

CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, OCTOBER 8, 2012
7:00P.M.***

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agenda.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Mr. Steve Elmarzouky, Islamic Center of Reading

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Big John's Restaurant, accepted by John Ulrich
- Recognizing HOSA Pride, accepted by Margaret Stephenson, Advisor

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless

permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Regular Meeting of September 24, 2012

B. AGENDA: Council Meeting of October 8, 2012

5. Consent Agenda Legislation

A. Resolution – promoting Sgt. Brian Cole to the rank of Lieutenant (Police)

B. Resolution – promoting Sgt. Kelly Kerr to the rank of Lieutenant (Police)

C. Resolution – promoting C.I. Kyle Rentschler to Sergeant (Police)

D. Award of Contract - contract to Purcell Construction, 560 North 5th Street, Denver, PA, at a total submitted base price and alternates that total \$171,368.00 for various improvements to the Schlegel Park Pool (**Purchasing**)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

2011 External Audit Report

8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

A. Bill 98-2012 - amending Chapter 1, Administration, of the Codified Ordinances of the City of Reading, the Capital Improvement Program and renumbering as required **(Council Staff/PFM) Introduced at the Sept 24 regular meeting**

B. Bill 99-2012 - amending the 2012 City of Reading Self Insurance Fund budget by authorizing the transfer of funds from line items within the Self Insurance Fund Budget **(Human Resources) Introduced at the Sept 24 regular meeting**

C. Bill 100-2012 – authorizing the transfer of funds collected during the recent Tax Amnesty to the Non-Departmental Contingency Account **(Business Analyst) Introduced at the Sept 24 regular meeting**

D. Bill 101-2012 - authorizing the transfer of funds to the Human Relations Commission for Emergency Shelter Grants in 2012 **(Business Analyst) Introduced at the Sept 24 regular meeting**

E. Bill 102-2012 - amending the 2012 General Fund Budget, reallocating funds from the Contingency Fund to Law Department Budget Codified Ordinance line items for Legal Services and/or Contracted Services **(Law) Introduced at the Sept 24 regular meeting**

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - authorizing the transfer of \$44,000 in the Property Maintenance budget from Salaries to Abatement in the 2012 Budget **(Property Maintenance/Council Staff)**

B. Ordinance - requesting authorization to transfer funds from the Trash/Recycle Fund to the General Fund **(Controller)**

C. Ordinance - amending Chapter 11, Housing, of the Codified Ordinances of the City of Reading, by providing for in personam actions, in lieu of liens, for delinquent housing permit surcharges as attached in Exhibit A **(Law)**

D. Ordinance - amending Chapter 1 Administration and Government Part 5 Boards, Commissions, Committees and Councils Subpart D Blighted Property Review Committee by adding a Single Properties Section and a Multiple Properties Section and Definitions for the Term Blighted Property for each consistent with State Law as attached in Exhibit A **(Law)**

Pending Legislation

Bill No – 2013 Budget (Managing Director) *Introduced at 10-3 Special Mtg*

Bill No – 2013 Capital Budget (Managing Director) *Introduced at 10-3 Special Mtg*

11. RESOLUTIONS

A. Resolution – authorizing the Mayor to create a Microloan Program for small businesses (Community Development) *Tabled at the Sept 24 regular meeting*

B. Resolution – reappointing Ermete Rafaelli to the Planning Commission (Nom & Appts)

C. Resolution – appointing Teri Kutz to the Citizens Advisory Board (Nom & Appts)

Pending Legislation

Resolution – extending the lease between the City and the Reading Phillies (Law) *Tabled at the July 9 regular meeting*

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, October 8

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, October 15

Budget Review – Penn Room – 5 pm

Work Session – Penn Room – 7 pm

Monday, October 22

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Remaining Budget Meeting Schedule

October 29 - Capital Budget Hearing – Council Chambers – 5 pm

November 5 - General Fund Budget Hearing – Council Chambers – 5 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 8

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, October 9

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Water Authority Office – 4 pm

Citizens Advisory Board – Penn Room – 7 pm

District 11 Crime Watch – Orthodox Presbyterian Church

Wednesday, October 10

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, October 11

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Sunday, October 14

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, October 15

Library Board – 113 S 4th St – 4 pm

Tuesday, October 16

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, October 17

Diversity Board – Penn Room – 4 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Thursday, October 18

Blighted Property Review Committee – Council Chambers – 6 pm

Monday, October 22

DID Authority – DID office – 645 Penn St 5th floor – noon

BARTA – BARTA office – 3 pm

**City of Reading City Council
Regular Business Meeting
Monday, September 24, 2012**

Council President Francis G. Acosta called the meeting to order.

The invocation was given by Michael Kaucher from the Reading Berks Conference of Churches.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Corcoran, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
Managing Director C. Snyder
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Council Commendation recognizing Compadres Network, accepted by Eddie Moran

- Council Commendation recognizing Latin Flair, accepted by Wanda Holdren

PUBLIC COMMENT

Council President Acosta announced that there are seven (7) citizens registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the Council meeting. As no one objected, the rule to require non-agenda comment at the end of the meeting was suspended. Council President Acosta reminded the citizens registered to speak about the remaining public speaking rules.

Bill Woolworth, of Holly Road, expressed his belief in the beauty of Reading and noted the many challenges business owners face in Reading. He expressed the belief that customers do not want to come into downtown Reading for various reasons. He noted the need for the City to work with business owners to correct this problem. He also suggested adopting less punitive measures that are friendlier to business owners. He suggested making modifications to City laws and regulations.

Shirley Seiders, of Heckman's Court, stated that she owns a duplex on Heckman's Court. She stated that she resides in one of the residences and keeps the other side of the duplex vacant. She stated that the rental inspection fee is too high. She stated that investors and landlords are being squeezed out due to the increasing costs of City fees. She stated her property meets City codes and does not require return trips during rental inspections; therefore she should not need to pay the high fee.

Stanley Potteiger, of Green Street, agreed with the previous speakers about modifying laws and regulations to make them more reasonable and less punitive. He also noted the challenge of paying his City and County property taxes, which are now bundled. He also expressed the belief that the water fees are escalating because the Water Authority needs to financially assist the City.

Steve Suruski, of Sinking Spring, stated that he is a rental property owner who is ready to close down his investment properties due to the high fees. He stated that he owns 50 properties and they are headed in the wrong direction due to the escalating City fees. He also expressed the belief that having Codes Inspectors call property owners to alert them to maintenance issues worked better than the ticketing system. He expressed the belief that Codes Inspectors are given quotas on the number of tickets they need to issue each day.

Mr. Suruski was given one additional minute to comment.

Mr. Suruski expressed the belief that the rental inspection fees need to be reduced. He also suggested issuing Quality of Life tickets to the tenants, not to the landlords.

Tammie Neiheiser, of Cotton Street, declined her opportunity to comment.

Maryann Ciarlone, of North 5th Street, read Council an article from a publication regarding the refusal of tenants and landlords to allow Codes to inspect the

interior of properties due to the constitutional rights of tenants and landlords. She read the article which described the case and the Court's decision. She asked Council to consider the parallel with the issue in Reading.

Kelly Fegley, of South 16th Street, stated that she is a crossing guard at 17th and Haak Street. She stated that the crossing guards have not had pay increases for many years and only earn minimum wage. She noted the dangers of the job, as some guards are posted at intersections without stop signs. She stated that crossing guards elsewhere earn between \$10-15 an hour.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the minutes for the September 10th Regular Meeting of Council and the agenda for this meeting, including the legislation under the Consent agenda heading.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the September 10th Regular Meeting of Council and the agenda, including the legislation under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Award of Contract - to Brice Excavating LLC, 1896 Friedensburg Road, Reading, PA 19606, at a total submitted bid price of \$32,500.00 for the Schuylkill River Bike Trail Clearance Project **(Purchasing)**

B. Award of Contract - to Land Tech Enterprises, 3084B Bristol Road, Warrington, PA 18976, at a total submitted bid price of \$291,743.00 for various improvements to the 11th and Pike Playground **(Purchasing)**

ADMINISTRATIVE REPORT

Managing Director Snyder read the report distributed to Council by the Mayor's Office on Thursday. She highlighted as follows:

- Described the moving 9/11 Ceremony at City Park
- Congratulated the firefighters recognized for their courage and bravery
- Described the assistance of local faith leaders with the criminal issues at the High School and Intermediate High School

Mayor Spencer arrived and updated Council about his activities over the past week.

Councilor Goodman-Hinnershitz commended the IT Division for their updated City website. She noted that photos of the Pagoda are obviously missing and

requested that photos of this City icon be added to the site. She also suggested that the Administration work with Council and other organizations to develop a strategic plan to address juvenile violence in a comprehensive manner.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting covering the following:

- 2012 Admissions Tax Collection
- 2012 Real Estate Transfer Tax Compensation
- 2012 Recycling Grant
- 2012 State Pension Aide Report
- Resignation of Audit Coordinator Maria Rodriguez

ORDINANCES FOR FINAL PASSAGE

A. Ordinance 95-2012 – amending the Codified Ordinances Chapter 15, Part 8 Impoundment and Booting of Vehicles authorizing the immediate removal of vehicles that have been booted after receiving a minimum of five unsettled parking tickets (**Parking Authority/Council Staff**) *Introduced at the Sept 10 regular meeting*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 95-2012.

Bill No. 95-2012 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner,
Waltman, Acosta, President -7**
Nays: None -0

B. Ordinance 96-2012- authorizing the Mayor to execute the Memorandum of Understanding between the Reading Berks Association of Realtors and the City of Reading for the creation of the CORE Program within Reading (**Law**) *Introduced at the Sept 10 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 96-2012.

Councilor Corcoran stated that he will be abstaining from the vote because he is a member of the Reading Berks Association of Realtors and a member of the CORE Committee.

Bill No. 96-2012 was enacted by the following vote:

Yeas: Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President -6

Nays: None -0

Abstention – Corcoran - 1

C. Ordinance 97-2012 – transferring funds from contingency account as follows: \$100,000 to the Reading Redevelopment Authority for blighted properties entering the CORE process and \$5,000 for Reading Beautification supporting the city-wide clean-ups. **(Council Staff & Business Analyst) Introduced at the Sept 10 regular meeting**

Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Bill No. 97-2012.

Bill No. 97-2012 was enacted by the following vote:

Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President -7

Nays: None -0

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - amending Chapter 1, Administration, of the Codified Ordinances of the City of Reading, the Capital Improvement Program and renumbering as required **(Council Staff/PFM)**

B. Ordinance - amending the 2012 City of Reading Self Insurance Fund budget by authorizing the transfer of funds from line items within the Self Insurance Fund Budget **(Human Resources)**

C. Ordinance – authorizing the transfer of funds collected during the recent Tax Amnesty to the Non-Departmental Contingency Account **(Business Analyst)**

D. Ordinance - authorizing the transfer of funds to the Human Relations Commission for Emergency Shelter Grants in 2012 **(Business Analyst)**

E. Ordinance - amending the 2012 General Fund Budget, reallocating funds from the Contingency Fund to Law Department Budget Codified Ordinance line items for Legal Services and/or Contracted Services **(Law)**

RESOLUTIONS

A. Resolution 111-2012 – authorizing the Mayor to create a Microloan Program for small businesses (**Community Development**)

Councilor Marmarou moved, seconded by Councilor Corcoran, to enact Resolution No. 111-2012.

Council President Acosta questioned the entity that would be underwriting and approving these loans. He also inquired about the maximum amount that could be loaned.

Mayor Spencer stated that the CD Director would be handling the loans; however, he did not know how the underwriting would be done or the maximum amount of the loans. He stated that the loan funding will come from the CDBG Funds.

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 111-2012.

Resolution No. 111-2012 was tabled by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Reed, Waltman, Acosta,
President -5
Nays: Marmarou, Sterner - 2**

COUNCIL COMMENT

Councilor Sterner congratulated those honored with commendations tonight and thanked those who commented during the public comment period. He thanked those speaking about the City's fees for sharing their opinions.

Councilor Goodman-Hinnershitz congratulated those honored tonight and thanked those who spoke. She highlighted an article on the Duryea Hill Climb.

Councilor Corcoran thanked Berks Packing for their volunteer work to beautify the Bingaman Street Bridge triangle.

Councilor Reed saluted Big John Ulrich on his retirement and noted his quiet philanthropy endeavors to benefit the community. She noted the need for the City Administration and Council to work proactively to address the downtown, rather than taking no action.

Councilor Reed stated that the Mayor recently removed John Darlington and Jack Lantrip from the Parking Authority Board, suddenly and without warning or cause. She noted the work of Larry Lee, as Executive Director for the past 10 years, which turned the Parking Authority into a successful operation.

Mayor Spencer expressed the belief that parking downtown is not the largest problem. He stated that the down economy plays more of a factor on the health of businesses. He stated that his staff is working on a comprehensive parking plan for the downtown, which will be presented to Council.

Managing Director Snyder stated that the rental inspection fees are currently under review. She expressed the belief that the fees will be adjusted to prevent the good landlords from subsidizing the landlords who require multiple inspections to bring their properties into compliance with the City's Property Maintenance Code.

Councilor Waltman noted the need for Council and the Administration to create a parking solution. He stated that a variety of issues affect the health of businesses, not parking or the down economy alone.

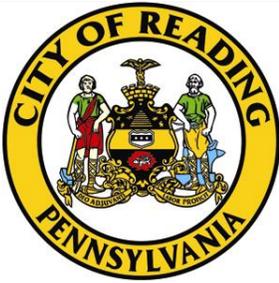
Council President Acosta noted the successful faith event held at George Field over the past weekend "Say No to Violence".

Councilor Acosta reviewed the meeting schedule.

Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC,

City Clerk



AGENDA MEMO

POLICE DEPARTMENT

TO: City Council
FROM: Chief William M. Heim
PREPARED BY: Chief William M. Heim
MEETING DATE: September 24, 2012
AGENDA MEMO DATE: September 14, 2012
REQUESTED ACTION: Authorize the Promotion of two Sergeants to Lieutenant

RECOMMENDATION

The Mayor and Police Chief recommend the promotion of the following Sergeants to the rank of Lieutenant:

Sergeant Brian A. Cole, date of employment January 20, 2003
Sergeant Kelly M. Kerr, date of employment January 16, 2001

BACKGROUND

There are currently vacancies for lieutenant as a result of retirements. Sergeants Brian Cole and Kelly Kerr took the written and oral examination for the position of Lieutenant and are among the top three candidates on the current certified list. The Police Chief has reviewed their performance, dependability, and conduct and the Mayor and Police Chief recommend them for promotion.

BUDGETARY IMPACT

None. This funded position has become vacant due to a promotion and retirements.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve a resolution to authorize the promotion of Sgt. Brian A. Cole and Sgt. Kelly M. Kerr to the rank of Lieutenant.

RECOMMENDED BY

The Mayor and Police Chief recommend approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the promotion of Sergeant Brian A. Cole and Sgt. Kelly M. Kerr to the rank of Lieutenant effective September 24, 2012.

RESOLUTION NO. 2012

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

That Sergeant Brian Cole is promoted to the rank of Lieutenant
in the Reading Police Department, effective September 24, 2012.

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. ____ 2012

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

That Sergeant Kelly Kerr is promoted to the rank of Lieutenant
in the Reading Police Department, effective September 24, 2012.

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk



AGENDA MEMO

POLICE DEPARTMENT

TO: City Council
FROM: Chief William M. Heim
PREPARED BY: Chief William M. Heim
MEETING DATE: September 24, 2012
AGENDA MEMO DATE: September 14, 2012
REQUESTED ACTION: Authorize the Promotion of one Criminal Investigator to Sergeant

RECOMMENDATION

The Mayor and Police Chief recommend the promotion of the following patrol officer to the rank of Sergeant:

Criminal Investigator Kyle E. Rentschler, date of employment January 16, 2001

BACKGROUND

There are currently vacancies for Sergeant as a result of retirements. Criminal Investigator Kyle E. Rentschler took the written and oral examination for the position of sergeant and is among the top three candidates on the current certified list. The Police Chief has reviewed his performance, dependability, and conduct and the Mayor and Police Chief recommend him for promotion.

BUDGETARY IMPACT

None. This funded position has become vacant due to a promotion and retirements.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve a resolution to authorize the promotion of Criminal Investigator Kyle E. Rentschler to the rank of Sergeant.

RECOMMENDED BY

The Mayor and Police Chief recommend approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the promotion of Criminal Investigator Kyle E. Rentschler to the rank of Sergeant effective September 24, 2012.

RESOLUTION NO. ____ 2012

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

That Criminal Investigator Kyle E. Rentschler is promoted to the rank of Sergeant in the Reading Police Department, effective September 24, 2012.

Adopted by Council _____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk



AGENDA MEMO

DEPARTMENT of ADMINISTRATIVE SERVICES

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: October 8, 2012
AGENDA MEMO DATE: October 2, 2012
RECOMMENDED ACTION: Awarding of Contract for improvements to the Schlegel Park Pool for the Departments of Public Works and Community Development.

RECOMMENDATION

The recommendation is to award the contract to Purcell Construction, 560 North 5th Street, Denver, PA, at a total submitted base price and alternates that total \$171,368.00 for various improvements to the Schlegel Park Pool for the Departments of Public Works and Community Development.

BACKGROUND

Bids for improvements at the Schlegel Park Pool for the Departments of Public Works and Community Development were received on September 20, 2012. The bid award is based on various items that include renovations to the site. These improvements are mandated so that the pool conforms to the new ADA requirements.

BUDGETARY IMPACT

The Department of Community Development and Accounting have confirmed that funds sufficient for this contract. The funding will be out of CDBG monies.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the October 8, 2012 meeting.

RECOMMENDED BY

Mayor, CD Director, Directors of Administrative Services and Public Works, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation for the purchase of the improvements to the Schlegel Park Pool in order that the contract may be awarded to Purcell Construction.

cc: File

BILL NO. _____ - 2012
AN ORDINANCE

AMENDING CHAPTER 1, ADMINISTRATION, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, THE CAPITAL IMPROVEMENT PROGRAM AND RENUMBERING AS REQUIRED.

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

SECTION 1. Chapter 1, Administration Section 1-186 Fiscal Provisions, Part 10 Capital Program, of the Codified Ordinances is hereby amended as attached in Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached 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 after passage.

Enacted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 1

Capital Improvement Program

§1-186. Fiscal Provisions.

10. Capital Program.

A. Definitions.

1. Capital Improvement Program (CIP) – A five-year plan that shall contain eligible capital projects listed in order of priority for funding during the five-year period.
2. Capital Project – Any project funded or proposed to be funded by public monies in part or whole to build, restore, retain, rehabilitate, purchase or repurchase any equipment, property, facility, infrastructure, vehicle, hardware for information technology, park facility, or building that is to be used for the public benefit or is a public asset, and has minimum total value of \$50,000.
3. Capital Program Budget – An annual budget that shall identify the total funding and source of funding for each capital project adopted in the capital improvement plan that to be executed during the fiscal year.
4. Capital Purchase: Any purchase of a vehicle or other motorized equipment.
5. Capital Expenditure: An allocation from the capital budget for an approved capital project.

B. Capital Priorities.

Each year in the first week of May, the Mayor shall provide an annual statement of CIP priorities to the Council and to the departments funded by the CIP. The statement of priorities shall indicate substantive outcomes that the city is seeking to achieve through projects funded through the CIP and operational goals.

C. Project and Purchase Proposals.

1. Each year in the first week of June, the Administrative Services Department (ASD) shall issue a formal request to each city department for capital project proposals. The request shall be via a standard format set by the ASD that includes an estimate of the aggregate size, in dollar figures, of the proposed Capital Budget for the fiscal year.
2. Each capital project and purchase proposal shall be submitted to the ASD by the first week of July and shall include the following:

For Projects:

- a) A description of the geographic location of each proposed Capital Project. If a Capital Expenditure is for a general citywide project, the description shall list anticipated locations, but note that the list may not be exhaustive;
- b) An estimated timeline for the completion of the Capital Project;
- c) An estimated total budget for the Capital Project;
- d) Any potential impact the Capital Project may have on the City's operating budget;
- e) The estimated useful life of the Capital Project;
- f) For Capital Projects related to the general maintenance of infrastructure; the total projected funds required to improve or rehabilitate the infrastructure type citywide to an acceptable state of function or repair;
- g) The departmental priority for each Capital Project submitted.;
- h) A statement of whether the Capital Project will impact public safety or public health;
- i) A statement of whether the project is CDBG eligible;
- j) A proposed source of financing;
- k) A statement of whether the Capital Project is consistent with the City Comprehensive Plan.

For Purchases:

- a) A description of the proposed vehicle's use;
- b) A description of the condition of the vehicle being replaced including mileage and age;
- c) The inventory of vehicles used by the department with a statement of primary purpose and frequency of use;
- d) An estimated total budget for the capital purchases.

D. Capital Improvement Program Committee, the CIPC.

1. **The Capital Improvement Program Committee (CIPC) shall advise the Mayor and City Council on the selection and prioritization of all Capital Projects and ensure that the CIP is properly administered. The membership of the CIPC shall consist of the following nine members:**
 - A. **Director of Administrative Services;**
 - B. **Director of Community Development;**
 - C. **Director of Public Works;**
 - D. **Chief of the Fire Department;**
 - E. **Chief of the Police Department;**
 - F. **City Auditor;**
 - G. **One (1) Member of City Council, appointed by the President of City Council;**
2. The Chair or assignee of the CIPC shall provide a complete listing of all capital project proposals for the CIPC members to review and analyze prior to the meeting on the proposed projects.
3. The Chair or assignee of the CIPC shall produce a report on the findings of the committee.

E. Contents of the CIPC Report.

1. **Each year the CIPC shall produce a report, as required by Section 911 (d) of the Home Rule Charter - Preliminary Feasibility Study, that details the following:**
 - a) **A clear general summary of its contents;**
 - b) **A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the 5 fiscal years next ensuing, with appropriate supporting information as to the necessity for each;**
 - c) **Cost estimates and recommended time schedules for each improvement of other capital expenditure;**
 - d) **Method of financing, upon which each capital expenditure is to be reliant.**
 - e) **The percentage of total funds to be allocated to capital purchases versus capital projects.**
2. **Each capital project proposal shall be ranked by the CIPC according to the following criteria:**

- a) Projects that will resolve an imminent threat to public or employee safety or health;
 - b) Achieve compliance with federal or state statutory mandates;
 - c) Reduce expenditures in the operating budget;
 - d) Improve efficiency or effectiveness of service delivery;
 - e) Comply with the City's Comprehensive Plan;
 - f) Achieve Community or Economic Revitalization;
 - g) Any other criteria as determined by the Committee.
3. The CIPC shall also evaluate the five year CIP and propose any changes that are necessary to ensure that the plan is consistent with the City's capital needs.
 4. The CIPC Report shall be provided to the Mayor by no later than the first week of September of each year, and the Chair of the Committee or assignee shall draft the report.

F. Submission and Approval.

1. *The Mayor shall prepare and submit to the City Council a five (5) year capital program no later than the final date for submission of the budget. **The capital program shall include a Capital Budget. The proposed five (5) year capital program and budget shall be posted on the City's website for public review on the date the budget is submitted to Council.***
2. *The Mayor, with the assistance of the Managing Director, Administrative Services Director and the Director of Community Development and in accordance with the provision of the Municipalities Planning Code (PA 209.1 MPC) the Managing Director shall be responsible for developing administering the Capital Budget. The Mayor shall prepare and submit to the City Council a five (5) year capital program no later than the final date for submission of the budget.*
3. *The Council approval of capital projects in this preliminary feasibility study will require a simple majority vote in order to move on to a final approval and funding acceptance.*

G. Final Proposal and Financing.

1. *The final capital project proposal and financing shall include:*

- a) *A clear general summary of its purpose and justification.*
 - b) *The cost estimates and time schedule for the capital project including the cost of the post project completion audit.*
 - c) *The method of financing and sources upon which this capital project is reliant.*
 - d) *The annual cost of operating and maintaining the project to be constructed or acquired.*
2. *This final capital project proposal will be published and made available for the public to review (Use Notice and Hearing Notice - §912). Capital project replaces capital program.*
 3. *The final Council approval of capital projects will require five votes to approve.*

4. The contracts for capital projects shall be subject to the procurement process established by the Charter and the Codified Ordinances.

H. City Council Action on the Capital Improvement Program. (Charter Section 912)

1. *Notice and Hearing. Council shall publish in one (1) or more newspapers of general circulation in the municipality the general summary of the Capital Program with a notice stating:*

(a) *The times and places where copies of the Capital Program message and Capital Program document are available for inspection by the public.*

(b) *The time, place, and date, not less than fifteen (15) days or more than thirty (30) days after such publication, for a public hearing on the Capital Program. The public hearing shall not be on the date of a regular Council meeting or on hearing date of the operating Budget.*

(c) *The proposed Capital Program shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.*

I. Adoption. (Charter Section 912(3)(b))

Council must adopt an annual Capital Program by no later than December 15th of the fiscal year currently ending. If Council fails to adopt a Capital Program by December 15th

then the Mayor's original Capital Program shall become the official Capital Program of the City for the ensuing year.

J. Capital Project Execution

Section 911. (4)(C) Capital Project Reporting.

1. Current Projects. *All capital projects in process must be reported on a quarterly basis and provide an update on cost, completion date, and estimated revised operating costs. This information is to be supplied by the Administrative Services Director and the Project Manager to the City Council in such a form that it is available to the public.*

2. Quarterly Report. The quarterly report on all capital projects approved for the current budget year shall be distributed to Council by the last day of each fiscal quarters. The report shall include the following:

a) A clear general summary of its purpose and justification.

b) A statement of each project's status as of the date of the report.

c) A statement of whether the project is 50% more or less completed.

d) The cost estimates and time schedule for each capital project including the cost of the post project completion audit.

e) The method of financing and sources upon which this capital project is reliant.

f) The annual cost of operating and maintaining the project to be constructed or acquired.

3. Extended Projects. *If commencement of a capital project does not begin by end of the fiscal year following the year in which final approval is obtained the project must go through §911(C) (1) and (2) of and as required by the Charter §911 (d)(3), **and subsections (C), (D) and (E) of this ordinance in the subsequent year.***

4. Post Project Completion Audit. (Charter Section 914)

Following completion of the capital project a complete and detailed audit must be published and made available to the public. This post audit is to be completed by an independent auditor appointed by the Council. The purpose of the post audit is to confirm the estimates of costs and explain any deviation between actual and estimated costs.

AGENDA MEMO

Human Resources/Risk & Safety Division

TO: City Council
FROM: Pat Beisswanger, Risk & Safety Coordinator
PREPARED BY: Pat Beisswanger, Risk & Safety Coordinator
MEETING DATE: September 24, 2012
AGENDA MEMO DATE: September 12, 2012

REQUESTED ACTION: To approve a transfer of \$45,000 from the Self Insurance Fund line item Incurred Liability Claims into Self Insurance Fund line item Premium Payments

RECOMMENDATION: The Risk & Safety Coordinator is asking Council to approve this transfer of \$45,000 within the Self Insurance Fund to pay insurance premiums for the 4th quarter of 2012.

BACKGROUND: The Premium Payments line item has exceeded its budget amount in 2012 due to larger than anticipated insurance premiums for the Auto, General Liability and Property insurance policies.

BUDGETARY IMPACT: NONE

PREVIOUS ACTION: NONE

SUBSEQUENT ACTION: NONE

RECOMMENDED BY: Niki Oxendine, Human Resources Manager and Pat Beisswanger, Risk & Safety Coordinator

RECOMMENDED MOTION: Approve a transfer of \$45,000 from the Self Insurance Fund Incurred Liability line item Acct# 52-11-00-4749 into Self Insurance Fund Premium Payments line item Acct # 52-11-00-4752.

BILL No. _____ - 2012
AN ORDINANCE

AN ORDINANCE AMENDING THE 2012 CITY OF READING SELF INSURANCE FUND BUDGET BY AUTHORIZING THE TRANSFER OF FUNDS FROM LINE ITEMS WITHIN THE SELF INSURANCE FUND BUDGET.

Section 1. Amending the City of Reading 2012 Self Insurance Fund Budget by authorizing the transfer of a total of \$45,000 in the Human Resources/Risk & Safety Division Incurred Liabilities line item #52-11-00-4749 to the following account/line item in the Risk & Safety Division budget:

1. Transferring \$45,000 into the Self Insurance Fund Premium Payments line item # 52-11-00-4752.

Section 2. 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: _____,

2012

President of Council

Attest:

City Clerk

(Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

BILL NO ____-2012

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS
COLLECTED DURING THE RECENT TAX AMNESTY TO THE NON-
DEPARTMENTAL CONTINGENCY ACCOUNT**

WHEREAS, the Council of the City of Reading authorized the Administration to administer a Tax Amnesty by the enactment of Ordinance 54-2012 on May 14, 2012; and

WHEREAS, the Administration undertook such an Amnesty Program from June 18 to August 17, 2012; and

WHEREAS, the amount attributable to the Amnesty Program has been determined to be \$480,150.

NOW, THEREFORE, the Council of the City of Reading hereby ordains as follows:

Section 1. Authorizing the transfer a total of \$480,150 into the Non-Departmental Contingency Account (01-14-91-4739) from:

Business Privilege Tax	01-00-00-3120	\$133,762
BPT Prior Years	01-00-00-3121	\$269,038
Business Privilege License	01-00-00-3230	\$ 77,378

Section 2. 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.

Adopted by City Council on _____, 2012

City Council President

ATTEST:

City Clerk

(Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE ____-2012

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS
TO THE HUMAN RELATIONS COMMISSION FOR
EMERGENCY SHELTER GRANTS IN 2012**

WHEREAS the Federal Government has awarded a supplemental grant to the City of Reading to prevent homelessness by funding Emergency Shelter Grants (ESG); and

WHEREAS this Supplemental ESG requires matching funds in order to be utilized; and

WHEREAS various homelessness prevention programs, including the Berks Coalition to End Homelessness, Inc.'s Operation Code Blue which provided emergency shelter to eligible adults and children in extreme winter weather conditions, have been de-funded; and

WHEREAS area shelters are typically full owing to poor economic conditions, and demand for such services will no doubt rise as we approach the winter season.

NOW, THEREFORE, the Council of the City of Reading hereby ordains that \$15,000 of the Non-Departmental Contingency Fund (01-14-91-4739) be allocated to the ESG Match Fund of the City of Reading's Human Relations Commission (01-18-91-3548) to provide emergency shelter support grants to prevent homelessness for the duration of the 2012 budget year.

Passed by City Council on _____, 2012

City Council President

ATTEST:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2012
AN ORDINANCE

**AN ORDINANCE AMENDING THE 2012 GENERAL FUND BUDGET, RE-
ALLOCATING FUNDS FROM THE CONTINGENCY FUND TO LAW
DEPARTMENT BUDGET CODIFIED ORDINANCE LINE ITEMS FOR LEGAL
SERVICES AND/OR CONTRACTED SERVICES.**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Authorizing the amendment of the 2012 Budget by transferring \$300,000 from the Contingency Fund to the Law Department Budget Codified Ordinance line items for Legal Services and/or Contracted Services to cover additional legal costs associated with legal service providers.

SECTION 2: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2012

President of Council

Attest:

City Clerk

ORDINANCE ____-2012

AN ORDINANCE AUTHORIZING THE TRANSFER OF \$44,000 IN THE PROPERTY MAINTENANCE BUDGET FROM SALARIES TO ABATEMENT IN THE 2012 BUDGET

NOW, THEREFORE, the Council of the City of Reading hereby ordains as follows:

Section 1. Authorizing the amendment of the 2012 Budget by transferring \$44,000 from Salaries 01-10-36-4000 to Abatement 01-10-36-4210 in the Property Maintenance section of the Budget

Section 2. 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.

Adopted by City Council on _____, 2012

City Council President

ATTEST:

City Clerk

(Property Maintenance Mgr/Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO

FUND TRANSFER

TO: Members of City Council

FROM: Christian F. Zale, City Controller

PREPARED BY: Christian F. Zale, City Controller

MEETING DATE: October 1, 2012

AGENDA MEMO DATE: September 29, 2012

RECOMMENDED ACTION: Fund Transfer

BACKGROUND:

The General Fund previously (June 2012) transferred \$1,500,000.00 to the Trash/Recycle Fund to assist with its cash flow. This recommendation provides reimbursement to the General Fund by the Trash/Recycle fund in the amount of \$1,500,000.00.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

RECOMMENDED BY:

City Controller

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ - 2012

AN ORDINANCE

AN ORDINANCE REQUESTING AUTHORIZATION TO TRANSFER FUNDS FROM THE TRASH/RECYCLE FUND TO GENERAL FUND.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$1,500,000.00 from the Trash/Recycle Fund (56) to the General Fund (01). This is a reimbursement for the transfer (\$1,500,000.00) that previously occurred in 2012; General Fund to the Trash/Recycle Fund.

SECTION 2. 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 _____, 2012

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

BILL NO. _____ - 2012

AN ORDINANCE

AMENDING CHAPTER 11, HOUSING, OF THE CODIFIED ORDINANCES OF THE CITY OF READING, BY PROVIDING FOR IN PERSONAM ACTIONS, IN LIEU OF LIENS, FOR DELINQUENT HOUSING PERMIT SURCHARGES AS ATTACHED IN EXHIBIT A.

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

SECTION 1. Chapter 11, Housing, of the Codified Ordinances is hereby amended to provide for in personam actions, in lieu of liens, for delinquent Housing Permit surcharges as attached in Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached 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 after passage.

Enacted _____, 2012

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

CHAPTER 11

HOUSING – RENTAL

PART 1

RENTAL

§11-102. Definitions.

This section is amended to change or add the following definitions:

ACTIVELY MARKETED FOR SALE – occurs only when a “for sale” sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

- 1) engaged the services of a licensee under the act of February 19, 1980 (P.L. 15, No 9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;
- 2) placed weekly or more frequent advertisements in print or electronic media; or
- 3) distributed printed advertisements.

BUSINESS PRIVILEGE LICENSE - a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, authorizing one to perform business including, for purposes of this Part, renting.

BUSINESS PRIVILEGE TAX - the tax payable to the City of Reading, Division of Tax, per City of Reading Codified Ordinance Chapter 24, Taxation, Special, Part 5, Business Privilege Tax, on, for purposes of this Part, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 27].

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], and City of Reading Property Maintenance Code [Chapter 5, Part 6], Zoning Ordinance [Chapter 27], Recycling and Solid Waste Ordinance [Chapter 20, Part 1], and general nuisance ordinances.

CODES OFFICIAL - a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided,

however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefore to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Property Maintenance Division.

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HABITABILITY - any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

LEASE - see "Rent."

LET - see "Rent."

LOCAL RESPONSIBLE AGENT - a person or agency retained or hired by a property owner to operate rental of a premises including, but not limited to, compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT/TENANT - a person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing, property maintenance and trades.

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

REGISTRATION - filing of an appropriate application and/or registering a property as a rental unit.

RENT - compensation for providing a shelter or lodging for occupation or habitation by humans to reside, monetary or non-monetary.

RENTAL HOUSING PERMIT_ A permit issued by the City of Reading Property Maintenance division per the procedure established by this Chapter and the policies created in accordance therewith.

RENTING - the act of permitting a unit to be used to provide a living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-owner occupied rooming or dwelling unit, or a dwelling unit occupied by an owner and additional unrelated individuals. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements or long-term (greater than 6 months) agreements of sale.

RESTITUTION - for the purposes of this Part restitution shall be the amount of the fee due for obtaining of the rental registration.

ROOMING HOUSE - a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT_ an individual room within a "Rooming House" as said term is defined herein that is suitable for human lodging or occupancy.

SALES AGREEMENT - a contract for the sale of real estate, including a contract for a deed.

STUDENT - an individual who is enrolled or has made application and been accepted at a university, college or trade school and whose primary occupation is as a student or who is on a semester or summer break from studies at a college, university or trade school or any combination of such persons. The term "student" shall apply to both undergraduate and graduate students alike. The residents of a student home share living expenses and may live and cook as a single housekeeping unit but may also only share access to cooking facilities and not live and cook as a single housekeeping unit.

STUDENT HOME - a living arrangement for at least two students to a maximum of three students (as defined in this Part) unrelated by blood, marriage or legal adoption. The term student home shall not include dormitories, fraternity house or sorority house. The term student home shall be used interchangeable with the term student housing.

STUDENT HOUSING - see “student home.”

TWELVE-MONTH PERIOD - for purposes of this Part 12-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

VACANT PROPERTY - A residential or mixed use (residential and other permitted use) property shall be deemed to be a "vacant property" if it is a vacant property that is actively marketed for sale, a vacant property for rehabilitation, a vacant property that is a vacation/second residence and a vacant property that is code compliant.

ZONING - City of Reading Zoning Ordinance [Chapter 27].

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 27] authorizing and/or registering a unit as a rental.

§11-103. Rental Housing Permit Required.

No person or entity shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging for human habitation unless that person first applies for, renews and obtains a Rental Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Housing Permit has been issued. Rental housing permits are non-transferrable.

§11-104. Application for a Rental Housing Permit.

1. Applications for a Rental Housing Permit for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee and a copy of the Deed. Such forms shall require, but shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit:

- A. The name(s), business addresses, date of birth and telephone numbers, (business and mobile) of all of the owners of the rental unit or rooming unit. If the owner is a corporation, limited liability company, or partnership, a true and correct copy of the articles of incorporation, certificate of organization, statement of registration or partnership agreement, as applicable, shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.

- B. The name, business address, date of birth and telephone numbers, (business and mobile), of an authorized local agent and/or property manager.
- C. The owner(s) shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Property Maintenance Division with the application. Where the owner is a corporation, limited liability company, or partnership, proof of identification of at least one of the officers of the corporation, the managing member or designated member of the limited liability company, or the managing or general partner of a partnership must be presented by said individual.
- D. The address of the premises at which the dwelling unit or rooming unit is located.
- E. Identification of the rental unit as a dwelling unit or rooming unit.
- F. The number of permitted or allowable dwelling units or rooming units located within the building where the dwelling unit or rooming unit is located.
- G. A copy of zoning permit authorizing the dwelling unit or rooming unit as a residential unit shall be attached. The zoning permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a nonconforming use per the City of Reading Zoning Ordinance [Chapter 27] and applicable State law, then a copy of the certificate of nonconforming use shall be attached. (See §11-104 subsection 2 for special provisions for properties with a valid "Housing Permit" issued prior to December 31, 2007 but lacking valid zoning permits.)
- H. Proof of a valid contract with a trash hauler licensed by the State for trash removal/collection from the property address including the name, address and telephone number of the trash hauler.
- I. Proof of current participation of the property address in the City of Reading recycling program.
- J. A copy of the written lease form the owner intends to have the occupants/tenants of each permitted dwelling unit or rooming unit to execute with a copy of the addendum required herein attached thereto.
- K. The owner shall furnish with the Application for Rental Housing Permit photographs of the front and rear exterior of the building for which a permit is requested. The photograph of the front exterior of the building shall contain a visible, identifiable address number appearing thereon. If there are changes subsequently made to the floor plan, the owner shall submit a revised floor plan, drawn to scale, with the next application (for re-issue or renewal) submitted after the changes to the floor plan were made and the same shall be accompanied by copies of all valid permits as required for such revisions
- L. A completed tenant listing on a form prepared and provided by the Property Maintenance Division providing the following information of all persons occupying the building for which the permit is sought, including children under 18 years of age, full name, unit, apartment or floor number/designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required. If the unit is not rented at the time of application, the

owner shall submit the tenant listing as prescribed above within 30 days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Part.

- M. The date of the last inspection of the premises, building or unit with confirmation thereof by the Property Maintenance Division.
- N. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application.

2. Special provisions for properties with a valid “Housing Permit” issued prior to December 31, 2007 but lacking valid zoning permits for Multiple Dwelling or Rooming House use.

A. Any property previously registered with the City of Reading Property Maintenance Division and holding a valid “Housing Permit” issued by the Reading Property Maintenance Division prior to December 31, 2007 and has remained current shall be required to apply to the Zoning Administrator for a zoning permit prior to submitting an Application for a Rental Housing Permit. The Zoning Administrator shall make an initial determination as to whether the subject property is located within a zoning district where multi-family rental use is legally permitted as an allowed use or a use previously approved as a Conditional Use pursuant to subsection D of §27-1203 of the Zoning Ordinance, as amended.

(i) If the Zoning Administrator determines that the subject property is located within a zoning district where multi-family rental use is legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a legally permitted use under the applicable zoning, subject to subsection B hereunder, and it will be required to comply with all of the provisions of this Chapter and any other applicable chapters as verified upon inspection by the Property Maintenance Division.

(ii) If the subject property had a valid “Housing Permit” as of December 31, 2007 but is determined to be located within a zoning district where multi-family rental use is not legally permitted in accordance with the foregoing provisions in Subsection A, it will be granted a zoning permit as a prior “non-conforming use” by the Zoning Administrator within the meaning of subsection B of §27-607 of the Zoning Ordinance and remain eligible for a Rental Housing Permit provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.

B. The Zoning Administrator shall make a secondary determination as to whether the number of dwelling units present exceeds the number of units previously recorded for the premises in City records. A Rental Housing Permit will be denied until the property is modified to comply with the number of units previously recorded.

C. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §11-104. 1. G. and the issuance of a Rental Housing Permit shall be subject to compliance with the remaining provisions of §11-104. 1.

§11-105. Annual Renewal of Rental Housing Permit.

1. Effective January 2, 2012, each Rental Housing Permit shall be renewed by the registrant on or before the 1st of April in each and every calendar year regardless of when the original permit was issued in the previous year. If the 1st of April falls upon a Saturday, Sunday or holiday the deadline shall be the close of business on the next business day. Renewal of a Rental Housing Permit shall be made upon forms prescribed by the Property Maintenance Division and single copies of the same for each property address shall be made available to property owners at no charge. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee.

2. Annual Rental Housing Permit Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) the name and policy number of the insurer providing liability and extended risk insurance coverage for the premises, (b) disclose and/or confirm the number, name and age of residents of dwelling unit in each building and the number of tenants residing in each dwelling unit, (c) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and (d) any changes or alterations to the interior or exterior structural and/or mechanical components or systems of the building or any individual dwelling unit therein including repairs due to casualty loss, since the date of the issue of the Rental Housing Permit or the last renewal thereof, whichever is later. The Annual Permit Renewal forms shall further require the owner to verify that false statements therein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

3. Submission of Annual Renewal Forms after the April 1st deadline shall be subject to a surcharge of Three Hundred Dollars (\$300) per rental unit for each month or fraction thereof following the said deadline. ~~Said fees and surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.~~ ***The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.***

4. Failure to submit an Annual Renewal Form as required herein before July 1st in each and every year may result in the immediate revocation of the Rental Housing Permit.

5. In the event of revocation of the Rental Housing Permit, the property owner must file an Application for Reinstatement upon a form prescribed by the Property Maintenance Division and the filing of said application shall be accompanied by payment of all outstanding fees and surcharges.

6. Notwithstanding the filing of an Application for Reinstatement nothing herein shall prevent the City of Reading from undertaking legal action to enforce any other provision of the City of Reading Codified Ordinances, including action to enjoin any continued occupancy of the property by tenants residing therein and/or action to abate any nuisance, dangerous condition or other threat to the health and safety of the tenants residing therein or the general public.

7. In the event the Rental Housing Permit is revoked for a property that was previously approved for multi-family rental housing but designated a non-conforming use by the Zoning Administrator, failure of the owner to file an Application for Reinstatement of a Rental Housing Permit within six months of the date of revocation of the Rental Housing Permit as provided herein shall, in the absence of any showing of reasonable excuse or good cause, be considered an "abandonment" of such use in accordance with the provisions of §27-607 F and G of the Zoning Ordinance. The burden of proving reasonable excuse or good cause for a failure to file an

Application for Reinstatement shall rest solely upon the property owner and the determination of the same can only be made upon a majority vote of City Council.

§11-106. Denial of Application for a Rental Housing Permit.

1. A Rental Housing Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

2. The City may deny an application for a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a demonstrable history on three or more occasions of failing to address cited code violations, including lack of utilities, that present immediate threats to human health and safety within the compliance period specified by the Property Maintenance Division, currently has unresolved codes violations, or has any tax delinquencies.

3. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Rental Housing Permit has not been obtained from the Property Maintenance Division as required by this Part. Such action shall require the immediate vacation of the property or vacation within a specific and reasonable period of time as determined by the Property Maintenance Division in the exercise of its discretion

§11-107. Revocation of a Rental Housing Permit.

1. The City of Reading Property Maintenance Division shall, have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that it determines within the reasonable exercise of its discretion to be uninhabitable by humans, and in noncompliance with the City of Reading Codified Ordinances including, but not limited to, City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1] and Zoning Ordinance [Chapter 27], or has failed an inspection. A Rental Housing Permit may also be revoked if it is determined that the permit was issued upon material misrepresentations, errors or omissions set forth in the application for original issue renewal as applicable.

2. The City may revoke a Rental Housing Permit if the applicant (or in the case of a corporate or similar entity, its owners or affiliates) has a record of chronic codes violations, currently has unresolved codes violations, or has any tax delinquency.

3. A notice of a revocation of a Rental Housing Permit shall set forth the reason for the revocation and shall be provided in writing to the last known owner of record.

§11-108. Transfer of Ownership and Change of Address.

1. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Property Maintenance Division of any change in ownership of the property by providing a copy of the new deed with a Certificate of Transfer affixed thereto in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended.
2. A Rental Housing Permit issued hereunder does not attach to the real estate title and does not pass or transfer to any person or entity who acquires ownership of the property upon which the dwelling unit or rooming unit is situated. The prospective new owner of a property upon which rental housing is permitted shall submit a completed application for a new Rental Housing Permit to the Property Maintenance Division no later than 30 days prior to date scheduled for final closing and transfer of title. Said application for a new Rental Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new Rental Housing Permit shall be further conditioned upon inspection of the premises by the Property Maintenance Division and a determination of compliance of the premises with the applicable requirements of the City of Reading Codified Ordinances.
3. Any owner of a rental unit governed by this Part who relocates or changes mailing address shall file written notice of the same with the Berks County Assessment Office and the City of Reading Property Maintenance Division within ten (10) days of such relocation or change in mailing address. Failure to provide such notice shall result in the imposition of a \$150 penalty, which shall be payable within 15 days from the date of imposition.
4. The failure of a new owner or prospective new owner to make timely application for a new Rental Housing Permit as provided hereinabove shall result in the imposition of non-compliance surcharge of \$1,000 per unit to the application fee. In addition, written notice of non-compliance shall be mailed to the new owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 day from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. ~~Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.~~ *The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.*
5. Upon payment of the fees and surcharges set forth in subsection 4 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in

rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-109. Inspection.

1. Initial Inspection.

- A. If an initial application inspection is required pursuant to the provisions of this Chapter upon receipt of a fully completed application for a Rental Housing Permit and receipt of payment of the applicable fee the Property Maintenance Division shall within 10 days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than 30 days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the City inspector performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the inspector shall so advise the owner and report the same in writing to the City of Reading Property Maintenance Division. Upon receipt of such written report of compliance and a determination that all other requirements have been met the Property Maintenance Division shall issue the Rental Housing Permit.
- B. In the event the City's inspector determines that the dwelling unit or rooming unit is in violation of one or more of the applicable provisions of the City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall be instructed not to issue the Rental Housing Permit. Additionally, the City Official shall issue a notice of violation as provided in the appropriate Code. Further, if the violation is not corrected within the time frame established on the notice of violation the City Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Rental Housing Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Rental Housing Permit is issued.

2. Renewal Inspections

- A. An inspection of a rental unit as defined in this Chapter shall be performed by Property Maintenance Division if necessitated by reported changes to a rental unit on the Annual Rental Housing Permit Renewal form or, in the absence of reported changes, on a revolving basis not less than every 2 years nor more than 5 years from the date of last inspection pursuant to the City of Reading Rental Property Inspection Program.

- B. If the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner, make the appropriate entry in the official records for the said property maintained by the Property Maintenance Division and issue an official certificate of compliance.
- C. In the event the Property Maintenance Division Official performing the inspection determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Property Maintenance Division shall withhold the renewal of the Rental Housing Permit until the violations are corrected and the property is determined to be in compliance with the applicable Codes and Codified Ordinances. In addition, the City Official shall issue a Notice of Violation as provided for in the applicable provision of the Code and Codified Ordinances. Failure of the property owner to correct the specified violations within the time frame established on the Notice of Violation shall result in the revocation of the Rental Housing Permit and an authorized City Official shall commence the appropriate legal proceedings to enforce the applicable Code and Codified Ordinances including but not limited to action to vacate the dwelling unit or rooming unit as operation thereof is prohibited without a valid Rental Housing Permit. Nothing herein shall prevent the City from taking any other action authorized by §11-122 of this Chapter. In the event the property is vacated as a result of an order from the City Official it shall remain vacated until the Codes Official determines that the violations have remedied, corrected and/or abated. The owner shall notify the Property Maintenance Division of correction, remediation and/or abatement of the violation. Within 10 days of receipt of said notification from the owner, the Property Maintenance Division shall schedule a re-inspection of the dwelling unit or rooming unit to determine if the violations set forth in the notice of violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Property Maintenance Division and in so doing authorize issuance of the Rental Housing Permit.
3. **Routine Inspection.** The Property Maintenance Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances.
4. **Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Property Maintenance Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code [Chapter 5, Part 6] and/or disruptive conduct report.
5. **Search Warrant.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, Property Maintenance Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

7. **Failure to Appear for Inspection.** If the owner or authorized agent cannot be available at the proposed time, said owner or authorized agent, shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$150 will be assessed against the owner failing to supply written notice or appear. If the property owner or authorized agent fails to appear for the second scheduled inspection an administrative fee of \$250 will be assessed against the property owner. If the property owner or authorized agent fails to appear for a third scheduled inspection or any combination of scheduled inspections, cancellations or failure to gain entry, the Property Maintenance Division shall assess an administrative fee of \$400 and may placard the subject property and/or promptly seek an administrative search or inspection warrant from a court of competent jurisdiction by supplying all necessary affidavits and testimony in support thereof.

§11-110. Rental Housing Permit.

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Part, the City of Reading Property Maintenance Division shall issue a Rental Housing Permit on an official form containing the letterhead of the City of Reading Property Maintenance Division and a facsimile of the Official Seal which shall include but not be limited to the following:

- A. Name, mailing address and telephone number (business and mobile) of owner.
- B. Name, mailing address and telephone numbers (business and mobile) of local authorized agent.
- C. Number of dwelling units-permitted
- D. Date of last application inspection.
- E. Date of last inspection.
- F. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
- G. Date of issuance of permit.
- H. Date of required renewal of permit.
- I. Printed name of person issuing permit.

§11-111. Posting of the Rental Housing Permit.

The Rental Housing Permit or an identical, clear and legible photocopy thereof shall be conspicuously posted and maintained in the front entryway, vestibule or other main entrance area of the dwelling unit or rooming unit so that the same is visible and observable from outside the building at the front of the property by City Code, Property Maintenance Division, or emergency personnel.

§11-112. Reserved.

§11-113 Occupation of Premises Without Rental Housing Permit.

1. **Prohibition.** It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current Rental Housing Permit is obtained for such dwelling unit or rooming unit.

2. **Surcharge.** In the event an authorized City official determines that a dwelling or rooming unit is being occupied unlawfully under this Chapter a non-compliance surcharge of \$1,000 per unit shall be imposed to the application fee and written notice of non-compliance shall be mailed to the owner by first class and certified mail, return receipt requested, as well as by posting written notice in the form of a placard on the front entrance of the subject property. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to submit the Rental Housing Permit application within 15 days from the date of the date of mailing and posting. Failure to submit a complete application within the prescribed time shall result in the assessment of a continuing non-compliance surcharge of \$300 per unit per month or portion thereof until such time as a complete application for a required Rental Housing Permit is received by the Property Maintenance Division. ~~Said surcharges shall constitute a lien upon the real property and the property owner shall be liable for payment of the same, together with attorneys' fees, court costs and receipted costs of collection.~~ *The City of Reading may pursue an in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.*

3. **Review and Hearing.** Upon payment of the fees and surcharges set forth in subsection 2 above, a property owner may make written request to the Director of the Department of Community Development for: (a) review of any fees or surcharges (including the calculation thereof) imposed upon a finding of non-compliance, or (b) for a separate administrative hearing to challenge or dispute a finding of non-compliance and/or the calculation of any fees or surcharges imposed as a result thereof. The Director of the Department of Community Development or his designee shall conduct any requested review of fees and surcharges. In the event an administrative hearing is requested the request shall be accompanied by a deposit of \$500 as security for the payment of costs in the event findings and calculations by the Property Maintenance Division is affirmed. The administrative hearing shall be conducted by one of the independent hearing officers separately appointed by City Council to conduct hearings for conditional use applications in rental housing matters. The assignment of an independent hearing officer in response to the request shall be made by the City Clerk. The property owner will be notified in writing of the administrative hearing date, which shall be within 30 days of the request, and a written statement of findings of facts and conclusions of law shall be issued by the hearing officer within 15 days of said proceeding. The unexcused failure of the owner to appear for said hearing will result in the denial and dismissal of the challenge or dispute. The cost of the administrative hearing shall be borne by the City in the event the findings and calculations by City personnel are not fully affirmed.

§11-114 Owner and Occupant Duties.

1. **Owner's Duties.**

- A. It shall be the duty of every owner and operator, authorized agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.
- B. It shall be unlawful for any person or entity to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without a valid and current Rental Housing Permit.
- C. It shall be the responsibility of every owner, operator, authorized agent or manager to employ policies and manage the rental units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.

2. Tenant/Occupant Duties

- A. The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading Codified Ordinances including, but not limited to, Chapter 2, Animals, Chapter 3, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 6, Conduct, Chapter 10, Health and Safety, Chapter 15, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.
- B. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.
- C. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
- D. Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed.

§11-115. Owners Jointly and Severally Responsible.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Part and shall be severally subject to prosecution for the violation of this Part.

§11-116 - Fees for Rental Housing Permits, Surcharges and Administrative Fees

1. Fee Schedule

Fees required for an application for, and annual renewal of, a Rental Housing Permit, as well as inspection-related and other applicable fees shall be established by City Council and included on the City's fee schedule.

2. Waiver of Fees

The permit fees established in subsection (1) above shall be waived if the owner or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator, occupy the units.

3. Prosecution of Violation.

Notwithstanding the above, nothing will prevent the Property Maintenance Division from commencing a summary offense criminal action via the issuance of a non-traffic citation for sections of Chapter 11 in accord with the Pennsylvania Rules of Criminal Procedure in the court of appropriate jurisdiction and the violations shall be deemed a strict liability offense.

§11-117 - Vacant Property Registration

1. A property that is a "vacant property" as defined in §11-102 herein shall be registered by the property owner or authorized agent with the City of Reading Property Maintenance Division on a Vacant Property Registration form prescribed by the Property Maintenance Division.

2. The registration of a vacant property with the Property Maintenance Division shall be required within 10 days of the subject property becoming a "vacant property" as provided herein and shall be accompanied by the payment of the applicable registration fee.

3. Each and every property registered as vacant property pursuant to the provisions herein shall be subject to inspection and verification by the Property Maintenance Division at any time during the original registration period or during any period of renewal thereof.

4. Vacant property registrations shall be valid for a period of one year and are required to be renewed on or before the end of the year on a form prescribed by the Property Maintenance Division. Payment of the applicable registration renewal fee as per the City of Reading Fee Schedule shall be required at the time of renewal.

5. Any change in the structural condition or integrity of a vacant property shall be reported in writing to the Property Maintenance Division within 7 days of such change.

6. Nothing herein shall prohibit a property owner from voluntarily registering a property as a vacant property prior to the expiration of 90 day-period of non-occupancy.

7. Failure to register a property as vacant as defined herein will render said property as an illegal unit and subject to the same penalties as outlined in §11-113 Occupation of Premises Without Rental Housing Permit.

§11-118 Tenant Information.

1. In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Rental Housing Permit the owner, on or before April 1

and September 1 of each year, shall provide to the City of Reading Property Maintenance Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which they are required to have a Rental Housing Permit, the full name, unit, floor or apartment number/designation and term of lease, date of entry and anticipated departure date. Landlord shall further indicate on said form if the dwelling unit or rooming unit is student housing and if said tenants are students.

2. The owner shall notify the City of Reading Property Maintenance Division of changes in the tenant listing within 10 days of such change by submitting an updated tenant listing on the form prepared and provided by the Property Maintenance Division. In so doing, the owner shall notify the City of the name of the person who is no longer residing at the dwelling unit or rooming unit.

3. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Property Maintenance Division with such information and documentation to support such belief as may be reasonably required by the Property Maintenance Division, such disclosure shall not be required.

4. Failure to provide the required information or failure to update such information as required by this Part is hereby made subject to the penalties set forth in this Part.

§11-119. Official Notices.

All official notices, excluding notice of inspection, including, but not limited to, notices of violation relating to a dwelling unit or rooming unit shall be mailed to or personally served on the owner with a copy to the registered, authorized agent. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be by first class mail to the address of record of the owner and registered, authorized agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided to the Property Maintenance Division and in the absence of the same the address provided by the County of Berks. Any owner change of address must be performed through the County of Berks Assessment Office. The address of record of the authorized agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the authorized agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner and/or local responsible agent if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Part.

§11-120. Placarding and Condemnation

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Division, vacation within a specific and reasonable amount of time for vacation of a property that is being rented and for which a Rental Housing Permit has not been obtained or for which an

inspection has not been performed or completed by the Property Maintenance Division as required by Section 109 of this Chapter.

§11-121. Disruptive Conduct.

1. **Investigation and Report of Disruptive Conduct.** Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a Disruptive Conduct Report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the Disruptive Conduct Report shall be given or mailed to the occupant and mailed to the owner within 10 working days of the occurrence of the alleged disruptive conduct.

2. **Eviction.** After two disruptive conduct incidents in any 12-month period by an occupant documented by Disruptive Conduct Reports, the owner shall have 10 working days from the date of the written notice to begin eviction proceedings against the occupant(s) and pursue the same through any appeal to the Berks County Court of Common Pleas if reasonably requested by the Property Maintenance Division. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.

3. **Suspension or Revocation of Rental Housing Permit.** Failure of an owner or local authorized agent to take action required in subsection (3) above will result in the commencement of the process to suspend a Rental Housing Permit in accordance with per the process established herein, notwithstanding any other requirements therefore.

4. **Reinstatement of Rental Housing Permit.** The rental unit involved shall not have its Rental Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a Rental Housing Permit shall not be reinstated until compliance with the requirements therefore have occurred.

5. **Report Against All Occupants.** The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants. More than one Disruptive Conduct Report filed against the occupants of a rental unit in a 24-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.

6. **Maintenance of List of Disruptive Conduct Report Tenants and Occupants and Evicted Occupants.** The Codes Enforcement Office shall maintain a list of the names of all occupants and tenants against whom a Disruptive Conduct Report is issued as a result of this Part. The Property Maintenance Division shall also maintain a list of all occupants and tenants evicted as a result of this Part. The names shall remain on the list for a period of 5 years.

§11-122. Housing Board of Appeals.

1. **Appeals.** The occupant and/or owner may appeal the contents of said Disruptive Conduct Report. Additionally, any person aggrieved by the suspension, nonrenewal, denial or revocation of a Rental Housing Permit may appeal. All appeals must be filed, in writing, with the Administrator of the Property Maintenance Division, with the appropriate filing fee, as per the City of Reading Fee Schedule, within 10 working days from the date of receipt of the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a Rental Housing Permit.

2. **Organization.**

- A. **Membership.** The Housing Board of Appeals shall be a body of seven members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Administrator of the Property Maintenance Division or their designee; the Chief of Police or his/her designee; an owner of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading.
- B. **Alternates.** There shall be three alternate members: an owner, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
- C. **Appointment.** All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the exception of the Council Member, who shall be appointed by the Council President.
- D. **Term.** A member or alternate member shall serve a term of not more than 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.
- E. **Powers of Designee and Alternates.** 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.
- F. **Oaths and Subpoenas.** 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.
- G. **Quorum and Majority Vote.** Four 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.
- H. **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. **Powers.** The Board shall have the following powers:
 - A. **Promulgate Rules and Regulations.** 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. **Hear and Decide Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Part.
 - C. **Grant Modification or Variance.** 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.
 - D. **Grant Extension of Time.** To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinances 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.** 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 file its decision within 10 working days after the appeal hearing.
 - F. **Oaths and Subpoenas.** 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 parties.
 - G. **Authority.** The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end, shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Part and shall not ignore the clear provisions and intent of this Part.
4. **Effect of Appeals.** Any decision or order issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a Rental Housing Permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the second disruptive conduct report.
5. **Enforcement upon Resolution of Appeal of Housing Board.** If this appeal is of a second disruptive conduct report and the decision of the police officer or public officer has been affirmed, within 10 working days and time for compliance as required by the decision of the Housing Board of Appeals, the public officer shall re-inspect to determine

compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings. If, when so required by a second disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the Rental Housing Permit pursuant to the provisions set forth in this Part.

§11-123. Appeal to Court of Common Pleas.

Any person, including the police officer or public officer for the City, aggrieved by any decision of the Housing Board of Appeals, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be incorrect or illegal, in whole or in part. Said petition shall be filed with the Court of Common Pleas within 30 days after service of the decision. Notice of the appeal shall be served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, at the time of its filing. An appeal to the Court of Common Pleas of a decision of the Housing Board of Appeals shall not hold automatically stay enforcement of the Board's decision.

§11-124. Share Information.

The City of Reading Property Maintenance Division is authorized to share any and all information obtained under this Code with the other Departments and Divisions of the City of Reading.

§11-125. Compliance with Other City of Reading Ordinances

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances including, but not limited to, the International/City of Reading Building Code [Chapter 5, Part 1B], Existing Building Code [Chapter 5, Part 1C], Plumbing Code [Chapter 5, Part 2], Mechanical Code [Chapter 5, Part 5], Electrical Code [Chapter 5, Part 4], Fire Code [Chapter 5, Part 3], and Residential Code [Chapter 5, Part 8], Property Maintenance Code [Chapter 5, Part 6], Solid Waste and Recycling Ordinance [Chapter 20, Part 1], Health Code [Chapter 10, Part 1], and Zoning Ordinances [Chapter 27].

**BILL NO. _____-2010
AN ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 1 ADMINISTRATION AND GOVERNMENT PART 5 BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS SUBPART D BLIGHTED PROPERTY REVIEW COMMITTEE BY ADDING A SINGLE PROPERTIES SECTION AND A MULTIPLE PROPERTIES SECTION AND DEFINITIONS FOR THE TERM BLIGHTED PROPERTY FOR EACH CONSISTENT WITH STATE LAW AS ATTACHED IN EXHIBIT A.

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 of the City of Reading Codified Ordinances is hereby amended to add a Single Properties section and a Multiple Properties section and definitions for the term blighted property for each consistent with State Law as attached in Exhibit A.

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 _____, 2012

Council President

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

D. Blighted Property Review Committee.

§1-541. Short Title.

This Part 5D shall be known as and may be cited as the “Blighted Property Review Committee Ordinance.” (*Ord. 65-2006, 10/23/2006, §2*)

§1-542. Purpose.

The purpose of these provisions are to establish a Blighted Property Review Committee of the City of Reading to implement provisions of the Urban Redevelopment Law of 1945, as amended by Act 94 of 1978, further amended by Act 113 of 2002, promoting reuse and reinvestment in properties in the City of Reading.

(*Ord. 65-2006, 10/23/2006, §2*)

§1-543. Creation, Members, Duties, Term and Expenditures of the Blighted Property Review Committee.

There is hereby established a “Blighted Property Review Committee” (hereinafter “Committee”).

A. **Duties.** The Committee will be responsible for the certification to the Redevelopment Authority of all properties deemed to be vacant or abandoned.

B. **Membership.** The Committee shall be composed of not less than four, and no more than seven members, who shall served without compensation. The Committee shall include at least one member of the Governing Body, a representative of the Redevelopment Authority, a representative of the Planning Commission, a representative to be designated by the Mayor, and citizen representatives of the City of Reading. Except for the member of the Governing Body, members shall be appointed by the Mayor. In the event mayoral appointment does not occur, Council may appoint unfilled positions. In all cases members are approved by Council.

C. **Terms.** The term of each member shall be for a period of four (4) years and until ~~their~~ his or her successor is appointed. A member may be re-appointed upon expiration of ~~their~~ his or her term. The position of any member of the Committee appointed in ~~their~~ his or her capacity as a member of the governing body, representative of the Redevelopment Authority, representative of the

Planning Commission, representative designated by the Mayor, who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term. (*Ord 62-2010; 8-23-2010*)

D. Organization of the Committee. The Committee shall establish its own by-laws, establish offices, and elect officers from its own membership. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the Committee as a whole. For the purpose of this Part, the Committee will be able to begin holding meetings as soon as a majority of the members have been appointed and approved by Council. Any action taken at any meeting shall require the affirmative vote of a majority of the Committee as a whole. No member of the Committee shall be permitted to take part in the discussion or vote on any property in which said member has any financial interest, direct or indirect. The Committee shall keep full public records of its business and shall submit a report of its activities to City Council at least once a year.

E. Removal of Members. 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 fifteen days advance notice of the intent to take such vote. Failure of a member to attend three (3) 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. (*Ord 49-2010; 8/9/2010*)

F. Expenditure for Services. City Council may appropriate funds for legal, secretarial, clerk, consultant, and other technical assistance, and for the acquisition and maintenance of blighted properties, and any

other such expenses incurred in the pursuit of achieving the aims of this Part.

(Ord. 65-2006, 10/23/2006, §2)

§1-544. Definitions.

For the purpose of this Part, all words used in present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word “shall” is mandatory and not discretionary. The word “used” includes designated, intended, built, or arranged to be used.”

Blighted property - shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law, or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because of its dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing or building codes of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has

become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of 2 years prior to the effective date of this act, and those in the future having a 2-year tax delinquency.

(8) Any property which is vacant, but not tax delinquent, which has not been rehabilitated within 1 year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any abandoned property. A property shall be considered abandoned if:

(a) It is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of 6 months.

(b) It is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by any body with legal authority to determine the taxable value of the property.

(c) The property has been declared abandoned by the owner, including, an estate that is in possession of the property.

(10) A property which has defective or unusual conditions of title or no known owners, rendering title unmarketable.

(11) A property which has environmentally hazardous conditions, solid waste pollution or contamination in a building or on the land which poses a direct and immediate threat to the health, safety and welfare of the community.

(12) A property having three or more of the following characteristics:

(a) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(b) has unsafe external and internal access ways;

(c) is being served by an unsafe public street or right-of-way;

(d) violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;

(e) is vacant;

(f) is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than 90% of the units

of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.

A. Multiple Properties. Blighted Property shall include:

- 1. A majority of the units of property meet any of the requirements under subsection (a) and represent a majority of the geographical area; or**
- 2. Properties representing a majority of the geographical area meet one or more of the conditions set forth in subsection (a) (1) through (11) or satisfy the conditions of subsection (a) (12) that are necessary for a declaration of blight under subsection (a) and at least one-third of the units of property meet two or more of the requirements under subsection (a) (1) through (11) or satisfy the conditions of subsection (a) (12) and one or more of the requirements under subsections (a)(1) through (11).**

City - the City of Reading.

City Council - the legislative body of the City of Reading composed of Council President and six district representatives.

Code - the health, housing, building, fire, electrical, plumbing or other related code of the City of Reading.

Commission - the Reading Planning Commission.

Committee - the Blighted Property Review Committee.

Governing Body - the City Council of the City of Reading.

Public nuisance or nuisance - any condition or usage whatsoever in or about buildings, structures or land or the streets or private ways and places, or elsewhere, within the City, whether public or private, which is found to be detrimental to the public health as determined by the Committee or other appropriate City office or agency.

Redevelopment area - any area, whether improved or unimproved, which the Planning Commission may find to be blighted so as to require development.

Redevelopment area plan - a plan for the redevelopment of all or part of a redevelopment area made by a Planning Commission.

Redevelopment authority - Redevelopment Authority of the City of Reading.

Redevelopment proposal - a proposal, including a copy of the redevelopment area plan and supporting data, submitted for approval to the Governing Body by an authority for the redevelopment of all or part of a redevelopment area.

Residential and related use - shall include residential property for sale or rental and related uses including, but not limited to, park and recreation areas, neighborhood community services, and neighborhood parking lots.

Vacant - any unoccupied or unimproved lot or parcel of ground, which by reason or neglect or lack of maintenance shows to be unlikely habitable, implying abandonment on the part of the previous tenants or owner.
(Ord. 65-2006, 10/23/2006, §2)

§1-545. Blighted Property Removal.

Notwithstanding any other provision of law, the Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined herein, either within or outside of a redevelopment area and, further, shall have the power to hold, clear, manage, lease and/or dispose of said property for residential and related uses. This power shall be exercised in accord with the procedures set for hereinafter.

§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.

(Ord 10-2010; 3-22-2010)

(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 there from allowed for compliance with it.

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

(g) The signature of the Chair of the Committee, attested by the Secretary.
(*Ord 49-2010; 8/9/2010*)

(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. [*Ord. 42-2009*]

C. No blighted property shall be certified to the Redevelopment Authority on which more than ten dwelling units can be constructed under existing zoning regulations.
(*Ord. 65-2006, 10/23/2006, §2; as amended by Ord. 42-2009, 8/10/2009, §1*)

§1-547. Reuse of Acquired Property.

1. Acquisition and disposition of blighted property shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal, but at least 30 days prior to acquisition of any property, the Redevelopment Authority shall transmit identification of the property to the Planning Commission and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the Planning Commission certifies that disposition for residential or related use would not be in accord with the Comprehensive Plan of the City of Reading.

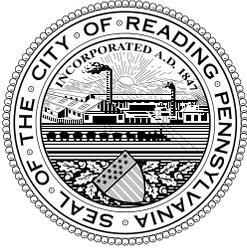
2. Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of the Urban Redevelopment Law.

3. Property disposed of outside a redevelopment area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

4. Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedures set forth in applicable law.
(*Ord. 65-2006, 10/23/2006, §2*)

§1-548. Conflict with Other Laws.

Should any provisions set forth in this Part be found to conflict with any law of the United States or the Commonwealth of Pennsylvania, such Federal and or State laws shall govern and this Part shall be construed accordingly. Such a conflict shall not affect the validity of this Part.



AGENDA MEMO

COMMUNITY DEVELOPMENT

TO: City Council
FROM: Lenin Agudo, Community Development Director
MEETING DATE: 9/4/2012
AGENDA MEMO DATE: 9/4/2012
REQUESTED ACTION: To enact a resolution permitting the City of Reading Community Development Department to administer a contract with Community Initiatives Development Corporation (CIDC) for our Micro-Enterprise Loan Program.

The Community Development Department is asking City Council to consider this resolution on their August 27th meeting.

BACKGROUND:

The City of Reading's Micro-Loan Program began on January 1st 2011 after Brian Jeremiah, who at the time was with the Community and Economic Development Office at Pennsylvania Department of Economic Development reminded the city that it had \$550,000.00 in EZ-Fred funds available for use.

With the help of the City's accounting department, the C.D. Department transferred \$550,000 to the Community Initiatives Development Corporation (CIDC). The CIDC now does the management and underwriting for the City's micro-loan program. Under the CIDC's and C.D. Department's management, the program has had much success and garnered great attention within the community.

The City has had over 85 micro-loan inquiries since the program's inception. Of those who have inquired, 30 have completed applications, and nine of those applicants have had loans approved. The City has assisted those nine local residents to significantly improve the viability of their businesses. Each received a loan in the amount of \$35,000 to be used for working capital purposes, renovations, and equipment.

To date, the program has loaned \$336,199.00, of which, \$34,664.65 has been repaid. All loans except for one are current and paid through August.

Given the good track record and management of this program, I am asking council to formally approve this program and the contract that has been in place with CIDC since January 2011.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: Community Development Department Director Lenin Agudo, and
Mayor Vaughn D. Spencer.

RECOMMENDED MOTION: To approve/deny a Council Resolution authorizing the program.

Cc: Mayor Vaughn D. Spencer

RESOLUTION NO. _____

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING
AUTHORIZING THE MAYOR TO CREATE A
MICROLOAN PROGRAM FOR SMALL BUSINESSES**

WHEREAS, there were available EZ Fred funds originally approved as a loan Program and such funds were programmed for a Micro-Loan Program to assist small businesses in distressed areas and minority owned firms in the City, and

WHEREAS, such a program has been designed in accordance with standards of the U.S. Small Business Administration and the U.S. Department of Housing and Urban Development, and

WHEREAS, the City Council is desirous of assisting credit worthy businesses in the City of Reading to access such funds and to encourage the growth of minority businesses and assist other businesses in distressed areas in the City of Reading,

NOW THEREFORE BE IT RESOLVED, that the Mayor, be and hereby is, authorized to take the necessary steps for the continuation and administration of the Micro-Loan Program.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the contract to the satisfaction of HUD.

PASSED COUNCIL _____, 2012

PRESIDENT OF COUNCIL

ATTEST:

City Clerk

R E S O L U T I O N N O._____

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

That Ermete Rafaelli is reappointed to the Planning
Commission with a term ending April 1, 2016.

Adopted by Council_____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O._____

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

That Teri Kutz is appointed to the Citizens Advisory Board
with a term ending December 31, 2013.

Adopted by Council_____, 2012

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk