Drafted by	Tonya Butler
Sponsored by/Referred by	Ron Natale
Introduced on	September 14, 2015
Advertised on	September 21, 2015

BILL NO. 50 2015

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE BY SETTING THE PERMIT FEE AS PER THE CITY OF READING FEE SCHEDULE AND INCREASING THE SIDEWALK SALES HOURS IN CHAPTER 453, PART I, SIDEWALK SALES

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

SECTION 1: Amending the City of Reading Code by setting the fee schedule as per the City of Reading Fee Schedule and increasing the sidewalk sales hours in Chapter 453, Part I, Sidewalk Sales as per Exhibit A.

SECTION 2. 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.

Adopted Sept 28, 2015

President of Council

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 28 day of Sept A. D. 20 15. Witness my hand and seal of the said City this 29 day of Sept A. D. 20 15

CITY CLERK

Submitted to Mayor:

Date: 9/29/15

Received by the Mayor's Office:

Date: 9/29/15

Approved by Mayor: _____
Date: 9/29/15
Vetoed by Mayor: _____
Date: _____

Exhibit A

§453-107. Sidewalk Sale Permit Term and Fees.

A. The term of each sidewalk sale permit shall be specified on the permit which is issued and shall not exceed 52 events per year.

B. ~~The permit fee to be charged is $250 per year - § 212-131. (As per the fee schedule)~~ ***Fees required under this section shall be established by City Council and included on the City's Fee Schedule.***

~~C. There shall be no prorating or rebate of the annual permit fee.~~

§453-108. Sidewalk Sale Display Standards. The ~~Codes Enforcement Office~~ ***Property Maintenance Division*** is hereby authorized to grant revocable permits for the use of the sidewalk for the display for sale of merchandise, flowers, floral arrangements and ornamental shrubbery not prohibited herein upon the following terms and conditions:

A. No more than 52 sidewalk sales can occur during each calendar year.

B. The permit and regulated activity shall be valid only during a single calendar year.

C. The permitted activity shall be conducted only as an accessory to a business establishment lawfully operating on the first floor of the premises, on the sidewalk in front of the principal place of business of such establishment and by the entity which operates such establishment. All sales shall be conducted within such establishment. No cash register or other facility for the exchange of currency or otherwise receiving payment for goods and services shall be permitted on the sidewalk.

D. The applicant shall have the consent of the owner and lessee, if any, of the premises in front of which the permitted activity is to be conducted ~~and the consent of each abutting property owner~~ ***and shall provide notice of the permitted activity to the adjoining property owner(s).***

E. There shall be no less than eight feet from the curbline to the front of the nearest structure.

F. No sidewalk display shall be nearer than three feet zero inches to the curb, except that if the sidewalk is nine feet zero inches or more in width, then the distance

from the curb shall be not less than 1/3 of the width of the sidewalk with a maximum of two rows.

G. The applicant shall at all times maintain free and clear from all obstruction an aisle not less than three feet in width providing access to any establishment fronting on said sidewalk.

H. No permanent structure may be affixed to the sidewalk or any building. The applicant shall be responsible for any damage caused to any sidewalk or public property.

I. The sidewalk use shall not interfere with access to any public service facility, create a nuisance or fire hazard.

J. At least one trash receptacle shall be provided by the business or person and the premise shall be kept litter free.

K. No outdoor lighting or live or mechanical music shall be permitted.

L. The sidewalk display shall be permitted only during the hours the business is open to the public or between the hours of ~~9~~ **7:30** a.m. and ~~5~~ *9* p.m.

M. The applicant shall agree to indemnify and save harmless the City of Reading, its officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the sidewalk use.

N. The applicant shall obtain and maintain in full force and effect throughout the term of the permit a policy of general liability insurance, which such policy shall name the City of Reading, its officers, agents, attorneys and employees as additional insured, have a combined single limit of not less the $1,000,000 and contain a provision prohibiting its cancellation except upon 20 days notice to the City of Reading. The applicant shall file with the ~~Codes Enforcement Office~~ **Property Maintenance Division**, prior to the issuance of the permit, a certificate evidencing the requisite insurance.

O. ~~The applicant shall file with the Codes Enforcement Office, prior to the issuance of the permit, the permit fee as set forth herein~~. ***Any other conditions required or prescribed by the Property Maintenance Division shall be reasonable and necessary to protect the health, welfare and safety of the public, including the denial of the application.***

P. ~~The permit fee must be made at time of application~~.

Q. ~~Any other conditions required or prescribed by the Codes Enforcement Office shall be reasonable and necessary to protect the health, welfare and safety of the public, including the denial of the application.~~

R. ~~The owner/operator must submit with the application the name and street address of the owner of the abutting properties if not the same person along with:~~

~~(1) A description of the owner of the abutting property, if other than a natural person, including the legal status (corporation, partnership, etc.) and a general~~

~~description of the type(s) of business operated on the abutting property.~~

~~(2) Written authority in the form of a power of attorney from the owner to submit the application if the applicant is not the owner of the abutting property.~~

§453-109. Special Sidewalk Sales. Anything in this article to the contrary notwithstanding, the City of Reading ~~Codes Enforcement Office~~ ***Property Maintenance Division*** may permit the selling and display for sale of merchandise on, over or upon the sidewalk at any location within the City for a period not to exceed seven days in conjunction with any organized sidewalk sales days open to all retail merchants within the a specific neighborhood or City block, as long as the affected merchants comply with the other terms of this ordinance and other applicable City ordinances.

§453-112. Conditions for Issuance of Permit.

A. Upon approval by the ~~Codes Enforcement Office~~ ***Property Maintenance Division*** of the plans submitted by the applicant and upon the applicant furnishing to the City of Reading the following, the ~~Codes Enforcement Office~~ ***Property Maintenance Division*** shall issue a permit, valid through the end of the calendar year:
   (1) A hold-harmless agreement executed by the applicant and indemnifying the City against loss, including costs and expenses, resulting from injury to person or property as a direct or indirect result of the operation of the sidewalk ~~café~~ ***sales***. Said hold-harmless agreement shall be subject to the approval of the City Solicitor.
   (2) Proof of liability insurance in the amount of $100,000 per individual and $300,000 per occurrence.

B. Sidewalk sales permits are not transferable. Changes in ownership/operation require reapplication for a permit.

§453-113. Removal of Improvements.

A. If the City incurs any costs in removing any equipment or improvements from a sidewalk sale for the following reasons: the establishment failed to remove equipment at the close of the business day, the establishment went out of business or the establishment failed to renew its permit, within 30 days of the close of the year, the City shall remove and store all equipment and bill the property owner for the actual costs of labor, materials, equipment or any other item, service or expense incurred by the City to correct such violation, plus any additional administrative fees. The equipment removed shall remain in the City's possession until the bill from removal and any fines or fees are paid in full.

B. Any bill for such removal of equipment undertaken pursuant to this chapter shall be

billed to and paid by the property owner within 60 days. Upon failure of the property owner to pay the amounts due within 60 days, the City shall assess this uncollected debt on the property taxes of this building.

§453-116. Violations and penalties; effect on eligibility for license.

A. Whoever violates any provisions of this article shall, upon conviction thereof in a summary proceeding, be fined not less than $200 and not more than $1,000 for each offense, to be collected as other fines and costs are by law collectible, or imprisoned for not more than 90 days, or both. Each day during which a violation occurs shall constitute a separate offense.

B. Any person who is convicted of a violation of any of the provisions of this article shall have his permit suspended for one full year and shall not be eligible for another permit until the expiration of one full year.

C. Any person who fails to remove a sidewalk sales materials at the close of each business day, as provided for in §10-1615, shall not be eligible for a permit in any following year.

D. Failure to observe any of the conditions set out herein is grounds for revocation of a permit. Prior to such revocation, the ~~Codes Enforcement Office~~ ***Property Maintenance Division*** shall give 10 days' written notice to the permitee of his violation of or his failure to observe a general condition as set out above. If the permitee requests a hearing prior to the expiration of that ten-day notice period, the City Council shall hold a hearing to determine if the license should be revoked. The permitee may present evidence in his own behalf if he so desires. The decision in regard to revocation may be appealed to the City Council. If the permitee fails to request such a hearing, the revocation shall become effective upon the expiration of the ten-day notice period. If a permit granted under this section is revoked, all tables, chairs and other appurtenances used as a part of the sidewalk sale shall be immediately removed from the sidewalk.

E. This article and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law.