

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-104A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

**§ 1-106. Nonsubstantive changes.**

In compiling and preparing the ordinances and resolutions of the city for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the City Council that all such

changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

**§ 1-107. Interpretation of provisions.**

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

**§ 1-108. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-109. Filing of copy of Code.**

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the City Clerk and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the City Clerk, as provided by law, and such certified copy or copies shall remain on file in the office of the City Clerk, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-110. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the City Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

**§ 1-112. Publication of notices.**

The City Clerk, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the City. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-113. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the City to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$1,000, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 90 days.

**§ 1-114. Severability.**

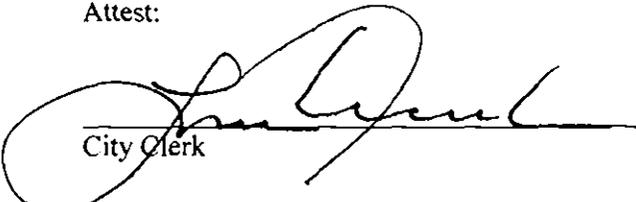
The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the City Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

**§ 1-115. Effective date.**

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 August 6, 2013.

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

Attest:  
  
\_\_\_\_\_  
City Clerk

MAYOR'S ACTION  
Bill No. 36-2013

Submitted to Mayor: [Signature]  
Date: 8/27/13

Received by Mayor's Office: [Signature]  
Date: 8/27/13

Approved by Mayor: [Signature]  
Date: 8/27/13  
Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Sustained by Council: \_\_\_\_\_  
Date: \_\_\_\_\_  
Overridden by Council: \_\_\_\_\_  
Date: \_\_\_\_\_



# CITY OF READING, PENNSYLVANIA

LINDA A. KELLEHER CMC  
CITY CLERK

CITY COUNCIL  
ROOM 2-24  
815 WASHINGTON STREET  
READING, PA 19601-3690  
(610) 655-6204

**DATE:** June 25, 2013  
**FROM:** Linda A. Kelleher, City Clerk

**Please place the following ad in the Reading Eagle Times in the Public Notice Section on Monday, July 1, 2013**

## **City Of Reading Notice of Introduction Of Proposed Code Adoption Ordinance**

Please take notice that a proposed Code Adoption Ordinance was introduced by the City Council of the City of Reading at a regular meeting of the City Council held on the 22 day of July, 2013. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the City Clerk.

**Ordinance** to approve, adopt and enact an ordinance codification for the City of Reading County of Berks; to provide for the repeal of certain legislation not included therein; to save from repeal certain other legislation not included therein; and to provide penalties for tampering with the code.

Please take further notice that the City Council intends to adopt the proposed Code Adoption Ordinance on August 26, 2013. A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the City Clerk, 815 Washington St, Rdg, PA, where it is available for inspection during regular office hours.

Linda A. Kelleher CMC  
City Clerk



**CITY OF READING**  
**NOTICE OF ADOPTION OF CODE**

Please take notice that the following ordinance of the City of Reading, notice of the introduction of which had previously been given, was finally enacted at a meeting of the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, on the 26 day of August, 2013:

ORD. NO. 36·2013

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

The "Code of the City of Reading" will be in full force and effect on the 9<sup>th</sup> day of Sept, 2013. A copy of the Code Adoption Ordinance and the Code are on file in the office of the City Clerk, where they are available for use and examination during regular office hours.

**CERTIFICATION**

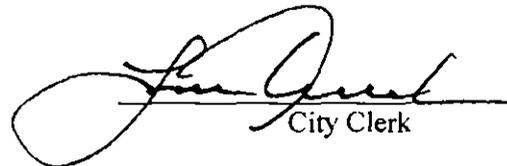
**CITY OF READING**

**Office of the City Clerk**

I, **Linda Kelleher**, City Clerk of the City of Reading, Pennsylvania, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the City Council of the City of Reading, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the City of Reading, County of Berks, Commonwealth of Pennsylvania, as adopted by ordinance of the City Council on August 26 2013.

Given under my hand and the Seal of the City of Reading, County of Berks, Commonwealth of Pennsylvania, this 28 day of August 2013, at the municipal offices of the City of Reading.

s/**Linda Kelleher**

  
City Clerk

**DATE:** August 27, 2013  
**FROM:** Linda A. Kelleher, City Clerk

**Please place the following ad in the Reading Eagle Times in the Public Notice Section on Monday, September 2<sup>nd</sup> and September 9<sup>th</sup>.**

**CITY OF READING  
NOTICE OF ADOPTION OF CODE**

Please take notice that the following ordinance of the City of Reading, notice of the introduction of which had previously been given, was finally enacted at a meeting of the City Council of the City of Reading, County of Berks, Commonwealth of Pennsylvania, on the 26th day of August, 2013.

**ORD. NO. 36-2013 AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF READING, COUNTY OF BERKS, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF**

The "Code of the City of Reading" will be in full force and effect on the 9th day of September, 2013. A copy of the Code Adoption Ordinance and the Code are on file in the office of the City Clerk, where they are available for use and examination during regular office hours. A copy of the Code can also be found on the City's website, at the Reading Public Library and at the Berks County Law Library.

Linda A. Kelleher CMC  
City Clerk