

BILL NO. 102-2014

AMENDING THE CITY CODE CHAPTER 1, §23 BY CREATING A NEW PART 14 CODE AND LICENSE APPEALS BOARD, REPEALING THE APPEALS BOARDS REQUIRED WITHIN THE PROPERTY MAINTENANCE CODE, THE BUSINESS LICENSE CODE, THE HOUSING CODE AND THE SOLID WASTE CODE, THE VENDING MACHINE CODE, AND RECYCLING APPEALS CODE AND REPLACING THOSE APPEALS BOARDS WITH THE CODE AND LICENSE APPEALS BOARD.

WHEREAS, the City of Reading ("City"), is creating one Code and License Appeals Board to hear appeals to the Property Maintenance Code, the Business License Code, including the Business License Revocation section, The Housing Code, the Vending Machine Code and the Solid Waste Code.

IT IS HEREBY ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF READING AS FOLLOWS:

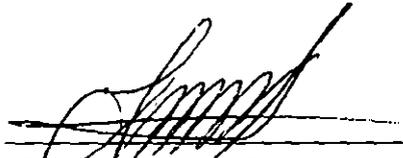
Section 1. Amending the City Code Chapter 1, Section 23 by creating a new Part 14 Code and License Appeals Board as attached in Exhibit A and to replace the four separate appeals boards required by the Property Maintenance Code, the Business License Code, including the Business License Revocation section, the Housing Code, the Vending Machine Code and the Solid Waste Code.

Section 2. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the City Council that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 3. Repealer. All ordinances or parts of ordinances of the City which are inconsistent herewith are hereby repealed.

Section 4. Effective Date. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

DULY ENACTED AND ORDAINED this 22 day of Dec, 2014.
CITY COUNCIL OF THE CITY
READING


Francis Acosta, President

Attest: 
Linda Kelleher, City Clerk

Submitted to Mayor: 

Date: 12/23/14

Received by the Mayor's Office: 

Date: 12/23/14

Approved by Mayor: 

Date: 12/23/14

Vetoed by Mayor: _____

Date: _____

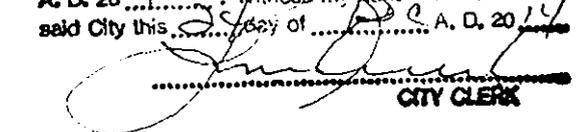
LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify that the
above is a true and correct copy of the original
Ordinance passed by the Council of the City of
Reading, on the 22 day of Dec
A. D. 2014. Witness my hand and seal of the
said City this 23 day of Dec, A. D. 2014

CITY CLERK

EXHIBIT A

PART 14

CODE AND LICENSE APPEALS BOARD

23-1401. ORGANIZATION

A. MEMBERSHIP

1. The Code and License Appeals Board shall be a body of five (5) members consisting of: the Administrative Services Director or his/her designee who shall serve as Chairperson; a Councilperson from the District the business or property is located in or the designee of the President of Council if the District Councilor is unavailable, a member of the business community; a resident at large; and member of a recognized City of Reading community group.

B. ALTERNATES

1. There shall be three alternate members one each from the following groups: a member of the business community, a resident at large and a member of a community group recognized by the City of Reading.

C. APPOINTMENT

1. The member of the business community and the alternate from the business community shall be appointed by the Mayor without confirmation of Council and the remaining members and alternates shall be appointed by Council.

D. TERM

1. A member or alternate member shall serve a term of three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years. Members may be appointed to serve successive terms. Members and alternates of the initial board shall be appointed to staggered terms of one, two and three years.

2. Removal of members. 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 Board 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 Board 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.

3. Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

E. QUORUM AND MAJORITY VOTE

1. Four (4) members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

23-1402. POWERS

The Code and License Appeals Board shall have the following powers:

- A. PROMULGATE RULES AND REGULATIONS
 1. To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.
- B. OATHS AND SUBPOENAS
 1. The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- C. HEAR AND DECIDE MATTERS
 1. To hear and decide matters regarding the revocation of a Business Privilege License where it is alleged that one of the criteria set forth herein has been violated. The Board is also authorized to hear appeals of refusals of Business Privilege License or Cease Operations Order.
 2. To hear and decide matters regarding appeals to the Property Maintenance Code.
 3. To hear and decide matters relating to appeals of the Solid Waste Code, which includes solid waste, dumpsters and recycling.
 4. To hear and decide matters relating to appeals of the Housing Ordinance, including appeals to issued Disruptive Conduct Reports.
 5. To hear and decide matters relating to appeals of the Vending Machine Ordinance.
 6. To modify any notice of violation or order and to authorize a variance from the terms of this code when, because of special

circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

7. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code (Chapter 180, Part 13) and other applicable sections of the Codes of the City of Reading of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

E. TIMELINESS

1. In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall hold a hearing on any founded complaint within twenty (20) days and shall file its decision within ten (10) days after the appeal hearing.
2. The decision of the Board shall be filed with the Managing Director, the Solicitor and the City Clerk. Copies of the decision shall be sent by first class mail to the appellant within ten (10) days of the Board's decision.

F. AUTHORITY

1. The Board is empowered to find no cause for the revocation of a Business Privilege License or cause to revoke a Business Privilege License by a majority vote of the appointed members. The Board shall be bound by this Chapter and shall not ignore the clear provisions and intent of this Chapter.
2. The Board shall modify or reverse the decision of the Solid Waste, Housing, Vending Machine, or the Property Maintenance Code official only by a majority vote of the appointed members.
3. The Administration shall take immediate action in accordance with the decision of the board.

G. COURT REVIEW.

1. Any party to the appeal to the Board shall have to the appeal the decision of the Board to the appropriate court of jurisdiction in the manner and time required by law following the filing of the Board's decision, as per D2 herein.

2. Stays of enforcement. Appeals of decisions of the Board shall stay the enforcement and collection of the bill for costs of abatement of violation of this part.