

# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MONDAY, NOV. 9, 2015  
7:00 P.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](http://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.*

### **RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS**

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, 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, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

### **1. OPENING MATTERS**

**A. CALL TO ORDER**

**B. INVOCATION:**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

The purpose of the Executive Session on Monday, November 9<sup>th</sup> was related to \_\_\_\_\_.

## **2. PROCLAMATIONS AND PRESENTATIONS**

Police Department Civilian Commendation

## **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 or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled 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, including applause or cheering, 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 October 26, 2015

**B. AGENDA:** Regular Meeting of November 9, 2015

## **5. Consent Agenda Legislation**

**A. Resolution 95-2015** – promoting 2nd Deputy Fire Chief Kent A Born to 1<sup>st</sup> Deputy Fire Chief.

**B. Resolution 96-2015** – promoting Fire Suppression Lieutenant Brian L Thorpe to 2nd Deputy Fire Chief

**C. Resolution 97-2015** – promoting Fire Fighter Andrew F Getka to Fire Suppression Lieutenant.

**D. Award of Contract** - for the Penn Street Crosswalks Project to J.D. Eckman, Inc. Atglen, PA for a total amount of \$867,840.78.

### **PENDING FURTHER DISCUSSION**

**Resolution No. 90-2015** - allowing the property at 247 Washington Street to be converted to rental housing and to be transferred to Reading Housing Authority as a rental property for low and moderate income level households

## **6. ADMINISTRATIVE REPORT**

## **7. REPORT FROM OFFICE OF THE AUDITOR**

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

### **9. ORDINANCES FOR FINAL PASSAGE**

#### **Budget Related Ordinances Pending**

**Ordinance** – providing for a commuter tax of up to a maximum of 1.3% on all earned income and net profits generated in the City of Reading for 2016 *Introduced at the October 12 regular meeting*

**Ordinance** – setting the property tax rate at .017489 on the dollar, or \$17.489 on each one thousand dollars for 2016 *Introduced at the October 12 regular meeting*

**Ordinance** – approving the 2016 General Fund Budget *Introduced at the October 12 regular meeting*

**Ordinance** – approving the 2016 Capital Improvement Plan *Introduced at the October 12 regular meeting*

**Ordinance** – approving the 2016 Position Ordinance *Introduced at the October 12 regular meeting*

#### **Pending due to the need for the property description**

**A. Bill No. 56-2015** – vacating and removing from the 300 block of St. George Street from the City's Topographical Map *Introduced at the September 28 regular meeting; 28 day layover period required; Advertisement Oct 5<sup>th</sup>, 12<sup>th</sup> and 19<sup>th</sup>; Tabled Oct 26<sup>th</sup>*

**B. Bill No. 60-2015** - amending the City Code, Chapter 564 Health and Safety, Part 105 Storage of Motor Vehicle Nuisances, by prohibiting commercial vehicles from parking on all public rights of way within the City of Reading *Introduced at the October 12 regular meeting; Advertised on October 19<sup>th</sup>; Tabled Oct 26<sup>th</sup>*

**C. Bill No. 48-2015** – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City *Introduced at the July 27 regular meeting; Advertised on August 17<sup>th</sup> and 28<sup>th</sup>; Public Hearing Tuesday, September 8<sup>th</sup>; Tabled at the September 14 regular meeting; 2<sup>nd</sup> Public Hearing scheduled for Oct 21<sup>st</sup> at 5 pm*

**D. Bill No. 63-2015** – authorizing the transfer of funds from Solid Waste Fund Balance Account to Recycling Legal Fees Account to pay for legal settlement with FYDA freightliner Pittsburgh, Inc. & Golden Equipment Co., Inc., per Council approved resolution no. 89-2015 on September 28, 2015 *Introduced at the October 26 regular meeting*

**E. Bill No. 64-2015** –authorizing the transfer within the 2015 Department of

Public Works, Division of Solid Waste & Recycling budget \$40,000.00 from General Plan Supplies General Plant Supplies and Minor Capital to Truck Maintenance for the purpose of covering funds for current and future invoices for truck maintenance for Recycling Department  
***Introduced at the October 26 regular meeting***

**F. Bill No. 65-2015** – authorizing the transfer provides \$10,000 from Salaries to Community Promotions in the Mayor’s Office to Redesign Reading CDC for start-up funds for Penn Street Market from 2014 ***Introduced at the October 26 regular meeting***

## **10. INTRODUCTION OF NEW ORDINANCES**

**A. Bill No. -2015** – Establishing the annual salary of the City Solicitor at \$72,000, effective July 1, 2015.

**B. Bill No. -2015** – amending the Fee Schedule by increasing the curbside collection fee with and without municipal trash service as follows:

Curbside waste collection with municipal trash service ~~\$303.10~~ \$315.00

Curbside waste collection without municipal trash service ~~\$91.83~~ \$95.04

Penalty: Any unpaid curbside waste collection fee not paid by ~~December 31 of the year it was~~ **the date** due shall incur a 10% penalty, and may be subject to additional collection costs and fees.

**C. Bill No. -2015** – authorizing the transfer of funds from General Fund Debt Service Accounts to General Fund Accounts – Rental/Lease And Contingency to pay loan balance to First Columbia Bank & Trust for the Honeywell loan.

**D. Bill No. -2015** – creating a Land Bank Board in accordance with the provisions of Act 153, enacted by the PA General Assembly on October 24, 2012, to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the City’s tax base.

**E. Bill No. -2015** – approving the 5<sup>th</sup> addendum to the water system lease with RAWA

**F. Bill No. -2015** – approving the amendment to the lease agreement with the Parking Authority

**G. Bill No. -2015** – amending the City Code Chapter 508 Streets and Sidewalks, Part 7 Street Cut Permits regarding gas meters

**H. Bill No. -2015** – amending the City Code Chapter 308 Housing Ordinance by retitling Part I and Part III, deleting non-applicable definitions, changing all references to housing permits to housing registration, further defining the registration and inspection requirements as well as renaming the applicable appeals board to the Code and License Appeals Board

**I. Bill No. -2015** – amending the City Code Chapter 212 Fee Schedule Part 116 Rental Housing Inspection

**J. Bill No. -2015** – amending the City Code Chapter 212 Fee Schedule Part 128 Rental Housing Inspection

**K. Bill No. -2015** – amending the City Code Chapter 5 Administrative Code, Section 5-212 Ordinances regarding the sale of City owned property

**L. Bill No. -2015** – amending the City’s Purchasing Policy by adding provisions for the sale and lease of City owned property

## **11. RESOLUTIONS**

**A. Resolution** – adopting the 2016 CDBG Action Plan

**B. Resolution** – appointing Steven Symons to the Reading Area Water Authority

**C. Resolution** – appointing Stephen Karnat to the Officers & Employees Pension Board

## **12. PUBLIC COMMENT – GENERAL MATTERS**

*Please see public speaking rules on second page*

## **13. COUNCIL BUSINESS / COMMENTS**

## **14. COUNCIL MEETING SCHEDULE**

### **Monday, November 9**

*Budget Review Session and Committee of the Whole – Penn Room – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **\*\*Wednesday, November 11\*\***

*City Hall Closed – Veterans Day Holiday*

### **Monday, November 16**

*Budget Review Session and Committee of the Whole – Penn Room – 5 pm*

### **Monday, November 23**

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **\*\*Thursday, November 26 and Friday, November 27**

*City Hall Closed – Thanksgiving Holidays*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

### **Monday, November 9**

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

**Tuesday, November 10**

Water Authority – Water Authority Office – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

**Wednesday, November 11**

Center City Community Organization – Holy Cross Church – 6 pm

**Thursday, November 12**

Police Pension Board – 3<sup>rd</sup> floor conference room – 9:30 am

Outlet Area Neighborhood – St Mark's Lutheran Church – 6:30 pm

**Monday, November 16**

Library Board – 113 S 4<sup>th</sup> St – 4 pm

**Tuesday, November 17**

Fire Civil Service Board – Penn Room – 3 pm

HARB – Penn Room – 6:30 pm

Charter Board – Council Chambers – 7 pm

**Wednesday, November 18**

O & E Pension Board – Penn Room – 1:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5 pm

Zoning Hearing Board – Council Chambers – 5:30 pm

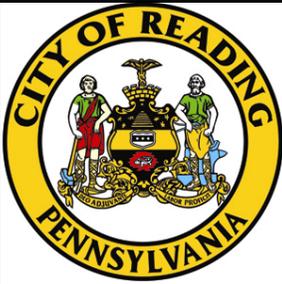
Human Relations Commission – HRC Office – 6 pm

**Friday, November 20**

Fire Pension Board – Penn Room – 10 am

**Monday, November 23**

DID Authority – 645 Penn St 5<sup>th</sup> floor - noon



# AGENDA MEMO

## FIRE DEPARTMENT

**TO:** City Council  
**FROM:** Fire Chief William Stoudt, Jr.  
**PREPARED BY:** Fire Chief William Stoudt, Jr.  
**MEETING DATE:** November 9, 2015  
**AGENDA MEMO DATE:** October 29, 2015  
**REQUESTED ACTION:** Authorize promotions

### RECOMMENDATION

The Mayor and the Fire Chief request approval for the following promotions within the Fire Suppression Division of the Department of Fire and Rescue Services:

### BACKGROUND

There is a need to promote to the positions of 1<sup>st</sup> Deputy Fire Chief, 2<sup>nd</sup> Deputy Fire Chief and Fire Suppression Lieutenant. The promotions are due to the retirement of 1<sup>st</sup> Deputy Fire Chief Frank J Nefos Jr. on November 15, 2015.

2nd Deputy Fire Chief Kent A Born to 1<sup>st</sup> Deputy Fire Chief.

Fire Suppression Lieutenant Brian L Thorpe to 2nd Deputy Fire Chief.

Fire Fighter Andrew F Getka to Fire Suppression Lieutenant.

### BUDGETARY IMPACT

These funded positions will become vacant due to the retirement of 1<sup>st</sup> Deputy Fire Chief Frank J Nefos Jr. on November 15, 2015 and will lessen the departments need to fill vacant positions.

### PREVIOUS ACTIONS

None

### SUBSEQUENT ACTION

Council to take action to approve promotions within The Department of Fire and Rescue Services

### RECOMMENDED BY

The Fire Chief recommends approval.

Drafted by  
Referred by  
Introduced on  
Advertised on

Sr. Business Analyst  
Fire Chief  
November 9, 2015  
N/A

RESOLUTION \_\_\_\_\_-2015

PROMOTING LIEUTENANT BRIAN L. THORP TO SECOND DEPUTY CHIEF IN THE SUPPRESSION  
DIVISION OF THE CITY OF READING DEPARTMENT OF FIRE AND RESCUE SERVICES

The Council of the City of Reading hereby resolves to approve the following promotion within the Suppression  
Division of the Department of Fire and Rescue Services effective November 15, 2015:

Suppression Lieutenant Brian L. Thorp to Second Deputy Chief.

Approved by Council on \_\_\_\_\_

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

Attest:

\_\_\_\_\_  
City Clerk

Drafted by  
Referred by  
Introduced on  
Advertised on

Sr. Business Analyst  
Fire Chief  
November 9, 2015  
N/A

RESOLUTION \_\_\_\_\_-2015

PROMOTING FIREFIGHTER ANDREW F. GETKA TO LEIUTENANT IN THE SUPPRESSION DIVISION  
OF THE CITY OF READING DEPARTMENT OF FIRE AND RESCUE SERVICES

The Council of the City of Reading hereby resolves to approve the following promotion within the Suppression Division of the Department of Fire and Rescue Services effective November 15, 2015:

Firefighter Andrew F. Getka to Suppression Lieutenant.

Approved by Council on \_\_\_\_\_

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

Attest:

\_\_\_\_\_  
City Clerk

Drafted by  
Referred by  
Introduced on  
Advertised on

Sr. Business Analyst  
Fire Chief  
November 9, 2015  
N/A

RESOLUTION \_\_\_\_\_-2015

PROMOTING SECOND DEPUTY CHIEF KENT A. BORN TO FIRST DEPUTY CHIEF IN THE  
SUPPRESSION DIVISION OF THE CITY OF READING DEPARTMENT OF FIRE AND RESCUE SERVICES

The Council of the City of Reading hereby resolves to approve the following promotion within the Suppression Division of the Department of Fire and Rescue Services effective November 15, 2015:

Second Deputy Chief Kent A. Born to First Deputy Chief.

Approved by Council on \_\_\_\_\_

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

Attest:

\_\_\_\_\_  
City Clerk

**City of Reading City Council**  
**Regular Meeting**  
**October 26, 2015**

Council President Waltman called the meeting to order.

The invocation was given by Pastor Kathryn Phile, Nativity Lutheran Church.

All present pledged to the flag.

The Committee of the Whole meeting did not include an executive session.

**ATTENDANCE**

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

**PROCLAMATIONS AND PRESENTATIONS**

There were no proclamations or commendations issued.

**PUBLIC COMMENT**

Council President Waltman stated that there is one (1) citizen registered to address Council on non-agenda matters. He asked if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended.

Councilor Daubert read the public participation regulations adopted by Council to those present.

**Carl Ramich, of Wyomissing**, stated that he represents the local steel workers union. He spoke in support of buying American made products rather than products made outside the United States. He noted that buying American made products supports job growth.

**APPROVAL OF THE AGENDA & MINUTES**

Council President Waltman called Council's attention to the minutes of the October 12<sup>th</sup> meeting and to the agenda for this meeting. He announced the need to add a Resolution regarding the

Certificate of Appropriateness for 233 Spring Street.

**Councilor Marmarou moved, seconded by Councilor Sterner, to approve the agenda, as amended, including the legislation listed under the Consent Agenda heading and the minutes as listed. The motion was approved unanimously.**

### **Consent Agenda**

**A. Award of Contract** - for Engineering services for the 19<sup>th</sup> Ward Pump Station to AECOM Technical Services, Inc. in the amount of \$374,400 for Basic Services. In addition, the engineering services contract provides for adders and expenses for an additional amount of \$98,050. Total potential contract amount is \$472,450.

**B. Resolution No. 92-2015** – authorizing the issuance of an Emergency Management Declaration to repair of the storm sewer system damaged in the July 31, 2015 storm.

### **ADMINISTRATIVE REPORT**

An administrative report was not prepared or presented.

### **AUDITOR'S REPORT**

The auditor's report was distributed at the meeting; in summary:

- Admissions Tax collection for 2015
- Real Estate Transfer Tax collection for 2015
- Decreasing Public Utility Realty Tax between 1997 (\$277,867) and 2015 (\$54,079) due to the change in the formula

### **ORDINANCES FOR FINAL PASSAGE**

#### **Pending**

**Bill No. 48-2015** – authorizing the extension of the Downtown Improvement District (DID) for a five year period and authorizing the execution of the agreement between DID and the City ***Introduced at the July 27 regular meeting; Advertised on August 17<sup>th</sup> and 28<sup>th</sup>; Public Hearing Tuesday, September 8<sup>th</sup>; Tabled at the September 14 regular meeting; 2<sup>nd</sup> Public Hearing scheduled for Oct 21<sup>st</sup> at 5 pm***

#### **Budget Related Ordinances Pending**

**Ordinance** – providing for a commuter tax of up to a maximum of 1.3% on all earned income and net profits generated in the City of Reading for 2016 ***Introduced at the October 12 regular meeting***

**Ordinance** – setting the property tax rate at .017489 on the dollar, or \$17.489 on each one thousand dollars for 2016 ***Introduced at the October 12 regular meeting***

**Ordinance** – approving the 2016 General Fund Budget ***Introduced at the October 12 regular meeting***

**Ordinance** – approving the 2016 Capital Improvement Plan ***Introduced at the October 12***

*regular meeting*

**Ordinance** – approving the 2016 Position Ordinance *Introduced at the October 12 regular meeting*

**A. Bill No. 56-2015** – vacating and removing from the 300 block of St. George Street from the City’s Topographical Map - *Introduced at the September 28 regular meeting; 28 day layover period required; Advertisement Oct 5<sup>th</sup>, 12<sup>th</sup> and 19<sup>th</sup>*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 56-2015.

Bill No. 56-2015 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7

Nays: – None - 0

**B. Bill No. 57-2015** – amending the City Code Chapter 600 Zoning, by adopting a new Section §600-818 providing for a Riparian Buffer Overlay District and amending §600-2202 Definitions *Introduced at the September 28 regular meeting; Advertisement Oct 5<sup>th</sup> and 12<sup>th</sup>; Public Hearing Oct 19<sup>th</sup> at 5 pm*

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 57-2015.

Bill No. 57-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7

Nays: – None - 0

**C. Bill No. 58-2015** – amending the City Code Chapter 600 Zoning by amending Part 8 Districts to add alternative energy systems as Accessory Uses, Part 10 Accessory Uses by renaming Section 1012 Wind Turbines to Alternative Energy Systems, and amending Section 2202 Definitions *Introduced at the September 28 regular meeting; Advertisement Oct 5<sup>th</sup> and 12<sup>th</sup>; Public Hearing Oct 19<sup>th</sup> at 5 pm*

Councilor Slifko moved, seconded by Councilor Reed, to enact Bill No. 58-2015.

Councilor Slifko stated that this ordinance is not a mandate for the installation of alternative energy systems. The ordinance only provides the process should a property owner choose to take this approach.

Councilor Daubert voiced his enthusiastic support as alternative energy systems makes sound economic sense and supports climate change initiatives.

**Bill No. 58-2015 was enacted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7**

**Nays: – None - 0**

**D. Bill No. 59-2015** - amending the City Code Chapter 576 – Vehicles and Traffic, Part 12 Parades, Special Events and Public Gatherings, Section 576-1205 Fees, Time Limit and Cost of Event by adding the DID and Parking Authority to the processes ***Introduced at the October 12 regular meeting***

**Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 59-2015.**

Councilor Reed stated that this ordinance adds DID and the Parking Authority to the planning process for events that are held in the downtown.

Councilor Goodman-Hinnershitz noted the importance of the planning process for larger events to protect the safety and welfare for those who attend the events and those who reside in the neighborhoods where the events occur.

**Bill No. 59-2015 was enacted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7**

**Nays: – None - 0**

**E. Bill No. 60-2015** - amending the City Code, Chapter 564 Health and Safety, Part 105 Storage of Motor Vehicle Nuisances, by prohibiting commercial vehicles from parking on all public rights of way within the City of Reading ***Introduced at the October 12 regular meeting; Advertised on October 19th***

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to table Bill No. 60-2015.**

**Bill No. 60-2015 was tabled by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7**

**Nays: – None - 0**

**F. Bill No. 61-2015** – amending the City Code Chapter 453 Part 2 Sidewalk Vendors by replacing Vending Appeals Board with Code and License Appeals Board ***Introduced at the October 12 regular meeting; Advertised on October 19th***

**Councilor Daubert moved, seconded by Councilor Reed, to enact Bill No. 61-2015.**

**Bill No. 61-2015 was enacted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman, President - 7**

**Nays: – None - 0**

**G. Bill No. 62-2015** – authorize the execution and delivery of the required documents in connection with the two PennVest loans for the Sewage Treatment Plant upgrade, including authorization for the issuance of two Guaranteed Revenue Notes of the City. The two loans are in the amount of \$84,586,034 for the Liquids Treatment Facilities Upgrade and \$37,214,485 for the Solids Treatment Facilities Upgrade *Introduced at the October 12 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 62-2015.**

The Managing Director stated that this financing package that includes a 1% interest rate is a great deal for the Wastewater Treatment project. She stated that the interest rate is better than the current market rate of 4%. She also noted that PennVest usually awards loans at a much lower amount and that the amount for this project was increased as this represents a regional project.

Councilor Goodman-Hinnershitz stated that the improvements to this plant will benefit many municipalities outside of Reading.

**Bill No. 62-2015 was enacted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman, President - 7**

**Nays: – None - 0**

## **INTRODUCTION OF NEW ORDINANCES**

Councilor Goodman-Hinnershitz read the following ordinances into the record:

**A. Bill No. -2015** – authorizing the transfer of funds from Solid Waste Fund Balance Account to Recycling Legal Fees Account to pay for legal settlement with FYDA freightliner Pittsburgh, Inc. & Golden Equipment Co., Inc., per Council approved resolution no. 89-2015 on September 28, 2015

**B. Bill No. -2015** –authorizing the transfer within the 2015 Department of Public Works, Division of Solid Waste & Recycling budget \$40,000.00 from General Plan Supplies General Plant Supplies and Minor Capital to Truck Maintenance for the purpose of covering funds for current and future invoices for truck maintenance for Recycling Department.

**C. Bill No. -2015** – authorizing the transfer provides \$10,000 from Salaries to Community Promotions in the Mayor’s Office to Redesign Reading CDC for start-up funds for Penn Street Market from 2014

## **RESOLUTIONS**

**A. Resolution No. 94-2015** – reappointing Steven Belinski to the Housing Authority

**Councilor Marmarou moved, seconded by Councilor Slikfo, to adopt Resolution No. 94-2015.**

Councilor Marmarou spoke about the skill and experience Mr. Belinski brings to this Authority.

**Resolution 94-2015 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7**

**Nays: – None - 0**

**B. Resolution 93-2015** – approving the Certificate of Appropriateness for the installation of windows at 233 Spring Street with conditions.

**Councilor Slifko moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 94-2015.**

Councilor Slifko stated that the decision represents a compromise that stays within the spirit and goals of historic preservation. He stated that the conditions allow the use of the windows that were purchased prior to the review of HARB and makes them look historically appropriate.

Councilor Rees agreed with this approach in this instance.

Councilor Goodman-Hinnershitz expressed the belief that the compromise is a “win-win”.

Council President Waltman questioned why the contractor purchased the windows prior to making application to HARB and leaving the Church exposed.

Councilor Slifko stressed the need to obtain HARB approval prior to the purchase of any building materials for the exterior of a property.

**Resolution 94-2015 was adopted by the following vote:**

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Slifko, Sterner, Waltman,  
President - 7**

**Nays: – None - 0**

## **COUNCIL COMMENT**

Council President Waltman reviewed the upcoming Council meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Daubert, to adjourn the meeting.**

*Respectfully submitted by Linda A. Kelleher CMC, City Clerk*



# AGENDA MEMO

## DEPARTMENT OF ADMINISTRATIVE SERVICES

**TO:** City Council  
**FROM:** Tammi Reinhart, Purchasing Coordinator  
**PREPARED BY:** Tammi Reinhart, Purchasing Coordinator  
**MEETING DATE:** November 9, 2015  
**AGENDA MEMO DATE:** November 4, 2015  
**RECOMMENDED ACTION:** Awarding of Contract for the Penn Street Crosswalks Project

### RECOMMENDATION

**The recommendation is to award the contract for the Penn Street Crosswalks Project to J.D. Eckman, Inc. 4781 Lower Valley Road P.O. Box 160 Atglen, PA 19310**

### BACKGROUND

The purpose of the project is the removal of existing brick crosswalks at 3<sup>rd</sup> and Penn Streets and their replacement with inlaid thermoplastic pavement markings. Complete resurfacing of the intersection is included. New ADA ramps shall be constructed at the specified locations. Certain modifications to the traffic signals at the one intersections are also necessary.

### BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds to cover the project. All expenses incurred will be funded by Penn DOT. The total amount is \$455,576.00, subject to Penn DOT approval.

### PREVIOUS ACTION

None

### SUBSEQUENT ACTION

**Formal action by Council is required to award the contract at the November 09, 2015 meeting.**

### RECOMMENDED BY

Mayor, Managing Director, Public Works Director, Acting Director of Administrative Services, Controller and Purchasing Coordinator.

### RECOMMENDED MOTION

Approve/Deny the recommendation for the Penn Street Crosswalks Project in order that contract may be awarded to J.D. Eckman, Inc.

cc: File

**RECOMMENDATION MEMORANDUM**

TO: Ralph Johnson, Public Works Director

DATE: November 4, 2015

FROM: Tammi Reinhart, Purchasing Coordinator

SUBJECT: Contract – Penn Street Crosswalks, Project No. 31-07-19

May we please have your recommendation on the award of the above listed bid. All bids are available for review in the Office of the Purchasing Coordinator. The completed form should be returned to the Office of the Purchasing Coordinator.

1. After reviewing the bids, recommendation is made to award the contract to J. D. Eckman, Inc. \_\_\_\_\_ who is the low bidder.

2. The above listed bidder meets or exceeds all City specifications for this bid \_\_\_\_\_

3. After reviewing the bids, recommendation is made to award the contract to \_\_\_\_\_ who is not the low bidder.

Justification:

J. D. Eckman, Inc. was the only bidder and Penn DOT will allow the award to a single bidder. This contractor is qualified by Penn DOT for this project. Full funding is available, subject to Penn DOT's written authorization.

4. Reject all bids. Justification: \_\_\_\_\_

5. Budget Account Code and Total amount to be charged: Budget Account Codes are Revenue: 31-07-00-3554, Expense: 31-07-00-4216. Total Amount is \$ 455,576.00

6. I have checked with the Accounting Office and have determined sufficient funds are available in this account code. This project will be 100% reimbursed by Penn DOT from the Federal Transportation Alternatives Program. \_\_\_\_\_

7. Amount remaining in this account code after the contract funds are encumbered. Not applicable \_\_\_\_\_

8. Is this item in the Capital Equipment/Improvement Budget for the current fiscal year? Not Applicable \_\_\_\_\_

9. What amount is listed in the Capital Budget? \_\_\_\_\_ None \_\_\_\_\_

10. Is this bid for the entire project or is this a phase? \_\_\_\_\_ Entire project \_\_\_\_\_

APPROVAL TO AWARD CONTRACT TO ABOVE LISTED BIDDER:

Department Director Ralph E. Johnson \_\_\_\_\_ Date 11/04/15

PLEASE RETURN TO PURCHASING FOR THE EXECUTION OF BELOW SIGNATURES.

Controller [Signature] \_\_\_\_\_ Date 11/4/15

Director of Administrative Services [Signature] \_\_\_\_\_ Date 11/4/15

Managing Director [Signature] \_\_\_\_\_ Date 11/4/15

Mayor [Signature] \_\_\_\_\_ Date 11/4/15

Date

Drafted by Solicitor

Sponsored by/Referred by Solicitor

Introduced on October 12, 2015

Advertised on

**BILL NO. \_\_\_\_\_ 2016**

**A N O R D I N A N C E**

**AN ORDINANCE PROVIDING FOR A TAX OF UP TO A MAXIMUM OF ONE AND THREE TENTHS PERCENT (1.3%) ON ALL EARNED INCOME AND NET PROFITS GENERATED IN THE CITY OF READING BY NON-RESIDENTS OF THE CITY OF READING FOR 2016.**

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

**SECTION 1.** The City of Reading hereby imposes a tax of three tenths of one percent (0.3%) on all earned income and net profits generated by non-residents of the City of Reading within the City of Reading who are subject to payment of earned income and net profits tax to the taxpayer's resident (domicile) taxing authority in the amount of one percent (1.0%).

**SECTION 2.** The City of Reading hereby imposes a tax of one and three tenths percent (1.3%) on all earned income and net profits generated by non-residents of the City of Reading within the City of Reading who are not subject to payment of earned income and profits tax to the taxpayer's resident (domicile) taxing authority.

**SECTION 3.** The City of Reading hereby imposes a tax of a certain percentage which when added to the percentage imposed by the taxpayer's resident (domicile) taxing authority equals one and three tenths percent (1.3%) on all earned income and net profits generated by non-residents of the City of Reading within the City of Reading.

**SECTION 4.** This tax on non-residents is hereby imposed on; (a) all salaries, wages, commissions and other compensation earned on or after January 1, 2016, during the calendar year 2016, by non-residents of the City for work done or services performed or rendered in the City of Reading; (b) the net profits earned on or after January 1, 2016, during the calendar year 2016, of businesses, professions or other activities conducted in the City of Reading by non-residents.

**SECTION 5.** This tax levied above shall not be shared by the School District, of Reading or otherwise, and non-residents shall continue to be given credit for the amount of earned income tax paid to their home municipal taxing authorities.

**SECTION 6.** The revenues resulting from the above tax may be used for general revenue purposes.

**SECTION 7.** This tax shall first be levied, collected and paid beginning on January 1, 2016, and during the calendar year of 2016 under all circumstances whether or not a fiscal year is used by the taxpayer.

**SECTION 8.** Should any section of this Ordinance be declared invalid for any reason, said declaration shall not have any affect on the remainder of this Ordinance.

**SECTION 9. This Ordinance shall become effective January 1, 2016 and shall continue in effect until it may be repealed or modified by ordinance enacted by the City of Reading Council in accordance with the applicable Home Rule Charter provisions.**

Enacted on \_\_\_\_\_ 2015

\_\_\_\_\_  
Jeffrey Waltman  
President of Council

**Attest:**

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Drafted by	City Clerk
Sponsored by/Referred by	Managing Director
Introduced on	October 12, 2015

**Bill No. \_\_ 2015**  
**An Ordinance**

**AN ORDINANCE ESTABLISHING THE BUDGET FOR THE FUNDS OF THE CITY OF READING INCLUDING REVENUES AND EXPENSES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016.**

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

**SECTION 1.** The budgeted revenues and expenses for the various funds of the City of Reading for the fiscal year beginning January 1, 2016, and ending December 31, 2016, shall be as set forth in Exhibit A attached hereto and made a part hereof.

**SECTION 2.** This ordinance shall be effective January 1, 2016.

Enacted \_\_\_\_\_, 2016

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Drafted by City Clerk  
Sponsored by/Referred by Managing Director  
Introduced on October 12, 2015  
Advertised on N/A

**Bill No. \_\_\_\_ 2015**  
**An Ordinance**

**AN ORDINANCE ESTABLISHING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE CITY OF READING INCLUDING CAPITAL EXPENDITURES AND REVENUES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016.**

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

**SECTION 1.** The budgeted expenses and revenues for the Capital Improvement Plan of the City of Reading for the fiscal year beginning January 1, 2016, and ending December 31, 2016, shall be set forth in Exhibit A, as attached hereto and made a part hereof.

**SECTION 2.** This Ordinance shall be effective January 1, 2016, said date being the beginning of the fiscal year of the City of Reading.

Enacted \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Drafted by City Clerk  
Sponsored by/Referred by Managing Director  
Introduced on October 12, 2015  
Advertised on

**BILL NO. \_\_\_\_\_ 2015**

**A N O R D I N A N C E**

**AN ORDINANCE ESTABLISHING THE EMPLOYEE POSITIONS FOR THE CITY OF READING FOR THE FISCAL YEAR 2016.**

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

**SECTION 1.** Employment positions for the City of Reading's fiscal year beginning January 1, 2016, and ending December 31, 2016, shall be as set forth in Exhibit A attached hereto and made a part hereof.

**SECTION 2.** This Ordinance shall become effective January 1, 2016.

Enacted \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Drafted by Legal Specialist/City Clerk  
Sponsored by/Referred by Councilor Daubert & Marmarou  
Introduced on October 12, 2015  
Advertised on October 19, 2015

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY CODE, CHAPTER 564 HEALTH AND SAFETY, PART 105 STORAGE OF MOTOR VEHICLE NUISANCES, SECTION 105 – PARKING BY PROHIBITING COMMERCIAL VEHICLES FROM PARKING ON ALL CARTWAYS WITHIN THE CITY OF READING, AS ATTACHED IN EXHIBIT A.**

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

**SECTION 1:** Amending the City Code, Chapter 564 Health and Safety, Part 105 Storage of Motor Vehicle Nuisances, by prohibiting commercial vehicles from parking on all cartways within the City of Reading, as attached in Exhibit A.

**SECTION 2:** All other items, parts, sections, etc. of the City Code of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

**SECTION 3:** 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 \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Overridden by Council : \_\_\_\_\_

## EXHIBIT A

### § 564-101. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

COMMERCIAL VEHICLE - any *TRAA Class 3* motor vehicle (attached) or trailer designed or used to transport passengers or property:

- (1) if the vehicle has a gross vehicle weight rating of 10,000 or more pounds;
- (2) if the vehicle is designed to transport 16 or more passengers, including the driver;
- (3) if the vehicle is a school bus; or
- (4) if the vehicle is transporting hazardous materials and is required to be placarded in accordance with PennDOT regulations.
- (5) *if the vehicle is construction equipment and not involved in a project*
- (6) *all dual wheeled vehicles that are not exempt from this ordinance*

For purposes of this section the phrase "commercial vehicle" shall include self-propelled vehicles, vehicles that are not self-propelled such as utility trailers and other types of trailers designed or used to store or haul equipment and materials and the combination of self-propelled vehicles and vehicles that are not self-propelled. (*See attached TRAA diagrams*)

The term does not include *Pickup Trucks classified as 5 and lower by PennDOT (see attached schedule)* and vehicles that are an antique or classic motor vehicle, or an implement of husbandry .

MOTOR VEHICLE — — Any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways.

NUISANCE — — Any condition, structure or improvement which constitutes a danger or potential danger to the health, safety or welfare of citizens of the City or causes a blighting effect in City neighborhoods.

PERSON — — A natural person, firm, partnership, association, corporation or other legal entity.

In this chapter, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

### §564-105. Parking Trucks, Trailers and Mobile Homes.

A. It shall be unlawful for a person to park, or allow to remain parked for more than 1 hour any commercial vehicle with a gross vehicle weight rating (GVWR) of 10,000 lbs or more in plain view from the public right of way. Tow Trucks designated medium or heavy duty, Car Carriers, and Low Boy Trailers are similarly prohibited.

This restriction applies to the foregoing districts *City-wide* and includes without limitation school buses, construction equipment, trucks, trailers, or tractors, whether attached or unattached unless the vehicle is involved in the actual delivery, pick up of goods, supplies, or merchandise from any building, residence

or business, or the vehicle is used to perform services for any permitted residential or commercial project in that block.

B. It shall be unlawful for a person to park for more than 24 hours in plain view from the public right of way any attached or unattached motorized boat, trailer, camping trailer, or vehicle rated Department of Transportation Class 5 or greater in the ~~above~~ *following* zoning districts.

- A. R1A, R1, R2, R3 – Residential Districts
- B. Commercial Residential Districts – CR
- C. Commercial Neighborhood Districts – CN
- D. Residential Professional Office – RPO
- E. Preservation

Mobile homes and recreational vehicles designed or adapted for use as a mobile dwelling, including a vehicle equipped with a truck-camper, with a maximum length of 24 feet and a maximum weight that does not exceed 12,000 GVW may however park on private property, in accordance with § 600-1602A and B of Chapter 600, Zoning.

Each household may apply to the Department of Police, Traffic Enforcement Office, for no more than two temporary recreational vehicles parking permits that will allow the recreational vehicle to be parked at the property for longer than 24 hours. Barring a special exception, the cost of the permit shall be set at \$50, as per Chapter 212, Section 145, be visibly displayed on the dashboard at all times the vehicle is not in use, and shall last for a period of time as determined by the Chief of Police, or his designee.

C. **Enforcement.** Prior to the issuance of the citation and fine, notification of this law and a warning of the penalties imposed upon violation shall be posted on the vehicle one time or a copy issued to the owner or tenant of the property. Such warning shall be properly recorded in the Police Department, *Traffic Enforcement Office* ~~the Property Maintenance Division and the Parking Authority Office~~ by the issuing enforcement official. If the vehicle is not removed within 48 hours, per Subsection F below, the citing officer may issue a citation or exercise discretion to tow the vehicle to alleviate a safety or hazard concern.

D. **Exemptions.** *Pickup Trucks classed as 5 and lower by PennDOT (see attached schedule) and vehicles an antique or classic motor vehicle, or an implement of husbandry are exempted from this ordinance.*

~~D.~~ E. Any person who shall violate any provision of this section shall be cited and fined \$~~100~~ **150**. If the \$~~100~~ **150** fine is not paid within 10 days, the fine shall be automatically increased to \$~~200~~ **250**. At the discretion of the citing officer, the vehicle(s) located in the public right-of-way may be subject to tow after the ~~third~~ *second* citation in any calendar year.

F. The Department of Police, Property Maintenance Division and Reading Parking Authority are hereby provided with enforcement authority on public and private property for this section.

# TRAA VEHICLE IDENTIFICATION GUIDE<sup>®</sup>

## CLASS 1 • LIGHT-DUTY • (6,000 lbs. or less GVW - 4 tires)\*



## CLASS 2 • LIGHT-DUTY • (6,001 - 10,000 lbs. GVW - 4 tires)\*



Classes 1 and 2 include passenger vehicles, light trucks, minivans, full size pickups, sport utility vehicles and full size vans.

## CLASS 3 • MEDIUM-DUTY • (10,001 - 14,000 lbs. GVW - 6 tires or more)\*



## CLASS 4 • MEDIUM-DUTY • (14,001 - 16,000 lbs. GVW - 6 tires or more)\*



## CLASS 5 • MEDIUM-DUTY • (16,001 - 19,500 lbs. GVW - 6 tires or more)\*



## CLASS 6 • MEDIUM-DUTY • (19,501 - 26,000 lbs. GVW - 6 tires or more)\*



Classes 3 through 6 include a wide range of mid-size vehicles, delivery trucks, utility vehicles, motorhomes, parcel trucks, ambulances, small dump trucks, landscape trucks, flatbed and stake trucks, refrigerated and box trucks, small and medium school and transit busses.

## CLASS 7 • HEAVY-DUTY • (26,001 - 33,000 lbs. GVW - 6 tires or more)\*



## CLASS 8 • HEAVY-DUTY • (33,001 lbs. and over GVW - 10 tires or more)\*



Classes 7 and 8 include a wide range of heavy vehicles, large delivery trucks, motor coaches, refuse trucks, cement mixers, all tractor trailer combinations including double trailers.

## Information Needed To Correctly Dispatch Towing and Recovery Units:

- Year, Make and Model of Vehicle to be Towed or Recovered
- DOT Classification (Class 1 – 8 based on GVW)
- Location of Vehicle
- Type of Tow (impound, accident, recovery motorist assist, etc.)
- Additional Vehicle Information
  - 2 wheel drive, 4 wheel drive, all wheel drive
  - damage to vehicle, tire condition
  - vehicle loaded or empty
  - cargo contents
  - does the vehicle have a trailer
  - are the keys with the vehicle

**Note:** Any vehicle may carry hazardous materials. Advise if placarded.

**\* Note:** The Gross Vehicle Weight Rating (GVWR) of the vehicle to be towed or recovered can be found on the identification label on the vehicle's driver's side doorframe. The number of pounds listed on the label can then be compared with the DOT Classification Vehicle Type Chart for the correct DOT class.

Law enforcement communications with towing and recovery operators describing an incident and the vehicles involved can insure quick and efficient clearing of these scenes and less disruption to traffic flow. In an effort to standardize communications, the towing industry is adopting the federal vehicle class standards as outlined herein.

## VIN CODES

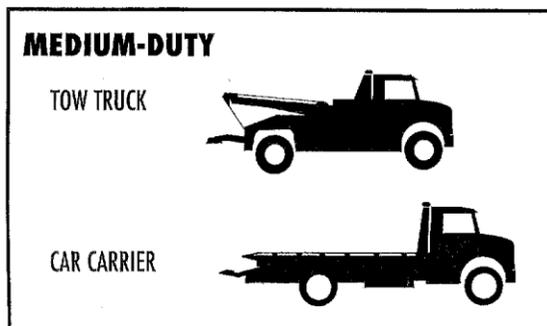
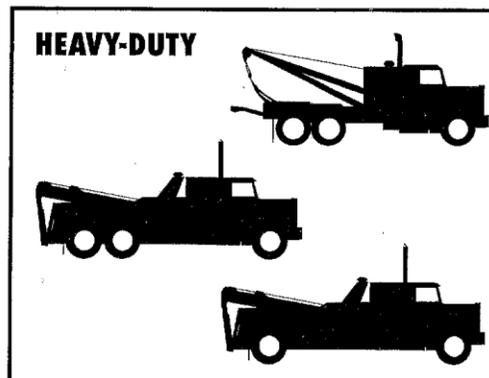
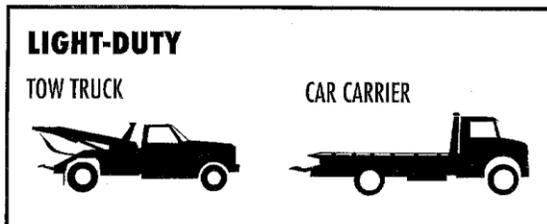
The year of the vehicle is critical information for towing operators in order for them to reference correct towing procedures. The diagrams on the front are examples of classifications. The following information about vehicle identification numbers affixed to the chassis will help determine the vehicle's year. As noted, the vehicle's year, identified by a letter or number in the VIN sequence, is the eighth character from the right.

**1P8ZA1279SZ215470**

**EXAMPLE 1995 VIN NUMBER:** \_\_\_\_\_ ↑

1980.....A	1987.....H	1994.....R	2001.....1	2008.....8
1981.....B	1988.....J	1995.....S	2002.....2	2009.....9
1982.....C	1989.....K	1996.....T	2003.....3	2010.....A
1983.....D	1990.....L	1997.....V	2004.....4	2011.....B
1984.....E	1991.....M	1998.....W	2005.....5	2012.....C
1985.....F	1992.....N	1999.....X	2006.....6	
1986.....G	1993.....P	2000.....Y	2007.....7	

## TOW TRUCK/CAR CARRIER CLASSIFICATION



Illustrations: © T.T. Publications and Vehicle Identification Guide: © TMAA



# BUREAU OF MOTOR VEHICLES SCHEDULE OF FEES

## REGULAR TRUCKS/TRUCK TRACTORS/FARM VEHICLES (Classes 1 through 25)

Class	Registered Gross Weight in Lbs.	Regular Trucks/ Truck Tractors	Farm Truck/ Truck Tractors
		Registration Fee Annual/Month	Registration Fee Annual/Month
* 1	5,000 or Less	60.00/5.00	110.00/9.17
* 2	5,001 - 7,000	83.00/6.92	110.00/9.17
* 3	7,001 - 9,000	158.00/13.17	110.00/9.17
4A	9,001 - 10,000	204.00/17.00	110.00/9.17
4B	10,001 - 11,000	204.00/17.00	110.00/9.17
5	11,001 - 14,000	283.00/23.58	110.00/9.17
6	14,001 - 17,000	336.00/28.00	112.00/9.33
7	17,001 - 21,000	414.00/34.50	138.00/11.50
8	21,001 - 26,000	472.00/39.33	157.33/13.11
9	26,001 - 30,000	550.00/45.83	183.33/15.28
10	30,001 - 33,000	661.00/55.08	220.33/18.36
11	33,001 - 36,000	723.00/60.25	241.00/20.08
12	36,001 - 40,000	765.00/63.75	255.00/21.25
13	40,001 - 44,000	813.00/67.75	271.00/22.58
14	44,001 - 48,000	875.00/72.92	291.67/24.31
15	48,001 - 52,000	965.00/80.42	321.67/26.81
16	52,001 - 56,000	1,028.00/85.67	342.67/28.56
17	56,001 - 60,000	1,164.00/97.00	388.00/32.33
18	60,001 - 64,000	1,295.00/107.92	431.67/35.97
19	64,001 - 68,000	1,358.00/113.17	452.67/37.72
20	68,001 - 73,280	1,457.00/121.42	485.67/40.47
21	73,281 - 76,000	1,861.00/155.08	620.33/51.69
22	76,001 - 78,000	1,903.00/158.58	634.33/52.86
23	78,001 - 78,500	1,924.00/160.33	641.33/53.44
24	78,501 - 79,000	1,945.00/162.08	648.33/54.03
25	79,001 - 80,000	1,966.00/163.83	655.33/54.61

### MOTOR HOME

Gross Weight in Lbs.	Annual Fee	Fee Per Mo.
8,000 or less	65.00	5.42
8,001 to 11,000	90.00	7.50
11,001 or more	116.00	9.67

### TRAILER AND SEMI-TRAILER

Registered Gross Weight in Lbs.	Annual Fee	Fee Per Mo.	Opt. 5 Year Fee	Optional Permanent
3,000 or less	6.00	0.50	30.00	N/A
3,001 to 10,000	12.00	1.00	60.00	N/A
10,001 or more	35.00	2.92	N/A	165.00

Trailers 10,000 lbs. or less may be registered for periods of one year or five years.

## BUS/LIMOUSINE

Seating Capacity	Annual Fee	Fee Per Month	Seating Capacity	Annual Fee	Fee Per Month
6	66.00	5.50	30	341.00	28.42
7	77.00	6.42	31	355.00	29.58
8	88.00	7.33	32	369.00	30.75
9	99.00	8.25	33	383.00	31.92
10	110.00	9.17	34	397.00	33.08
11	121.00	10.08	35	411.00	34.25
12	132.00	11.00	36	425.00	35.42
13	143.00	11.92	37	439.00	36.58
14	154.00	12.83	38	453.00	37.75
15	165.00	13.75	39	467.00	38.92
16	176.00	14.67	40	481.00	40.08
17	187.00	15.58	41	495.00	41.25
18	198.00	16.50	42	509.00	42.42
19	209.00	17.42	43	523.00	43.58
20	220.00	18.33	44	537.00	44.75
21	231.00	19.25	45	551.00	45.92
22	242.00	20.17	46	565.00	47.08
23	253.00	21.08	47	579.00	48.25
24	264.00	22.00	48	593.00	49.42
25	275.00	22.92	49	607.00	50.58
26	286.00	23.83	50	621.00	51.75
27	299.00	24.92	51	635.00	52.92
28	313.00	26.08	52 or More	660.00	55.00
29	327.00	27.25			

## OTHER

Class	Annual Fee	Fee Per Mo.
Antique, Classic or Collectible Registration (Permanent Fee)	75.00	N/A
* Passenger	36.00	3.00
Motorcycle	18.00	1.50
Motor-Driven Cycle	9.00	0.75
Motorized Pedalcycle	9.00	0.75
Ambulances and Hearses	77.00	6.42
Taxi (8 Passengers or Less excluding the driver)	77.00	6.42
School Bus/School Vehicle	30.00	2.50
Implements of Husbandry	26.00	2.17
Special Mobile Equipment	52.00	4.33

\* Qualifies for the reduced Retired Status fee of \$10 for vehicles with a registered gross weight not exceeding 9,000 lbs. Registered owner's total income may not exceed \$19,200 per year. (Form MV-371 or MV-140 is required.)

Francis G. Acosta, President

City Council, City of Reading

815 Washington Street

Reading, PA 19601

Re: Reading Downtown Improvement  
District Authority

Our File No. 110324-1

Dear Mr. Acosta:

This law firm serves as Solicitor for the Reading Downtown Improvement District Authority (DID Authority). We ask that the re-establishment and re-authorization of the DID Authority be placed on the agenda for discussion at the July 27, 2015 meeting of City Council.

This has become necessary for two reasons. The DID Authority has a sunset date of December 31, 2015. If it is not re-established, the DID Authority will cease to exist. Further, under the Neighborhood Improvement District Act, under which the DID Authority was re-established in 2005, the DID is authorized as the Neighborhood Improvement District Management Association (NIDMA), to administer the programs of and services offered by the DID Authority, and this must be re-authorized in order for the work of the DID Authority to continue.

This letter shall serve as our request for: 1) the re-establishment of the current Downtown Improvement District and an expanded area described in the proposed Ordinance as a Neighborhood Improvement District, with no decrease in the current level of City services in the Downtown Improvement District area; 2) the re-authorization and re-establishment of the DID Authority as set forth in the Ordinance; and, 3) the continued designation of the Reading Downtown Improvement District Authority as the NIDMA and administrator for the Main Street Program.

If you have any questions, please feel free to contact me at any time. Thank you in advance for your attention to this matter.

Very truly yours,  
KOZLOFF STOUT  
Professional Corporation  
Joan E. London

/JELcc: Charles R. Broad, Exec. Dir., Reading DID

Drafted by	DID Solicitor
Sponsored by/Referred by	Council President
Introduced on	October 12, 2015
Advertised on	October 10, 2015

CITY COUNCIL OF THE CITY OF READING  
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_ 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AMENDING BILL NO. 41-2005, TO AUTHORIZE THE RE-ESTABLISHMENT OF THE "CITY OF READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY," PURSUANT TO THE NEIGHBORHOOD IMPROVEMENT DISTRICT ACT, 73 P.S. SECTION 831, *ET SEQ.*; RE-ESTABLISHING THE DOWNTOWN IMPROVEMENT DISTRICT AND ITS BOUNDARIES, APPOINTING THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY AS THE NEIGHBORHOOD IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION AND AS PROVIDER OF MANAGERIAL AND ADMINISTRATIVE SERVICES FOR THE CITY MAIN STREET PROGRAM, ESTABLISHING A LIMITATION FOR ITS EXISTENCE, AUTHORIZING ASSESSMENTS, AND ESTABLISHING A COLLECTION PROCEDURE FOR LIENS, AND PROVIDING FOR A REPEALER

WHEREAS, the City Council of the City of Reading, Berks County, Pennsylvania, finds that the owners of properties including business, professional, commercial and residential properties in the core business district of the City of Reading desire a downtown that is attractive, clean, safe and friendly to residents, visitors and business invitees;

WHEREAS, the Commonwealth of Pennsylvania has adopted enabling legislation, specifically the Neighborhood Improvement District Act, 73 P.S. § 831, Act No. 2000-130, authorizing the creation of Neighborhood Improvement Districts to enable property owners in neighborhoods to provide services to their neighborhoods that supplement municipal services otherwise provided.

WHEREAS, the Neighborhood Improvement District Act provides for the assessment of property owners within the Neighborhood Improvement District to pay for those additional services;

WHEREAS, the current Downtown Improvement District Authority for the City of Reading, established pursuant to the Municipality Authorities Act of 1945, P.L. 382, No. 164, as amended, and Ordinance No. 41-2005, was re-authorized on July 1, 2005;

WHEREAS, the current Downtown Improvement District Authority for the City of Reading will terminate on December 31, 2015, pursuant to the sunset provision in its enabling Ordinance, unless it is re-authorized by the City Council;

WHEREAS, during the current period of the existence of the Downtown Improvement District Authority, the City Council established the Reading Main Street Program with support from the Pennsylvania Department of Community and Economic Development and the Pennsylvania Downtown Center under Ordinance No. 95-2010 for the purpose of elimination of blight and economic revitalization of Downtown Reading;

WHEREAS, by Ordinance No. 5-2013, City Council authorized the Reading Downtown Improvement District Authority Board to exercise fiduciary and administrative oversight over the Reading Main Street Program and authorized the Executive Director of the Reading Downtown Improvement District to act as the Program Manager for the Reading Main Street Program; and,

WHEREAS, the City Council of the City of Reading believes that the re-authorization and re-establishment of the Reading Downtown Improvement District Authority, with the Reading Downtown Improvement District

Authority serving as the Neighborhood Improvement District Management Association for the Downtown Improvement District and as the provider of fiduciary and administrative oversight and as Program Manager for the Reading Main Street Program, is necessary and desirable to strengthen the downtown and improve the probability of success of businesses and the preservation of the amenities of life for residents and commercial occupants within the Downtown Improvement District.

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the City Council of the City of Reading, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Re-Establishment of the Reading Downtown Improvement District Authority. The Reading Downtown Improvement District Authority (“Authority”), originally established by Ordinance No. 41-2005, titled “An Ordinance Authorizing the City of Reading to Organize an Authority to be Known as the “Reading Downtown Improvement District Authority,” and as amended (which amendments are incorporated by reference) is hereby re-established pursuant to the Municipality Authorities Act and the Neighborhood Improvement District Act, pursuant to the terms set forth herein.

SECTION 2. Re-Establishment of Neighborhood Improvement District. As authorized by Act 2000-130, 73 P.S. § 831 *et seq.* known as the Neighborhood Improvement District Act of 2000 (hereinafter the “Act”), Authority, as re-established, shall be organized and exist for the purposes of providing cleaning, maintenance, and security, as well as other services as authorized, in the area described hereinbelow, which shall be known as the “Reading Downtown Improvement District” (“District”):

BEGINNING at the intersection of Washington Street and North Second Street; along North Second Street to Walnut Street to North Third Street to Washington Street to Madison Avenue; to Elm Street excluding 430, 432 and 438 Elm Street; along Elm Street to Church Street to Walnut Street to Poplar Street to Washington Street to Moss Street to Court Street, excluding 906, 908, 910, 912, 914, 916, 918 and 920 Washington Street and 40 Moss Street; along Court Street to North Eleventh Street, excluding 11, 15, 17, 19, 21 and 23 North Tenth Street and 24, 22, 20, 18, 16, 14, 12, 10 and 6 North Eleventh Street; along North Eleventh Street crossing Penn Street to South Eleventh Street; along South Eleventh Street to Cherry Street to South Ninth Street, excluding 1013 Cherry Street, 25, 23, 21, 19, 17, 15, 13, 11 and 9 South Tenth Street, 915, 913, 911, 909, 907 Cherry Street, 914 rear Penn Street, and 25, 23, 21, 19, 17 and 13 South Ninth Street; along South Ninth Street to Franklin Street to South Seventh Street to Chestnut Street to Plum Street to Franklin Street, including 112 and 108 Plum and 614, 618 and 622 Franklin Street; along Franklin Street to Pearl Street excluding 514, 516, 518, 520, and 522 Franklin Street; along Pearl Street to Chestnut Street to Wood Street, excluding 521, 519, 517, 433, 431, 429, 427, 425 and 421 Chestnut Street; along Wood Street to Franklin Street to South Fourth Street to Cherry Street to Carpenter Street to South Third Street, excluding 341, 339, 337, 335, 333, 331, 329 and 327 Franklin Street and including 30 South Fourth Street; continuing along Cherry Street to South Second Street to Franklin Street, excluding 27, 25, 23, 21, 19, 17, 15, 13 and 11 South Second Street; along Franklin Street to South Front Street to North Front Street to Washington Street to North Second Street, place of BEGINNING.

A map showing the general boundaries, site, and situation of the proposed District is attached hereto, incorporated herein, and marked as Exhibit “A”.

The Authority may recommend to City Council more specific boundaries of the designated District. The Authority shall have the authority to develop and make business improvements and provide administrative services, including additional security, cleaning and maintenance, marketing, and other management services. The Authority shall have the authority to impose an assessment on each benefited property in the designated district described in this Section.

SECTION 3. Responsibilities of the Reading Downtown Improvement District Authority. The responsibilities of the Reading Downtown Improvement District Authority shall be to facilitate a “Clean and Safe” Downtown, as set forth in the Final Plan for the Downtown Improvement District, which will be attached hereto, incorporated herein, and marked as Exhibit “B” and the Municipal Services Agreement between the City and the Reading Downtown Improvement District Authority, which will be attached hereto, incorporated herein, and marked as Exhibit “C.” The Board of Directors of the Reading Downtown Improvement District Authority shall

continue to provide fiduciary and administrative oversight to the Reading Main Street Program, and the Executive Director of the Reading Downtown Improvement District shall continue to serve as Program Manager for the Reading Main Street Program, all for compensation as set forth in the attached Municipal Services Agreement, and any amendments thereto.

SECTION 4. Authorization of City Solicitor. The City Solicitor is authorized and directed to cause notice of this Ordinance to be published to the extent required by and in accordance with the Neighborhood Improvement District Act and the Municipality Authorities Act. The Authority and its Solicitor are further authorized and directed to take all steps necessary for the filing, in accordance with the Neighborhood Improvement District Act and the Municipality Authorities Act, of amendments to the Articles of Incorporation of the Authority and By-Laws of the Authority as required by the Neighborhood Improvement District Act, the Municipality Authorities Act, or other applicable law.

SECTION 5. Management. The Authority, an existing municipal authority established pursuant to the Act of May 2, 1945 (P.L. 382, No. 164, known as the Municipality Authorities Act of 1945), shall be re-authorized, and shall be appointed as Neighborhood Improvement District Management Association of the City of Reading Downtown Improvement District and authorized to exercise all powers provided for in Section 7 of the Act, 73 P.S. § 837, provided that the Final Plan for the District is approved by City Council after notice to the public and public hearings.

SECTION 6. Levy of Special Assessment. In accordance with the provisions of Sections (4) (5) and (10) of the Act, 73 P.S. § 834 (5) and (10), an assessment fee shall be imposed on all non-excluded properties located within the boundaries of the District provided that the Final Plan for the District is approved by City Council after notice to the public and public hearings.

(a) Amount and Method of Assessment. The assessment shall be made as of January 1, 2016, and is based on the cost estimates provided in the Final Plan of the Reading Downtown Improvement District and shall be as follows:

(1) Commercial properties, industrial properties, and commercial apartment buildings within the District shall be assessed at the rate of four and seven hundred fifty four one thousandth (4.754) mills for each one thousand dollars of assessed value as set by the Berks County Assessment Office.

(2) Owner-occupied residential properties shall be excluded from the payment of the special property assessment provided such properties are carried as "Residential" in the assessment records for the County of Berks, Commonwealth of Pennsylvania.

(3) Tax-exempt property owners within the District shall be allowed and encouraged to provide in-kind services or a financial contribution to the Authority in lieu of assessment.

(b) Payment of Assessment. Payment of the entirety of the assessment, beginning with sums due on January 1, 2016 and each January 1 of each year thereafter, shall be due no later than sixty (60) days following the date of mailing of the notice of assessment.

(c) Liens. Assessments shall constitute liens and encumbrances upon the assessed property and shall be collectable in accordance with the provisions of Section 7(d) of the Act, 73 P.S. § 837 (d) and in general may be collected in the same manner as municipal tax claims notwithstanding the provision of this section as to installment payments.

(d) Delinquent Payment of Assessments. In the event of delinquency or failure to remit assessments, the property shall be subject to lien and the property owner shall be additionally assessed for costs of collection, interest at a rate of ten percent (10%) per annum, as authorized by the Municipal Claims and Tax Liens Law, and counsel fees.

SECTION 7. Collection of Assessments. The Authority is designated as the collector for assessments provided for herein.

SECTION 8. Sunset Provision.

(a) The Authority shall automatically terminate on December 31, 2020, unless continued or extended by subsequent action of the City Council of the City of Reading in accordance with the provisions of the Act, 73 P.S. § 830, *et seq.*

(b) In the event of termination, all property of the Authority shall pass to the City of Reading and the District shall cease to exist.

SECTION 9. Municipal Services Agreement. An agreement shall be prepared and approved by between the City Council of the City of Reading and the Board of the Authority which will govern respective specific powers, duties and responsibilities of the City of Reading and the Authority. This Services Agreement shall be attached to this Ordinance as Exhibit "C" and shall be hereby incorporated by reference as though the same were set forth herein at length.

SECTION 10. No Reduction in Services. The City of Reading shall in no way reduce or suspend the current level of services currently being provided to the geographic area of the District as a result of the re-establishment of the Authority. Services provided by the Authority shall be in addition to services provided by the City of Reading. The Authority shall periodically monitor the quantity and quality of City services outlined in the agreement.

SECTION 11. Severability. If any sentence, clause, section or part of this Part is for any reason found to be illegal, invalid or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections of this Part. It is hereby declared to be the intent of the City Council of the City of Reading that this Part would have been adopted had such illegal, invalid or unconstitutional sentence, clause, section or part thereof not been included therein.

SECTION 12. Contingency of Final Plan Approval. This Ordinance shall take effect immediately, however, the existence of the Authority shall cease in the event the plan for the District, as put forth by the Authority is not approved after public review, as required by the Act. This Ordinance shall be null and void, and of no legal force or effect unless the Final Plan for the District is approved by the City Council and property owners within the above-described area encompassing the District, in accordance with applicable law, including but not limited to the Neighborhood Improvement District Act.

SECTION 13. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 14. Effective Date. The within ordinance shall take effect immediately upon adoption and approval by the Mayor.

DULY ENACTED AND ORDAINED by the City Council of the City of Reading, Berks County, Pennsylvania, in lawful session duly assembled, this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF READING, BERKS COUNTY, PA

\_\_\_\_\_  
Jeffrey S. Waltman, Sr., Council President

Attest:

\_\_\_\_\_(SEAL)  
Linda A. Kelleher, City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**AGREEMENT BY AND BETWEEN  
THE CITY OF READING AND  
THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY**

THIS AGREEMENT, entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between THE CITY OF READING, a Pennsylvania Municipal Corporation, organized as a City of the Third Class pursuant to the Pennsylvania Third Class City Code, having its principal offices located at 815 Washington Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the “City”);

AND

THE READING DOWNTOWN IMPROVEMENT DISTRICT AUTHORITY, a Pennsylvania Municipal Authority, organized pursuant to the Pennsylvania Municipality Authorities Act and the Pennsylvania Neighborhood Improvement District Act, having its principal offices located at 645 Penn Street, Fifth Floor, Reading, Berks County, Pennsylvania (hereinafter referred to as the “DID Authority” or the “DID”).

**BACKGROUND**

WHEREAS, the DID Authority was organized by the City pursuant to Bill No. 134-94, adopted on January 11, 1995 which authorized the City to organize an Authority for the purpose of making business improvements and providing administrative services to the central business district of the City, to be known as the “Reading Downtown Improvement District” (hereinafter referred to as the “DID”), as authorized by the Business Improvement District Act (“BID Act”) then in effect;

WHEREAS, the DID Authority was renewed and reauthorized in 2000 under the BID Act, and renewed and reauthorized again in 2005, under the Neighborhood Improvement District Act (“NID Act”), which superseded the BID Act, and now has a sunset date of December 31, 2015;

WHEREAS, pursuant to the NID Act and the terms of its 2005 renewal, the DID Authority was authorized to act at the Neighborhood Improvement District Management Association (“NIDMA”) for the DID;

WHEREAS, the City, by the adoption of Ordinance No. 95-2010 on November 22, 2010, established the “Reading Main Street Program” with support from the Commonwealth of Pennsylvania, Department of Community and Economic Development and the Pennsylvania Downtown Center, for purposes of elimination of blight, and economic revitalization in the Downtown area of the City;

WHEREAS, in 2013, by Ordinance No. 5-2013, City Council authorized the Board of Directors of the DID Authority to exercise fiduciary and administrative oversight over the Reading Main Street Program, and authorized the Executive Director of the DID to serve as the Program Manager for the Reading Main Street Program;

WHEREAS, the DID Authority now requests a) the re-establishment and re-authorization of the DID Authority for another five (5) year period, until December 31, 2020; b) the authorization of the DID Authority to continue to act as the NIDMA for the DID, and c) the authorization of the DID Authority to continue to exercise fiduciary and administrative oversight of the Reading Main Street Program, and for the DID Executive Director to continue to serve as Program Manager for the Reading Main Street Program;

WHEREAS, the City and the DID Authority are taking the steps required by the Municipality Authorities Act and the NID Act to re-establish the DID Authority; expand the DID, and authorize the DID Authority to act as the

NIDMA and continue to exercise fiduciary, administrative oversight, and program management, for the Reading Main Street Program; and,

WHEREAS, the NID Act requires that an agreement be entered into between the governing body and the NIDMA setting forth the respective duties and responsibilities of the respective parties.

NOW THEREFORE, in consideration of the mutual promises contained herein, and intending to be legally bound hereby, the parties mutually agree as follows:

**I. CITY RESPONSIBILITIES**

1. **Maintenance of Base Level of Services.** The City shall maintain the present base level of services within the DID boundary area. The City will not reduce the base level of services contained in this Agreement from its current level of services.

2. **Billing and Collection Services.**

a) While the DID Authority has its own billing and collection program for the billing and collection of property owner assessments, the Administrative Services Department will assist the DID Authority with all matters relating to property ownership and tax information regarding properties within the DID Authority boundary area.

b) In the event that it is requested in writing by the DID Authority, the City shall be responsible for the collection of all property assessment fees levied upon property owners in the DID. In the absence of such a request, the DID Authority shall be responsible for billing and collection of property owner assessments.

3. **Police Services**

a) The Police Department will cooperate and work with the DID Authority in coordinating, implementing, and monitoring the DID Security Program, to efficiently utilize and maximize the resources of both the Police and the DID Authority. This shall include, but not be limited to:

i. identification and utilization of supervisory personnel in the Police Department to serve as liaison(s) with and communicate with DID supervisors and safety personnel;

ii. meeting with DID supervisors and safety personnel periodically and as needed to share information regarding crime reports and to suggest deployment strategies; and,

iii. allowing talk-group(s) on the existing City radio system to be used for DID Authority personnel.

4. **Other Services.** The following are additional services or activities carried out by one or more departments of the City of Reading that will be continued:

a) **Traffic Control** – The City will provide traffic control services (e.g., police, barricades, etc.) at the request of the DID Authority, and as deemed necessary by the Police.

b) **Hanging of Banners** – The DID Authority may purchase street banners to fit the existing hardware installed by the City throughout the DID boundary area. The City will hang and remove banners within the boundaries at no cost to the DID Authority.

c) Holiday Tree – The City currently purchases, installs, and decorates a tree for the holidays at the corner of Fifth and Penn Streets.

d) Holiday Lights – The City currently installs, but does not purchase, white holiday lighting in the 100 block of North Fifth Street and in the 00 and 100 blocks of North Ninth Street.

## II. DID AUTHORITY RESPONSIBILITIES

1. **Replacement of Services Previously Provided by the City.** The DID Authority will, as set forth in the Agreement of August 30, 1995, provide the following cleaning services in replacement of services previously provided by the City in the area known as “Penn Square” (Penn Street between Fourth and Sixth Streets), the area known as “Courtyard One” (located between 601 and 645 Penn Street), the area known as “Courtyard Two” (located between the Wachovia Building at Sixth and Penn Streets and the State Office Building located at Sixth and Cherry Streets) and the area known as “Market Square Plaza” (located at 824 to 840 Penn Street). All of these areas shall be referred to collectively as the (“Project Area”):

a) Manual Sweeping/Vacuumping, and Maintenance - Trained daytime employees, wearing uniforms, name tags, radios, and carrying information packets shall walk through the Project Area and, on a daily basis:

i) broom clean and vacuum with hand operated vacuum equipment sidewalks and gutter areas;

ii) remove litter from planters, tree pits, and building stairwells;

iii) clean up in and around bus shelters; and,

iv) empty trash receptacles two to three times per day, or as needed.

b) Snow and Ice Removal - After periods of snowfall, DID personnel shall apply an anti-skid or ice melter (to be supplied by the City) **as set forth in Section 2(b)(viii) of this Agreement.**

2. **DID Services Over and Above City Services.** The DID Authority will, as set forth in the Agreement of August 30, 1995, provide the following services over and above City services in the DID Area and in the Project Area:

a) Ambassador Services - Personnel wearing uniforms, name tags, radios, and carrying information packets shall circulate on foot and on bicycles through the DID area from 7:00 a.m. to 10:30 p.m. weekdays, 8:30 a.m. to 5:00 p.m. on Saturday, on special occasions as directed by the DID Authority, and, on a daily basis:

i) serve as additional visible security enhancements and as “eyes and ears” for the Police, including foot, bicycle, and Segway™ patrols of streets and parking facilities in the DID area;

ii) serve as goodwill representatives of Downtown Reading, politely and courteously meeting and greeting visitors and supplying information and directions; and,

iii) conducting business security checks;

iv) providing security for special events;

v) crime prevention education;

vi) respond to requests for assistance by property and business owners, residents, visitors, the Reading Police, and other City Departments, including encouraging loiterers to move on to another location, and referrals to police and social service agencies as needed.

b) Cleaning and Maintenance – Personnel wearing uniforms, name tags, radios, and carrying information packets shall:

i) broom clean and vacuum with hand operated and mechanized vacuum equipment sidewalks and gutter areas;

ii) remove litter from planters, tree pits, and building stairwells;

iii) clean up in and around bus shelters;

iv) empty trash receptacles two to three times per day, or as needed;

v) perform mechanized sweeping and vacuuming throughout the DID area at a minimum three days per week (weather permitting);

vi) steam clean/pressure wash the area between Fifth and Sixth Streets along Penn Street a minimum of two times per year;

vii) remove graffiti and handbills from public and private properties within the DID, as needed;

viii) after periods of snowfall, shovel sidewalks at intersections, handicap ramps, and at pedestrian crosswalk areas, and apply an anti-skid agent or rock salt (to be supplied by the City); and,

ix) leaf removal.

c) Marketing and Promotional Services – Personnel shall provide marketing and promotional services to property owners, merchants, employees and visitors in the downtown, including but not limited to:

i) presenting Mid-Day Café events annually each summer, and other seasonal special events as may be determined appropriate; and

ii) sponsoring and organizing the annual Holiday Parade and Tree Lighting ceremony.

d) **Event Coordination.** The City, the DID Executive Director, and the organizer of any public event in the DID Area shall hold a coordination meeting to avoid conflicts in scheduling and resource utilization prior to the issuance of permits for such event(s) by the City.

e) **Self-Service Vending Boxes.** The DID shall regulate the location and condition of all self-service vending boxes for newspapers, circulars, and pamphlets located in the DID Area, with

**regulations to be adopted by the DID by resolution. The City shall assist as needed with enforcement and the initiation of or cooperation in prosecution with respect to such boxes in the DID Area.**

**3. Scope of Work by DID**

a) Refuse Disposal – Refuse generated by cleaning services of DID personnel, including refuse from trash receptacles, refuse materials collected by manual sweeping vacuuming, and refuse from mechanical sweeping/vacuuming will be accepted by the City for disposal through the Department of Public Works. The City of Reading shall collect refuse from one designated collection location in the following manner:

i) Litter can bag liners – The DID will discard in containers located at Thirteenth and Walnut Streets. The City shall empty this container Mondays, Wednesdays and Fridays. No refuse shall remain on the street or sidewalk in the DID once it has been removed. The City shall empty these containers Mondays, Wednesdays and Fridays.

ii. Mechanical sweeping refuse – DID will discard in containers located at Thirteenth and Walnut Streets. The City shall empty these containers Mondays, Wednesdays and Fridays.

b) Application of Herbicide

i) DID shall be responsible to keep i cracks weed free at all times in the area between the curb line and the building line or between the curb line and the inside edge of the sidewalk, including tree pits. All cracks within this area shall be weed free.

ii) DID shall remove, either mechanically or by hand, all existing weeds from within the above-designated areas. DID shall bag and dispose of all weeds and debris.

iii) After removal of weeds, DID shall treat designated areas with weed killer as necessary. DID is responsible for the control of weeds on a regular basis throughout the year. Frequency of treatment shall be determined by DID as needed to control the growth and appearance of new weeds. Regular maintenance shall be performed to deter the growth of new weeds and treat or remove any new weeds as they appear. DID shall maintain area in weed-free condition at all times.

iv) Application of all weed killers shall be made by the State Certified Applicator. Applications shall be made in accordance with manufacturers' recommended rates and conditions.

v) DID shall take necessary precautions not to damage any plants, trees, or planter areas. Treated areas shall be limited to weeds growing in cracks only.

vi) DID shall make chemical/herbicide applications at a time to prevent exposure of pedestrians to products used in the treatment of weeds.

c) Escort Service - DID Authority Ambassadors shall provide escort service to and from area parking garages from 7:00 a.m. to 10:30 p.m. weekdays, 8:30 a.m. to 5:00 p.m. on Saturday, and by special arrangement. Ambassadors make daily checks to businesses in the DID area.

d) Marketing Service - DID will maintain an inventory of businesses and available real estate within the downtown area. No less than four newsletters will be published annually promoting downtown shops, restaurants and events. The Downtown Reading website will be kept updated as necessary.

e) Management and Administration of the Reading Main Street Program - The City has received a Keystone Communities/Main Street designation from the Commonwealth of Pennsylvania, Department of Community and Economic Development, geared towards the revitalization of Downtown Reading. The vision of the Reading Main Street Program is to be achieved through the cooperative efforts of City government, non-profit organizations, businesses, private developers, and volunteers to implement design; promotion; economic restructuring; and safe, clean and green initiatives. These efforts will be led by the Reading Main Street program as administered by the DID Authority. The DID Authority Board, as described in Ordinance No. 5-2013, shall provide fiduciary and administrative oversight of the Reading Main Street Program. The DID Executive Director shall manage and administer the Main Street Program, including attendance at Main Street Board meetings, preparation of reports, budgeting, and approval of program expenditures and other tasks as shall be determined by the DID Authority and Main Street Boards. The DID Authority shall be compensated by the City for these services to the Reading Main Street Program as set forth in Paragraph 4(b) of this Section II.

#### **4. Payment to DID Authority:**

a) **Replacement Services/Services Over and Above City Services.** The City agrees to pay the DID Authority the following sums of Eighty Eight Thousand Dollars and 00/100 (\$88,000.00) per year for "Replacement Services" and "Services Over and Above City Services." Disbursement of these funds will be one time per month, of one twelfth (1/12) of the total amount, which is Seven Thousand Three Hundred Thirty Three Dollars and Thirty Three Cents (\$7,333.33) per month.

b) **Reading Main Street Program.** The payment described in Paragraph 4(a) of this Section II, above, shall be independent of payment for services rendered by the DID Authority in its capacity as providing fiduciary and administrative oversight and Program Management Services for the Reading Main Street Program. For the services to the Reading Main Street Program, the DID Authority shall receive the sum of Twelve Thousand Dollars and 00/100 (\$12,000.00) per year, with disbursement of these funds one time per month of one twelfth (1/12) of the total amount, which is One Thousand Dollars and 00/100 (\$1,000.00) per month.

### **III. CONTRACT TIME FRAME**

The contract between the City and the DID Authority will commence January 1, 2016 and terminate December 31, 2020. The contract shall remain in force for the full term of the Reading DID Authority unless either party serves sixty (60) days' notice of termination.

### **IV. INDEMNIFICATION**

The DID will hold the City harmless and indemnify against all claims and losses directly related to the performance of the DID of duties under this Agreement, except matters involving negligent or intentional acts and/or omissions by the City, its officials, agents, contractors, and employees.

The City will hold the DID harmless and indemnify against all claims and losses directly related to the performance of the City of duties under this Agreement, except matters involving negligent or intentional acts and/or omissions by the DID, its officials, agents, contractors, and employees.

### **V. CITY LIASION**

The DID Authority will communicate with and update the Chief of Police, the Director of Public Works, The Executive Director of the Recreation Commission, or such other person as the City shall designate in writing of issues of safety and cleaning as appropriate.

**VI. FAILURE TO PERFORM REQUIRED SERVICES**

In the event that either party fails to perform the services contained in this Agreement, either party may terminate this agreement upon ten (10) days prior written notice.

**VII. CONSTRUCTION**

This Agreement shall be construed and interpreted under the laws of the Commonwealth of Pennsylvania.

**VIII. JURISDICTION AND VENUE**

Any action brought arising from disputes over this agreement shall be brought in the Court of Common Pleas of Berks County, Pennsylvania.

**IX. NO ORAL MODIFICATIONS PERMITTED**

It is understood that this Agreement contains the entire Services Agreement of the parties and that no modification shall be valid unless in writing and signed by both of the parties to this Agreement.

**X. SUCCESSORS AND ASSIGNS**

It is understood that this Agreement is a contract for personal services and neither party may assign the rights and obligations under this Agreement without the prior written consent of the other party. This Agreement shall be binding upon the successors and assigns of the parties hereto.

**XI. CONTINGENCY UPON APPROVAL OF DID PROPERTY OWNERS AND CITY COUNCIL OF FINAL DID PLAN AND RE-ESTABLISHMENT OF THE DID AUTHORITY**

This Agreement shall not go into effect unless the Final Plan for the DID is approved by the City Council and DID property owners, in accordance with the NID Act, and unless the DID Authority is re-established by City Council.

IN WITNESS WHEREOF, the parties hereto have set their hands and respective seals the date and year first above written.

READING DOWNTOWN IMPROVEMENT  
DISTRICT AUTHORITY

By: \_\_\_\_\_  
Michael Zielinski, Chairman

Attest: \_\_\_\_\_ (SEAL)  
\_\_\_\_\_, Secretary

CITY OF READING

By: \_\_\_\_\_

Vaughn **D.** Spencer, **Mayor**

Attest: \_\_\_\_\_ (SEAL)  
Linda A. Kelleher, City Clerk

**TO:** Members of City Council

**FROM:** Christian F. Zale  
City Controller

**PREPARED BY:** Christian F. Zale  
City Controller

**MEETING DATE:** October 26, 2015

**AGENDA MEMO DATE:** October 20, 2015

**RECOMMENDED ACTION:** Budget Transfer

**BACKGROUND:**

The City of Reading approved settling the consolidated law suit with FYDA Freightliner Pittsburgh, Inc. & Golden Equipment Co., Inc. and the settlement payment amount of \$250,000, per council approved resolution No. 89-2015 on September 28, 2015.

**BUDGETARY IMPACT:**

\$250,000 unbudgeted legal settlement

**PREVIOUS ACTION:**

None

**RECOMMENDED BY:**

City Controller

**RECOMMENDED MOTION:**

Approve the request.

Drafted by Law  
Sponsored by/Referred by Solicitor  
Introduced on October 12~~26~~, 2015  
Advertised on November 3, 2015

BILL NO. \_\_\_\_\_ - 2015

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AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM SOLID WASTE FUND BALANCE ACCOUNT (56-07-00-2990) TO RECYCLING LEGAL FEES ACCOUNT (56-07-46-4216) TO PAY FOR LEAL SETTLEMENT WITH FYDA FREIGHTLINER PITTSBURGH, INC. & GOLDEN EQUIPMNET CO., INC., PER COUNCIL APPROVED RESOLUTION NO. 89-2015 ON SEPTEMBER 28, 2015**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$250,000.00 between the above two accounts.

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 \_\_\_\_\_, 2015

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

**Attest:**

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**Dept of Public Works,  
Division of Solid Waste & Recycling**

**TO:** Members of City Council  
**FROM:** Dave C. Ruyak  
**PREPARED BY:** Madelin Collins  
**MEETING DATE:** October 26, 2015  
**AGENDA MEMO DATE:** October 13, 2015  
**RECOMMENDED ACTION:** Approve Appropriation Transfers

**BACKGROUND:**

This transfer is to cover current and future invoices for Recycling truck maintenance.

**BUDGETARY IMPACT:**

In the amount of \$40,000.00

From: General Plant Supplies, 56-07-47-4510; General Plant Supplies, 56-07-46-4510; and Minor Capital, 56-07-46-4525

To: Truck Maintenance, 56-07-46-4518

**PREVIOUS ACTION:**

None

**RECOMMENDED BY:**

David Ruyak, Operations Division Manager of Public Works

Ralph Johnson, Public Works Director

**RECOMMENDED MOTION:**

Approve the request.

Drafted by Public Works  
Sponsored by/Referred by Managing Director  
Introduced on October 26, 2015  
Advertised on N/A

**BILL NO. \_\_\_\_ 2015**

**AN ORDINANCE**

**AUTHORIZING AN APPROPRIATIONS TRANSFER WITHIN THE DEPARTMENT OF PUBLIC WORKS,  
DIVISION OF SOLID WASTE & RECYCLING IN THE AMOUNT OF \$40,000.00 FOR BUDGET YEAR 2015**

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

Section One: Council hereby authorizes the transfer within the 2015 Department of Public Works, Division of Solid Waste & Recycling budget \$40,000.00 from General Plan Supplies (56-07-47-4510), General Plant Supplies (56-07-46-4510), and Minor Capital (56-07-46-4525) to Truck Maintenance (56-07-46-4518) for the purpose of covering funds for current and future invoices for truck maintenance for Recycling Department.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED \_\_\_\_\_, 2015

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

ATTEST:

\_\_\_\_\_  
City Clerk

Submitted to Mayor by: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Received in Mayor's Office by: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Approved by Mayor: \_\_\_\_\_  
Date Approved: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_  
Date Vetoed: \_\_\_\_\_

TO: City Council  
FROM: Vaughn D. Spencer, Mayor  
PREPARED BY: Jessica Didow  
MEETING DATE: October 12, 2015  
AGENDA MEMO DATE:  
REQUESTED ACTION: Authorize intra-department transfer of \$10,000 to reimburse financial support designated to Redesign Reading CDC for start-up funds for Penn Street Market in 2014.

**RECOMMENDATION**

Requesting the following transfer of funds:

- \$10,000 within the General Fund as detailed below:
  - \$10,000 From GF Account Code #01-01-01-4000 (salaries) to GF Account Code #01-01-01-4740 (community promotions).

**BACKGROUND**

The transfer provides \$10,000 to Redesign Reading CDC for start-up funds for Penn Street Market from 2014.

**BUDGETARY IMPACT**

none

**PREVIOUS ACTIONS**

None

**SUBSEQUENT ACTION**

**RECOMMENDED BY**

Vaughn D. Spencer, Mayor

**RECOMMENDED MOTION**

Approve the ordinance authorizing the transfer of funds as requested.

Drafted by Mayor's Office  
Sponsored by/Referred by Mayor's Office  
Introduced on October 26, 2015  
Advertised on N/A

**BILL NO. \_\_\_\_\_ 2015  
AN ORDINANCE**

**AN ORDINANCE AUTHORIZING AN INTRA-DEPARTMENT TRANSFER OF FUNDS WITHIN THE 2015 MAYOR'S OFFICE GENERAL FUND BUDGET.**

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

**SECTION 1.** Authorizing the following transfer within the 2015 Budget:

\$10,000 From GF Account Code #01-01-01-4000 (salaries) to GF Account Code #01-01-01-4740 (community promotions).

**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 \_\_\_\_\_ 2015

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

**Attest:**

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: Senior Business Analyst  
Sponsored/Referred by: Managing Director  
Introduced on: November 9, 2015  
Advertised on:

BILL NO. \_\_\_\_\_ - 2015

**AN ORDINANCE  
AMENDING THE ANNUAL SALARY OF THE CITY SOLICITOR**

The Council of the City of Reading hereby ordains as follows:

Section One: Establishing the annual salary of the City Solicitor at \$72,000, effective July 1, 2015.

Section Two: This Ordinance shall be effective ten days after its adoption in accordance with Section 221 of the Home Rule Charter of the City of Reading.

Approved November \_\_\_\_, 2015:

\_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

City Clerk

Sent to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Veto Overridden by Council: \_\_\_\_\_

Date: \_\_\_\_\_

Prepared by: Senior Business Analyst  
Sponsored/Referred by: Director of Public Works  
Introduced on: November 9, 2015  
Advertised on: N/A  
**BILL NO. \_\_\_\_\_-2015**

**AN ORDINANCE**

**AMENDING THE CITY OF READING CODE, SECTION 212-136,  
2016 CURBSIDE COLLECTION FEES**

The Council of the City of Reading hereby ordains as follows:

Section One: Section 212, Fees, of the Code of the City of Reading is amended in accordance with Appendix A contained herein.

Section Two: This Ordinance shall become effective January 1, 2016.

Enacted \_\_\_\_\_, 2015

\_\_\_\_\_

President of Council

Attest:

\_\_\_\_\_

City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

APPENDIX A

§ 212-136. Curbside waste collection. [Amended by Ord. No. 78-2013 and Ord. No. 21-2014 ]

Description	Fee	Ordinance No.	Code Citation
Curbside waste collection with municipal trash service	<del>\$303.10</del> \$315.00	21-2014	§ 496-208
Curbside waste collection without municipal trash service	<del>\$91.83</del> \$95.04	21-2014	§ 496-208

Penalty: Any unpaid curbside waste collection fee not paid by ~~December 31 of the year it was~~  
the date due shall incur a 10% penalty, and may be subject to additional collection costs and fees.

# BUDGET TRANSFER

**TO:** Members of City Council

**FROM:** Christian F. Zale  
City Controller

**PREPARED BY:** Christian F. Zale  
City Controller

**MEETING DATE:** November 9, 2015

**AGENDA MEMO DATE:** October 27, 2015

**RECOMMENDED ACTION:** Budget Transfer

**BACKGROUND:**

The City refinanced debt in 2014 and 2015 which generated \$1,480,683.00 reduced spending that is not included in the General Fund 2015 budget.

The City is currently paying two loans (2.55% interest) related to a Honeywell Energy Management System; one to The First Columbia Bank & Trust and another to Susquehanna Commercial Finance, Inc. The term of both loans is through September 2022.

The proposed budget transfer utilizes the debt service savings to pay the remaining balance of the loan with The First Columbia Bank & Trust, about \$1,275,000.00 as of November 30, 2015. The balance of the debt savings, \$205,683, is transferred to contingency which requires council's approval to use.

The early loan payment produces two benefits; \$126,525.78 interest savings and reduced budgeted expense in Public Works account 01-07-74-4203, \$199,837.16 per year through 2022.

**BUDGETARY IMPACT:**

None

**PREVIOUS ACTION:**

None

**RECOMMENDED BY:**

City Controller

**RECOMMENDED MOTION:**

Approve the request.

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Drafted by                      Controller  
Referred by                    Administrative Services  
Introduced on                  11-9-15  
Advertised by                 N/A

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BILL NO. \_\_\_\_\_ - 2015

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AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND DEBT SERVICE ACCOUNTS (SEE ATTCHED DETAILED ACCOUNTS) TO GENERAL FUND ACCOUNTS – RENTAL/LEASE (01-07-50-4203) AND CONTINGENCY (01-14-91-4739) TO PAY LOAN BALANCE TO FIRST COLUMBIA BANK & TRUST.**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$1,275,000 (01-07-50-4203) and \$205,863 (01-14-91-4739) from debt service accounts.

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 \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**REQUEST FOR APPROPRIATION  
TRANSFER**

Appropriation Transfer No.

Requested by Division  
of

Budget

Prepared by

Angela Hemmig

Date

26-Oct-15

FROM		AMOUNT	TO	
Account Number	Account Name		Account Number	Account Name
01-14-91-4854	RRA Lease Revenue Note Int	(87,575.00)		
01-14-91-4855	RRA Lease Revenue Note Prin	(141,584.30)		
01-14-91-4025	Principal-GOB Series 2015A	(303,520.00)		
01-14-91-4026	Interest-GOB Series 2015A	(528,478.94)		
01-14-91-4933	Interest Expense-2006 GOB	(1,800,329.00)		
		307.94	01-14-91-4826	Interest-2012 Series A
		561.10	01-14-91-4757	Interest-GOB Series 2012C
		779.50	01-14-91-4021	Interest-GOB Series 2012
		779.76	01-14-91-4870	Interest-GOB Series 2011A
		21,800.00	01-14-91-4793	Principal-Series 2014
		50,937.64	01-14-91-4875	2015 RRA Lease Rev Note Int
		69,399.12	01-14-91-4792	Interest- Series 2014
		520,000.00	01-14-91-4938	Principal Expense-2015B
		716,059.18	01-14-91-4937	Interest Expense-2015B
		1,275,000.00	01-07-50-4203	Rentals/Lease
		205,863.00	01-14-91-4739	Contingencies
	net change	0.00		

**REASON FOR**

To pay off Honeywell Energy System with First Columbia

**TRANSFER:**

Bank

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**APPROVALS:**

Division Manager

Signature

Date

---

Department Director

Signature

Date

---

Budget Manager

Signature

Date

---

Finance Director

Signature

Date

---

Managing Director

Signature

Date

---

Drafted by Legal Specialist/City Clerk  
Sponsored by/Referred by City Council  
Introduced on Nov 9, 2015  
Advertised on Nov 16, 2015

**BILL NO. \_\_\_\_\_ - 2015  
AN ORDINANCE**

**AMENDING THE CITY CODE, CHAPTER 23, BOARDS, COMMISSIONS, COMMITTEES AND COUNCILS, BY CREATING A NEW PART 15, CITY OF READING LAND BANK BOARD.**

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

**SECTION 1.** Amending the City Code, Chapter 23, Boards, Commissions, Committees and Councils, by creating a New Part 15 – City of Reading Land Bank Board, 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 \_\_\_\_\_, 2015

\_\_\_\_\_  
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 5

**PART 15 City of Reading Land Bank Board**

*WHEREAS*, This Chapter is in accordance with the provisions of Act 153, enacted by the PA General Assembly and signed into law by the Governor on October 24, 2012, and

*WHEREAS*, The City of Reading Land Bank Board, hereinafter the "Land Bank", shall possess all powers and duties permitted to it under state law, except where expressly limited in this Chapter, and

*WHEREAS*, Council finds and declares that there is a need for a land bank to function within the territorial limits of the City of Reading, within the County of Berks, and

*WHEREAS*, The mission of the Land Bank is to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the City's tax base.

**§ 23-1501. Creation and Purpose.**

- 1) The purpose of this Ordinance is to create the City of Reading Land Bank that will use available resources to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use thereby combating community deterioration, creating economic growth and stabilizing the housing and job market.

The Land Bank will acquire, hold, and transfer interest in real property throughout Reading as approved by the Board of Directors for the following purposes: to promote redevelopment and reuse of vacant, abandoned, and/or tax-delinquent properties; support targeted efforts to stabilize neighborhoods; stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

- 2) The City of Reading, the Reading Redevelopment Authority, and the Reading Housing Authority, shall identify all surplus vacant property owned by these entities and property these entities wish the Land Bank to acquire within six (6) months following the effective date of this legislation.
- 3) All personnel, facilities, equipment and supplies within the Land Bank shall be governed by a Board of Directors as provided herein.

**§ 23-1502. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**Board – The board of directors of the Land Bank.**

**City – The City of Reading.**

**Financial Institution** – A bank, savings association, operating subsidiary of a bank or savings association, credit union, or an association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution.

**Land Bank** – A public body and a body corporate and politic established under this chapter.

**Land Bank Jurisdiction** – As defined in the Land Bank Act, (1) a county, a city, a borough, a township and an incorporated town with a population of more than 10,000; or (2) two or more municipalities with populations less than 10,000 that enter into an intergovernmental cooperation agreement to establish and maintain a land bank.

**Municipal Tax** – any property tax imposed and billed by the City, School District and County governments.

**Owner-occupant** - A natural person with a legal or equitable ownership interest in property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of initial delinquency.

**Real Property** - all land and the buildings thereon, all things permanently attached to land or to the buildings thereon, and any interest existing in, issuing out of, or dependent upon land or the buildings thereon.

### **§23-1503. Enabling Provisions.**

- 1) The City of Reading hereby authorizes the creation of a public body corporate and politic, to be named the “City of Reading Land Bank.”
- 2) A municipal Land Bank is hereby established as a separate legal entity and a public body corporate and politic, to be known as the “City of Reading Land Bank” for the purposes of acting as a land bank under the Land Bank Act and implementing and administering this Ordinance. The Land Bank shall have duration until terminated and dissolved under §23-1513 of this Chapter.
- 3) Title to Land Bank Assets. Except as otherwise provided in this Ordinance, the Reading Land Bank shall have and hold title to all of its real property and the City shall not have an ownership interest in Real Property owned by the Land Bank.

- 4) Tax Exemption – In accordance with Section 2109 (b) of the Land Bank Act, the Real Property of the Reading Land Bank and its income and operations are exempt from State and local tax, except where specifically enumerated in the Land Bank Act. This tax exemption does not apply to real property of the Land Bank after the fifth consecutive year in which the Real Property is continuously leased to a private third party. However, real property shall continue to be exempt from State and local taxes if it is leased to a nonprofit or governmental agency at substantially less than fair market value.
- 5) Compliance with Law. The Reading Land Bank shall comply with all federal and state laws, rules, regulations and orders applicable to this Ordinance.
- 6) Obligations of the Land Bank. The Reading Land Bank shall not obligate the City nor shall any obligation of the Land Bank constitute an obligation of the City.
- 7) No Third-Party Beneficiaries. Except as otherwise specifically provided, this Ordinance does not create in any Person, other than the City, and is not intended to create by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably or by implication), right to be subrogated to the City's rights under this Ordinance, or any other right or benefit.
- 8) Immunity. The City and any municipality or taxing jurisdiction that combines, or participates in, the Land Bank after the Effective Date shall not be liable personally on the bonds or other obligations of the Reading Land Bank. Rights of creditors of the Reading Land Bank shall be solely against the Land Bank pursuant to Section 2105 (i) of the Land Bank Act.

#### **§23-1504. Board of Directors.**

- 1) Board Responsibilities.

The Board shall have all powers necessary to carry out and effectuate the purposes and provisions of this Ordinance, this Chapter and the Land Bank Act, including, but not limited to, the powers set forth in Sections 2107 and 2117(a) of the Land Bank Act.

- 2) Appointments.

The Land Bank shall be governed by a Board of Directors comprised of seven (7) members that reflect the diversity and range of interests affected by the Land Bank's activities.

The Board of Directors shall be comprised of: 1. City Clerk, 2. one individual recommended by City Council (who might or might not be a Council member), 3. one individual recommended by the Reading Redevelopment Authority's Board of Directors, 4. one

individual recommended jointly by City Council and the Redevelopment Authority Board, 5. one individual recommended by the Reading School District, 6. one representative of the Berks County Redevelopment Authority and 7. one representative of the Reading Berks Association of Realtors. All Board Members must be properly appointed by City Council.

At least one (1) appointee shall be held by a citizen who is not a public employee or an elected official and at least one (1) of the appointees must be a representative of nonprofit organizations working in the field of housing or community development, or of civic associations from low- or moderate-income neighborhoods.

The members will serve five (5) year staggered terms.

- a) Members may be appointed for consecutive terms.
  - b) Members shall continue to serve until their successors have been appointed and confirmed by Council.
  - c) Members shall serve without compensation but may seek reimbursement for expenses associated with duties relating to Land Bank activities.
- 3) The Land Bank members shall elect officers to serve as Chair, Vice Chair, Secretary, and Treasurer to serve two (2) year terms. Officers may be re-elected to serve successive terms.
- 4) Vacancies.

Any vacancy shall be filled by appointment by the organization responsible for making the appointment within thirty (30) days of the creation of the vacancy.

#### 5) Meetings.

The Board shall hold monthly public meetings, shall make each meeting's agenda available on the City's website at least seven (7) days in advance of such meeting and shall allow for public comment on matters under deliberation at each such public meeting. The place, date, and time of the Land Bank meetings shall be determined at the discretion of the Board of Directors. A list of the regularly scheduled monthly meetings for the upcoming year will be published in the newspaper in December. All meetings of the Board of Directors shall comply with the Pennsylvania Sunshine Act. The Land Bank shall have independent legal counsel at all regular and special meetings.

A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors on the Board shall constitute a quorum.

The Board of Directors shall act by a majority vote of the Members at a meeting at which a quorum is present, except as otherwise provided in this Ordinance.

Minutes of all meetings of the Board of Directors and its Committees shall be made public and maintained with copies provided to the City Clerk on a monthly basis, at a minimum.

6) Fiduciary Duty.

The Board of Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

The Members of the Board are under a fiduciary duty to conduct the activities and affairs of the Board in the best interests of the residents of the City of Reading, including the safekeeping and use of all Board monies and assets.

**§23-1505. Land Bank Powers.**

The Land Bank Board shall have the following powers and duties as defined within the policies adopted by the Board and City Council:

- 1) To file the required incorporation documents with the Commonwealth of Pennsylvania within one year of the effective date of this legislation;
- 2) To draft bylaws and operating procedures that must be approved by City Council and to develop the criteria to qualify for profit and non-profit developers;
- 3) To develop stewardship and management plans for each acquired property interest not inconsistent with or detrimental to the purpose/rationale which justifies its acquisition;
- 4) To supervise the management of the property interests acquired;
- 5) To develop annual reports of the Board's activity;
- 6) To conduct real property appraisals;
- 7) To negotiate real property purchases or trades;
- 8) To provide for a system of accounting;
- 9) To adopt, amend and/or repeal policies and procedures for contracting and procurement which must be consistent with the provisions set forth in the Reading City Code;
- 10) To borrow money from private lenders, from cities or counties, from the state or from federal government funds to further or carry out the Board's public purpose by executing leases, trust indentures, trust agreements, agreements for the sale of notes, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the Board, to evidence and to provide security for such borrowing;

- 11) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, gifts, guarantees, labor, or other aid or financial assistance in furtherance of the Board's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;
- 12) The City hereby assents to real estate tax payment allocation to the Land Bank for properties returned to the tax rolls after Land Bank ownership with regard to City real estate taxes to the extent allowed by state law and the Land Bank is authorized to see allocation of real estate taxes on return of land to the tax rolls after Land Bank ownership by agreement with other applicable taxing authorities; and
- 13) All other powers and duties provided for, authorized or allocated under Section 2107 of Act 153 of 2012, 68 Pa.C.S.A. §2107.

**§ 23-1506. Land Bank Staff.**

- 1) Employees.--A land bank may employ or enter into a contract for staff, technical experts and other individuals, including legal support, and may determine the qualifications and fix the compensation and benefits of those employees.
- 2) Contracts.--A land bank may enter into a contract with a municipality for:
  - a) The municipality to provide staffing services to the land bank; or
  - b) The land bank to provide staffing services to the municipality.

**§ 23-1507. Acquisition of Property.**

- 1) The Land Bank is authorized to acquire real property or interests in property through donation, gift, purchase, transfer, or any other legal means, provided that, with respect to the acquisition of tax delinquent properties, the Land Bank shall follow the procedures set forth in subsection (2).
- 2) Acquisition of tax delinquent properties.
  - a) The Land Bank is authorized to enter into agreements with the County Treasurer to purchase tax delinquent properties from the Upset Sale list, the Judicial Sale list, the Repository Sale list or through Private Sale individually or in bundles and to then file for quiet title to clear title to the property to assign and transfer a tax or municipal claim to the Land Bank, and to exercise the rights, privileges, and remedies of an assignee as stated in 53 P.S. § 7101 et seq.

- b) If the Land Bank acquires a tax delinquent property that is not vacant, the Land Bank shall:
  - 1. Negotiate with the property owner to pay the lien
  - 3. Make arrangements to avoid the displacement of lower income owner occupants, as specified in Act 153
  - 4. Discharge a tax lien, with the approval of land bank jurisdiction members and other taxing authorities, including the school district

**§ 23-1508. Inventory.**

- 1) The Land Bank shall maintain and make publicly accessible on the City's website and at its offices during normal business hours, the following information:
  - a) An up-to-date inventory of property owned by the Land Bank;
  - b) A map showing the properties in the Land Bank's inventory, as well as all additional properties reasonably known to be vacant within the City of Reading; and
  - c) A record of all property conveyed by the Land Bank to other parties, including, but not limited to: the sale price for which the property was conveyed; the party to whom the property was conveyed; a summary of any terms or conditions of the conveyance, including the intended use of the property; and the approximate income of the households that will benefit from the intended use, if the sale price was nominal or reduced.
- 2) The Land Bank shall provide a mechanism through which individuals so requesting shall receive ongoing notifications as to changes in the status of any property until that point at which the property is conveyed by the Land Bank.

**§23-1509. Discharge and Abatement of Real Estate Taxes, Water and Sewer Charges, and Other Municipal Claims.**

- 1) The Land Bank is authorized to discharge liens and other municipal claims, charges, or fines against the properties it acquires.

Within sixty (60) days of written notification by the Land Bank, the Department of Revenue shall remove any and all municipal liens and other municipal claims, charges or fines discharged by the Land Bank from the records of any property held by the Land Bank.

- 2) For the duration of the time a property is held by the Land Bank, the Land Bank is authorized to abate all real estate taxes, water and sewer charges, and other municipal charges.

**§23-1510. Disposition of Property.**

- 1) The Land Bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, except where expressly limited in this Section.
- 2) The Board of Directors may delegate this disposition of authority to the staff of the Land Bank except in the following circumstances in which the Board itself must review and approve transfers of property at a public meeting:
  - a) The proposed terms of the transaction conflict with the Land Bank's published policies or procedures;
  - b) The transferee has a significant history of tax or water delinquencies; and/or owns property in a condition that violates the Reading Code of Ordinances; or fails to redevelop properties previously acquired from the City of Reading or other local public agencies;
  - c) When requested by the District Council person representing the district in the property is located; or
  - d) When otherwise required by state law.
- 3) Public Notice. Before the execution of an agreement to use or transfer property in the Land Bank's inventory, the Land Bank shall provide notice and an opportunity for public comment as follows:

The Land Bank shall provide public notice of proposed transactions as early as practicable and at least thirty (30) days before any final action will be taken.

**§23-1511. Certification of Compliance.**

- 1) Applicants for properties must provide the Land Bank with certification from the City of Reading Administrative Services Department that the applicant has no tax or utility delinquencies, and an affidavit from the Property Maintenance Division showing that on the date of the affidavit that all other properties owned by the applicant are in compliance with the provisions of the Property Maintenance Code or under agreement to come into compliance.

- 2) The certification and affidavit shall additionally record if the applicant has a significant history of tax or water delinquencies, or of owning property maintained in a condition that violates The City of Reading Code of Ordinances.
- 3) Certification shall not be denied when a property with tax or utility delinquency was acquired by the applicant from the City of Reading and the delinquency predates the transfer of title to the applicant.

### **§23-1512. Pricing.**

- 1) Market value shall be determined by up-to-date data, and by using the valuation method that the Land Bank or its staff has determined is most appropriate given the particular conditions of the property and surrounding market.
- 2) Nominal or reduced price disposition shall be an option for any property owned by the Land Bank.
- 3) In calculating a reduced sales price, the discount shall take into account the benefit provided by the proposed use, and the amount of discount needed to make the project both initially financially feasible and continually sustainable.
- 4) For housing projects serving households at a mix of income levels, the Land Bank may count the number of very low, and moderate-income households served and provide proportionate discounting.
- 5) The Land Bank shall make available an appeals process wherein an applicant may submit evidence relevant to the value of a property.
- 6) The Land Bank shall enforce any provisions agreed upon as conditions of sale between the transferee and the Land Bank through legally binding mechanisms, including but not limited to deed restrictions, covenants, and mortgages.

### **§ 23-1513. Policies.**

- 1) Policies of the Land Bank shall be initially adopted and thereafter reviewed biannually by the Board of Directors of the Land Bank, with opportunity for public input and comment, and must be approved by resolution of City Council. Policies shall be published on the Land Bank's website. The following goals shall guide the activities and policies of the Land Bank, in addition to its mission:
  - a) Encouraging the revitalization of neighborhoods by extending nominal or reduced-price disposition to projects that demonstrate beneficial community impact, including but not limited to: affordable or mixed-income housing that is accessible; economic

development that creates jobs for community residents; community facilities that provide needed services and enrichment opportunities; side- and rear-yards; urban agriculture; and community open space.

- b) Using up-to-date data and analysis to identify different neighborhood inventory and market conditions.
  - c) Acting consistently with Reading's Comprehensive Plan and the goals of community plans accepted by the Reading City Planning Commission in acquisition and disposition decisions, and providing justification for any deviation.
  - d) Advancing socioeconomic diversity within communities throughout the City, and encouraging development that ensures the long-term affordability of housing.
  - e) Making land accessible to those who cannot afford immediate payment in full, including start-up businesses and low-income people seeking housing, through mechanisms including leases, seller-financed mortgages, and entry authorizations.
  - f) Seeking to promote housing preservation as an essential element of redevelopment.
  - g) Promoting high ethical standards and protecting against conflicts of interest, supplementing applicable state and local laws by adopting the City of Reading Code of Ethics for Land Bank board members and employees, and promulgating rules addressing potential conflicts of interest.
- 2) The Land Bank shall develop performance standards or metrics with respect to achievement of the above goals and any additional goals adopted by the Land Bank board through regulation, and shall publish an Annual Report by December 31st of each year detailing its performance, reporting on its yearly progress in fulfilling each of the goals set forth in this Ordinance, and including a listing of properties that went before the Land Bank board for approval, the reason for board review, and the outcome for each. The Annual Report shall include a financial statement and recommendations for legislation which can help the Board perform its mission. This Annual Report may be included in any annual audit and report otherwise required by state law.
- a) The Annual Report must be delivered to City Council through the City Clerk's office by the first week in January annually.
  - b) If the Land Bank is unable to deliver an Annual Report showing that its goals are being achieved, the Land Bank shall include with the statement a remedial plan to be executed during the following year.

#### **§23-1514. Financial Provisions.**

The Land Bank shall retain proceeds from the sale of any properties to cover operating costs, maintenance of inventory, and to support additional strategic property acquisition, up to whatever amount shall be specified in the Land Bank's policies as approved by Council, provided that is consistent with local law.

**§ 23-1515. Dissolution; Distribution of Assets in Case of Dissolution.**

The Land Bank may be dissolved according to the requirements of state law upon a finding adopted by the Board of Directors and approved by City Council that there is no longer any need for a land bank to function within the territorial limits of the City of Reading.

**§ 23-1516. Insurance and Indemnification.**

(a) The City shall obtain insurance to defend and indemnify the Land Bank and the Members of the Board of Directors with respect to all claims or judgments arising out of their activities as Members with respect to all negligence claims, and claims or judgments arising out of Land Bank activities performed on behalf of the Land Bank or City.

(b) The City shall not be obligated to indemnify the Board or Member for:

- 1) Punitive damages or liability arising out of conduct which is based upon willful or wanton conduct.
- 2) Conduct which is outside of the scope of the Board.
- 3) Any settlement or judgment in which the City did not participate.
- 4) The defense of any criminal or disciplinary proceeding.

(c) To be eligible for defense and indemnification, the Board or Member shall be obligated to:

- 1) Notify, within five days of receipt, the City of Reading Human Resources Division of any claim made against the Member or Authority and deliver all written demands, complaints and other legal papers, received by the practitioner with respect to such claim to the Office of Risk Management and City of Reading law Department.
- 2) Cooperate during the investigation and defense of any claim against the City or any Member, including, but not limited to, preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.
- 3) Promptly notify the City Clerk of any change in the Member's address or telephone number.

**§23-1517. Non-Discrimination.**

The Land Bank shall comply with all applicable law prohibiting discrimination. The Land Bank shall be committed to assure that the public body, its Board members, its staff and those under its direction and control shall provide services in a manner that does not discriminate against an individual because of religion, race, color, national origin, age, sex, sexual orientation, marital status, partisan considerations, disability or genetic information. The Land Bank shall not fail or

refuse to hire, recruit, promote, demote, discharge or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, marital status, partisan considerations, disability or genetic information.

**BILL NO. \_\_\_\_-2015**

**AN ORDINANCE**

**DIRECTING THE MAYOR TO EXECUTE THE 5<sup>th</sup> ADDENDUM TO THE LEASE AGREEMENT WITH THE READING AREA WATER AUTHORITY (RAWA) AS ATTACHED IN EXHIBIT A.**

**Whereas the Council of the City of Reading hereby ordains as follows:**

**Section 1.** Directing the mayor to execute the 5<sup>th</sup> Addendum to the Lease Agreement with the Reading Area Water Authority (RAWA) as attached in Exhibit A.

**Section 2.** All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

**Section 3.** 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: \_\_\_\_\_, 2015

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

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

### FIFTH ADDENDUM TO THE LEASE AND OPERATING AGREEMENT BETWEEN THE CITY OF READING, PENNSYLVANIA AND THE READING AREA WATER AUTHORITY

**THIS FIFTH ADDENDUM**, (the “Fifth Addendum”) by and between the City of Reading, Berks County, Pennsylvania (“City”) and the Reading Area Water Authority (“Authority”), is hereby entered into this \_\_\_\_ day of November 2015 (“Addendum Date”), and hereby amends the Lease and Operating Agreement between the City and the Authority dated May 20, 1994, effective June 1, 1994, as supplemented in January, 1995, and amended in October, 1997, in December, 2010, in 2012 and as of November 2014 (the “Original Lease, as amended”).

#### RECITALS

A. WHEREAS, the Authority has been incorporated pursuant to an Ordinance of the Council of the City and is existing under the provisions of the Act of Assembly approved May 22, 1945, P.L. 382, as amended and supplemented, known as the “Municipality Authorities Act of 1945” (the “Act”);

B. WHEREAS, the City leases its Water System to the Authority pursuant to the terms of the Original Lease, as amended;

C. WHEREAS, under the Original Lease, as amended, RAWA operates the regional Water System of the City, and provides certain other services under the oversight of, and with the assistance and cooperation of the City;

D. WHEREAS, the parties mutually desire to enter into this Fifth Addendum in order to, among other things, amend and clarify certain matters addressed in the Original Lease, as amended and to supplement the Original Lease, as amended; and

NOW THEREFORE, the Authority and the City, in consideration of the agreements, conditions and covenants herein contained, each intending to be legally bound, hereby covenant and agree as follows:

(1) Definitions. Unless otherwise defined herein, all capitalized terms used in this Fifth Addendum shall have the meanings ascribed to them in the Original Lease, as amended. All references in this Fifth Addendum to the “Lease” or “herein” or “hereunder” or other similar terms shall mean the Original Lease, as amended, as amended by this Fifth Addendum.

(2) Confirmation. Except as the same is amended or supplemented hereby, the terms, provisions and conditions of the Original Lease, as amended, are confirmed in all respects.

(3) Curbside Waste Services Billing by RAWA.

(a) Commencing January 1, 2016, RAWA shall serve as the City’s billing agent for purposes of billing and collecting fees for City Curbside Waste Services delivered to residents by the City on and after January 1, 2016 (“Curbside Fees”). RAWA will no longer purchase Curbside Fees from the City after December 31, 2015; provided that it shall continue to own receivables for fees billed by RAWA for City Curbside Waste Services delivered to residents by the City on and before December 31, 2015, heretofore purchased from the City.

(b) To the extent that they exceed the Guaranteed Collection Payments (hereafter defined) theretofore paid by RAWA to the City, on a cumulative basis through the end of any month, RAWA shall transfer to the City by electronic means any and all receipts for Curbside Fees on a daily business day basis not later than the end of the business day after such receipts are received by RAWA.

(c) By previous agreements, which are hereby confirmed, RAWA bills and collects its own water fees and charges, as well as the City's sewer fees and charges, as the City's agent. RAWA and the City agree, in order to keep the cost of billing services to City residents as low as possible, that RAWA will bill for City Curbside Fees on the same bill as that delivered to residents and customers for Water and Sewer services. RAWA will apply all payments made to it in respect of such billings on a pro-rata, across the board basis, such that the amount of any payment credited to any service shall bear the same relationship to the entire payment made as the billed amount for such service bears to the total amount billed.

(d) RAWA shall make guaranteed collection payments (the "Guaranteed Collection Payments") to the City, in the amounts and at the times, set forth on Exhibit "A" hereto.

(f) Annually, as soon as practicable after the end of each calendar year, RAWA and the City shall reconcile receipts from the prior year and shall make such necessary transfers as are necessary to assure that payments for each year conform to the amounts required by this agreement.

(g) The agreement set forth above with respect to curbside waste billing shall continue in force until December 31, 2017 and may be extended indefinitely by agreement between the parties hereto. The parties hereto shall meet to discuss any desired modifications or amendments to the agreement set forth above with respect to curbside waste billing on a mutually selected date between August 15, 2017 and September 15, 2017. If no agreement can be reached by September 15, 2017 to extend in accordance with the agreement set forth above or to modify or amend the agreement, then either party may terminate the agreement with respect to curbside waste billing.

(4) ~~Authority Solicitor. The Authority shall appoint annually such person or firm licensed to practice law in the Commonwealth of Pennsylvania to serve as RAWA Solicitor as it so chooses, without restriction.~~

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania, has caused this Fifth Addendum to be executed in its name and on its behalf by its Mayor and its official seal to be affixed hereunder and attested by its City Clerk, and the Reading Area Water Authority has caused this Agreement to be executed in its name and on its behalf by its Chairperson or Vice Chairperson and its corporate seal to be affixed hereto and attested by its Secretary or Assistant Secretary, all as of the day and year first above written.

City of Reading

Reading Area Water Authority

By: \_\_\_\_\_

By: \_\_\_\_\_

Mayor

Chairperson

Drafted by Property Maintenance Staff/Law  
Sponsored by/Referred by  
Introduced on November 9, 2015  
Advertised on

**BILL NO. \_\_\_\_\_-2015**  
**A N O R D I N A N C E**

**AMENDING THE CITY OF READING CODIFIED ORDINANCES CHAPTER 308 HOUSING BY RETITLING PART I AND PART III, DELETING NON-APPLICABLE DEFINITIONS, CHANGING ALL REFERENCES TO HOUSING PERMITS TO HOUSING REGISTRATION, FURTHER DEFINING THE REGISTRATION AND INSPECTION REQUIREMENTS AS WELL AS RENAMING THE APPLICABLE APPEALS BOARD TO THE CODE AND LICENSE APPEALS BOARD.**

**SECTION 1.** Amending the City of Reading Codified Ordinances Chapter 308 Housing Ordinance by retitling Part I and Part III, deleting non-applicable definitions, changing all references to housing permits to housing registration, further defining the registration and inspection requirements as well as renaming the applicable appeals board to the Code and License Appeals Board, as attached in Exhibit A.

**SECTION 2.** All other parts of the Ordinance remain unchanged.

**SECTION 3.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the City that the remainder of this Ordinance shall remain in full force and effect.

**SECTION 4.** All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

**SECTION 5.** This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## CHAPTER 308

### HOUSING

#### PART 1

##### **~~RENTAL AND VACANT PROPERTY REGISTRATION AND INSPECTION~~**

**§308-101. Definitions.** *The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise: Additional definitions for purpose and use of the property are found within the City of Reading Zoning Ordinance.*

**~~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.~~

**~~BOARDING HOUSE~~**—a building or structure used to shelter persons who are not “relatives” of the operator, and who live in the building by pre arrangement and for definite periods of time and compensation, and which may or may not provide meals for residents, and which does not involve individual dwelling units that are each occupied by a “family.” This term shall not include a commercial hotel/motel that serves transient visitors to the area, a personal care home, a nursing home, a dormitory or residence hall owned or operated by a college or university, or a Group Institution.

**~~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 180, Construction Codes], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance [Chapter 600].

**~~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 180, Part 8], Existing Building Code [Chapter 180, Part 5], Plumbing Code [Chapter 180, Part 9], Mechanical Code [Chapter 180, Part 6], Electrical Code [Chapter 180, Part 7], Fire Code [Chapter 180, Part 14], and Residential Code [Chapter 180, Part 4], and City of Reading Property Maintenance Code [Chapter 180, Part 13], Zoning Ordinance [Chapter 600], Recycling and Solid Waste Ordinance [Chapter 496, Part 2], 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. *This term is used interchangeably with Property Maintenance Inspector (PMI).*

~~**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.~~

~~**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. This permit includes both rental and vacant properties.~~

~~**LEASE**—see “Rent.”~~

~~**LET**—see “Rent.”~~

~~**LOCAL RESPONSIBLE AGENT**—a person or agency retained or hired by a property owner to operate 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. ***The record titleholder per Berks County Assessment Office.***~~

~~**PERSON**—any individual, firm, corporation, association, partnership or entity.~~

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

~~**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 ***a housing*** application to register a property ***parcel*** as ***required by this ordinance.***~~

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

~~**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.~~

~~**ROOMING UNIT**—an individual room within a “Boarding 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.”~~

~~**VACANT PROPERTY**—A residential, commercial 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 600].~~

~~**ZONING PERMIT** - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance [Chapter 600] authorizing and/or registering a unit as a rental.~~

### ~~§308-102. Housing Permit Registration Required.~~

~~No person or entity shall let, rent or cause to be vacant or occupied any non-owner occupied properties unless that person first applies for, renews and obtains a non-transferable Housing Permit issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created thereunder. *Owners of residential and mixed-use parcels are required to apply for and renew a housing registration issued by the City of Reading Property Maintenance Division per the procedure established by this code and policies created hereunder.*~~

~~*Single family owner occupied properties are excluded from this requirement.*~~

### ~~§308-103. Application for a Housing Permit Registration.~~

~~A. Applications for a Housing Permit *Registration* shall be made in writing or by electronic application on forms prepared and provided by the City of Reading Property Maintenance Division and shall be accompanied by payment of the applicable fee(s) *as per the City of Reading Fee Schedule §212.*~~

Such forms shall require, but shall not be limited to the following information and shall be accepted and sworn to by the owner:

1. The name, business address, date of birth, and telephone numbers, (business and mobile), and driver's license, or state issued identification **or governmental identification** number(s) of all of the owner(s) of any ~~dwelling unit~~ **residential** and mixed-use parcel. A Federal EIN (employee identification number) must be provided if the owner is a corporation, limited liability company, or partnership.
  2. The address of the premises at **for** which the ~~dwelling unit or rooming unit is located~~ **housing registration is required**.
  3. A valid zoning permit number **application** as directed by the City of Reading Zoning Office **applicable**.
- ~~D. Verification of **Participation in a recognized** trash/**disposal** program and **the City's** recycling with participation with approved program will be verified.~~
- ~~E. The Business Privilege License Number as provided by the City of Reading Citizens Services Center **Berks Earned Income Tax Bureau**.~~
- ~~F. A completed tenant listing, if applicable, 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.~~
2. The registration of a rental or vacant property with the Property Maintenance Division shall be required within 15 days of the subject property becoming a "vacant property" or being marketed or used as a rental property as provided herein and shall be accompanied by the payment of the applicable registration fee
- B. Registration of any parcel required to have a housing registration is required within fifteen (15) days of the change of ownership or change of use.**
- C. 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.
1. 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 Housing Permit **Registration**. 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.

(a) 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.

(b) 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 Housing Permit **Registration** provided it conforms to the remaining requirements of the City of Reading Codes and Codified Ordinances.

2. 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 Housing Permit **Registration** will be denied until the property is modified to comply with the number of units previously recorded.
3. A zoning permit issued by the Zoning Administrator in accordance with Sections A and B hereinabove shall satisfy the requirements of §308-105 and the issuance of a Housing Permit **Registration** shall be subject to compliance with the remaining provisions of Subsection A.

#### **§308-104. Annual Renewal of Housing Permit Registration.**

- A. ~~Effective January 2, 2012, e~~Each Housing Permit **Registration** shall be renewed by the registrant on or before the 1<sup>st</sup> of April in each and every calendar year regardless of when the original permit **registration** was issued **filed** in the previous year. If the 1<sup>st</sup> 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 Housing Permit **Registration** shall be made in writing or by electronic application upon forms prescribed by the Property Maintenance Division. Submission of annual renewal forms shall be accompanied by payment of the specified renewal fee **as per the City of Reading Fee Schedule §212.**
- B. Annual Housing Permit **Registration** Renewal forms shall require the owner, in addition to the information specifically required in other provisions of this Chapter, to provide the following: (a) ~~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,~~ (b) the operational status of fire and smoke alarms, the operational status of fire escapes and emergency exits, if applicable, and ~~(c)~~ **(b)** 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~~ **application** of the Housing Permit **Registration** or the last renewal thereof, whichever is later. The Annual Permit **Registration**-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.
- C. Submission of Annual Renewal Forms after the April 1<sup>st</sup> deadline shall be subject to a surcharge of ~~Three Hundred Dollars (\$300) per parcel~~ **as provided in the City of Reading Fee Schedule §212.** ~~for each month or fraction thereof following the said deadline. The City of Reading may pursue in personam action (legal proceeding against the person) for the collection of any outstanding surcharges owed.~~**All delinquent accounts may be given to collections as per this part.** Failure to submit an Annual Renewal Form as

required herein before July 1<sup>st</sup> in each and every year may result in the immediate revocation of the Housing Permit **Registration and be subject to §308-112, Failure to Apply for Housing Permit Registration.**

- D. In the event of revocation of the Housing Permit **Registration**, 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 **Property Maintenance** fees and surcharges.
- E. 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.
- ~~F. In the event the 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 Housing Permit **Registration** within six months of the date of revocation of the Housing Permit **Registration** 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 §600-607 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.~~

**§308-105. Denial of Application for a Housing Permit Registration.**

- A. ~~The City may deny~~ **A** a Housing Permit **Registration** shall not be issued or renewed **renewal** to any applicant if said rental **housing** unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading 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 **Code** or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.
- B. The City may deny an application for a Housing Permit **Registration** 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, **delinquent Property Maintenance fees** or has any tax delinquencies.
- C. The City of Reading Property Maintenance Division is hereby authorized to placard and condemn a property for which a Housing Permit **Registration** has not been obtained from **filed with** the Property Maintenance Division as required by this Part. Such action shall requires 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.

**§308-106. Revocation of a Housing Permit Registration.**

~~1.~~ The City of Reading Property Maintenance Division shall, have the authority to revoke or suspend the Housing Permit **Registration** of any rental **housing** 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], **any state or local code or ordinance adopted, enacted or in effect in and for the City of Reading** or has failed an inspection. A Housing Permit **Registration** may also be revoked if it is determined that the permit **registration** was issued **filed** upon material misrepresentations, errors or omissions set forth in the application. ~~for original issue renewal as applicable.~~

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

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

#### **§308-107. Transfer of Ownership and Change of Address.**

A. 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 in compliance with the requirements of § 4-303 of Chapter 4 of the City of Reading Codified Ordinances, as amended. **Any owner of a residential and mixed-use parcel governed by this subpart who relocates or changes mailing address shall file written notice of the same with the City of Reading Property Maintenance Division within 10 days of such relocation or change in mailing address. Failure to provide such notice will not excuse an owner from penalties due to a violation under this Part.**

~~2. A 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 housing is permitted shall submit a completed application for a new Housing Permit to the Property Maintenance Division no later than 15 days after transfer of title. Said application for a new Housing Permit shall be compliant with the applicable rules set forth in this Chapter and issuance of a new 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 housing 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 to make timely application for a new Housing Permit as provided hereinabove shall render the property an illegal unit subject to the processes and penalties contained in §11-113, Failure to Obtain Housing Permit.~~

#### **§308-108. 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 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 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 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 Housing Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Housing Permit is issued.~~

## ~~2~~ — **1. 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 Housing Property Inspection Program. **All properties that are subjected to registration will be placed into a routine inspection cycle to determine if the parcel is compliant with the applicable codes and codified ordinances. It is the responsibility of the owner to make tenant(s) aware of the date and time of the inspection and obtain tenant consent.**~~
- ~~B. 2. 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. **An inspection of all applicable parcels will be on a revolving basis not less than every 2 years nor more than every 5 years from the start date of the previous routine inspection.**~~
- ~~C. 3. 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 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 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 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 Housing Permit. **An inspection will be conducted as per the Property Maintenance Division's Standard Operating Procedure and a report with any violations or a letter of compliance will be given to the owner as per Official Notices §308-117. The report will list all, if any, violations with a reasonable time identified to remedy the violation.**~~

**D. An initial inspection, reinspection and/or extension inspection(s) may be necessary to achieve compliance.**

**E. Inspection fees and penalties are listed in the City of Reading Fee Schedule §212.**

~~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. **F. Complaint Inspections.** Nothing in this Part shall preclude the Property Maintenance Division/Code Official from performing an inspection upon receipt of a complaint of a violation **or a violation identified by a Code Official** of the City of Reading codes and Codified Ordinances existing at the dwelling unit or rooming unit **parcel**. 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. **An inspection will be conducted as per the Property Maintenance Division's Standard Operating Procedure and a report with any violations or a letter of compliance will be given to the owner as per Official Notices §308-117. The report will list all, if any, violations with a reasonable time identified to remedy the violation.**~~

~~5. **G. 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. The Property Maintenance Division is further authorized to apply for an injunction to a court of competent jurisdiction and seek injunctive relief as necessary.~~

~~6. **Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record.~~

~~7. **H. 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 **as provided in the City of Reading Fee Schedule §212** will **or be** authorized 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 **as provided in the City of Reading Fee Schedule §212** 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.

### **§308-109. Housing Permit. ~~Reserved.~~**

~~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 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. Number of dwelling units permitted~~
- ~~C. Date of last application inspection.~~
- ~~D. Date of last inspection.~~
- ~~E. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.~~
- ~~F. Date of issuance of permit.~~
- ~~G. Date of required renewal of permit.~~
- ~~H. Printed name of person issuing permit.~~

### **§308-110. ~~Posting of the Housing Permit. Reserved.~~**

~~The 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.~~

### **§308-111. Structural Changes**

Any change in the structural condition or integrity of a property shall be reported in writing to the Property Maintenance Division within seven (7) days of such change. Prior to any change in the structural condition or integrity of a property, the owner shall obtain any necessary permits from the Building and Trades Office.

### **§308-112. Failure to Obtain ~~Apply for Housing Permit~~ Registration.**

A. **Prohibition.** It shall be unlawful for the owner of any property to fail to obtain a **apply for** Housing Permit **Registration** as required in ~~§11-103-§308-102~~, Housing Permit **Registration** Required.

**B. Surcharge.**

1. In the event an authorized City official determines an owner failed to ~~obtain~~ **register a property** necessary ~~Housing Permit~~ a non-compliance surcharge of ~~\$1,000 per unit~~ **as provided in the City of Reading Fee Schedule § 212**, Fees shall be imposed to the application fee and written notice of non-compliance shall be delivered personally, mailed to the owner by first class/certified mail or email at the last known address, as well as by posting written notice in the form of a placard on the front entrance of the subject property ~~notice~~. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service upon any executive officer of a corporation shall be a sufficient, but not the exclusive method of service upon the corporation. Service upon any partner of a partnership shall be a sufficient but not the exclusive method of service upon the partnership.
2. Said notice of non-compliance shall advise the owner of the non-compliance surcharge and the requirement to ~~submit the Housing Permit application~~ **register the property** within fifteen (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~~ **as per the City of Reading Fee Schedule §212** until such time as a complete application for a ~~required Housing Permit~~ **registration** is received by the Property Maintenance Division. 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 per the City of Reading Fee Schedule §212** 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 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 thirty (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 fifteen (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.

**§308-113. Owner and Occupant Duties.**

**A. Owner's Duties.**

1. It shall be the duty of every owner to keep and maintain all ~~rental~~ **residential and mixed use parcels** 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~~ **parcels**.

2. ~~It shall be unlawful for any person or entity to offer, conduct, operate, or cause to be rented any rental unit within the City of Reading without a valid and current Housing Permit. **It shall be the responsibility of every owner to employ policies and manage the residential and mixed use parcels under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.**~~
3. ~~It shall be the responsibility of every owner to employ policies and manage the dwelling units under his/her control in compliance with the provisions of this Chapter, the City Codes and Codified Ordinances and applicable State laws.~~

#### **B. Tenant/Occupant Duties**

1. 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 141, Bicycles, Chapter 5, Code Enforcement, Part 6, Property Maintenance Code, Chapter 180, Conduct, Chapter 10, Health and Safety, Chapter 431, Motor Vehicles and Traffic, Chapter 20, Solid Waste, and Chapter 21, Streets and Sidewalks, as well as all State laws and regulations.~~
2. The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their ~~rental unit~~ **control** 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~~ **properties** by people occupying the same.
3. The occupant(s) shall not engage in, nor tolerate, nor permit others on the premise to cause damage to the ~~rental unit~~ **property** or engage in disruptive conduct, or other violations of this Part, City Codes or applicable State laws.
4. 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.

#### **§308-114. 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~~ **found to have an equitable interest**, 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.

#### **§308-115 - Fees for Housing ~~Permits~~ **Registration, Surcharges and Administrative Fees****

##### **A. Fee Schedule**

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

##### **B. Waiver of Fees**

The ~~permit~~ **registration** fees established in subsection ~~(1)~~ **A** above shall be waived if the owner, ~~or the spouse or son, daughter, mother, father, sister or brother~~ **family member** of the owner occupy a single family property.

C. 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 308 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.

D. Collections

All delinquent fees under this part shall be turned over to a Collections Agency and are subject to collection costs.

**§308-116. Reserved**

**§308-117. 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. All official notices, excluding notice of inspection which shall be in the manner set forth herein, shall be delivered by first class mail to the address of record of the owner 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~~ **comply with §308-107**. There shall be a rebuttable presumption that any notice required to be given under this Part shall have been received by owner 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.

**§308-118. 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 Housing Permit **Registration** has not been ~~obtained~~ **filed** or for which an inspection has not been ~~or performed~~ **completed** **complied** by the Property Maintenance Division as required by Section ~~1098-108~~ of this Chapter.

**§ 308-119. Appeal**

**1. Administrative Appeal**

a. Except as provided in §308-112 Failure to ~~Obtain~~ **Apply for** Housing Permit **Registration**, any person who is aggrieved by this Ordinance may appeal to the Director of Community Development or his/her designee by submitting a request for appeal in writing within fifteen (15) calendar days of the date of determination by the Property Maintenance Office.

b. The appeal hearing will be held before the Director of Community Development or his or her designee. The ~~Administrator~~ **Director** or his/her designee may uphold the appeal, deny the appeal or may modify the determination by the Property Maintenance Office as he/she sees appropriate.

## 2. Subsequent Appeals

Any subsequent appeal filed under this Ordinance, including a subsequent appeal to §308-112, Failure to Obtain ~~Apply for~~ **Apply for** Housing Permit ~~Registration~~, shall be filed to the Berks County Court of Common Pleas pursuant to 2 Pa.C.S. §751 and §752.

### PART II.

#### DISRUPTIVE CONDUCT

##### EXHIBIT A

#### PART B. Disruptive Conduct

##### § 308-130. Definitions.

As used in this subpart, the following terms shall have the meanings indicated:

***CODE AND LICENSE APPEALS BOARD - Board authorized to hear, among other things, appeals of and render decisions in matters concerning Disruptive Conduct Reports.***

**DISRUPTIVE CONDUCT**—Any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a housing 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, with the exception of domestic abuse or domestic violence, as per Pa. Title 23 Domestic Relations, Chapter 61 and as defined herein. Exemptions may also include circumstances relating to familial status or disabilities. It is not necessary that such conduct, action, incident or behavior constitutes 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 occupant 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.

**DOMESTIC ABUSE (OR DOMESTIC VIOLENCE)** is defined as ~~a~~ **A** pattern of abusive or harmful behavior within the confines of an intimate relationship. Domestic abuse generally occurs between people who do or do not share a home - such as a husband and wife, boyfriend and girlfriend, parent and child, estranged spouses, etc. Some examples of domestic abuse include but are not limited to the following:

- Physical abuse (hitting, pushing, kicking, restraining, throwing objects or otherwise touching another with unwanted physical aggression)
- Verbal abuse (using derogatory or emotionally hurtful language with the intent to invoke fear or lower self-esteem)
- Sexual abuse
- Emotional abuse

- Intimidation
- Threatening
- Stalking

TWELVE (12) MONTH PERIOD — — For purposes of this subpart, twelve-month period shall be calculated by counting 12 months back from the most recent disruptive conduct report.

**§ 308-131. Investigation and report; suspension and/or revocation of housing permit.**

Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct form upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said form shall include 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 form will be provided to the occupant. If the finding is considered valid by the Reading Police Department, a copy of the disruptive conduct report shall be mailed to the occupant and mailed to the owner within 15 working days of the date the form is issued to the occupant.

- A. Eviction. After two disruptive conduct incidents in any twelve-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) or pursue an appeal. This subsection is not intended to limit or inhibit the owner's right to initiate eviction action.
- B. Suspension or revocation of housing permit. Failure of an owner or local authorized Agent to take action required in Subsection A above will result in the commencement of the process to suspend the Housing Permit for the property where the disruptive conduct incident occurred in accordance with/per the process established herein, notwithstanding any other requirements therefor.
- C. Reinstatement of housing permit. The housing unit involved shall not have its Housing Permit reinstated until the applicable reinstatement fee is paid and the disruptive occupants have been evicted, unless the appeal filed by the property owner or occupant has concluded and was approved. Notwithstanding this subsection, if there are violations assessed against the owner per the provisions of this Part which require suspension or revocation, a Housing Permit shall not be reinstated until compliance with the requirements therefor have occurred.
- D. Report against all occupants. The content of the disruptive conduct report shall count against all occupants of the housing unit. The content of the disruptive conduct report shall not count against all occupants of the housing unit if the complaint is initiated by one of the housing unit occupants. More than one disruptive conduct report filed against the occupants of a housing unit in a twenty-four-hour period shall count as a single disruptive conduct report for the purpose of the preceding subsection.
- E. Maintenance of list of disruptive conduct report tenants and occupants and evicted occupants. The Property Maintenance Division 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 five years.

**§ 308-132. ~~Housing Board of Appeals~~ Code and License Appeals Board.**

- A. 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 Housing Permit may appeal. All appeals must be filed, in writing, with the ~~Manager of the Property Maintenance Division~~ Director of the Department of Community Development, with the appropriate filing fee, as per the City of Reading Fee Schedule § 212, within fifteen (15) **working business** days from the date appearing on the disruptive conduct report or notice of suspension, nonrenewal, denial or revocation of a Housing Permit mailed to the occupant or property owner.

B. ~~Organization.~~ ***Enforcement Upon Resolution of Appeal of Housing Board***

~~Membership.~~ The Housing Board of Appeals shall be a body of seven (7) members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson or his/her designee who shall also be a Councilperson, Manager of the Property Maintenance Division or his/her designee; the Chief of Police or his/her designee; an owner of a rental **housing** unit(s) in Reading; an occupant of a rental **housing** unit residing in the City of Reading; and a member of a community group recognized by the City of Reading. An attorney from the City Law Department shall serve as the Hearing Master and shall provide legal advice to the Board. ***Upon a successful appeal to the Housing Board, that disruptive conduct report will be withdrawn and discounted within that twelve (12) month period. However, once all appeals to the Housing Board have been exhausted and a second disruptive conduct report has been confirmed, the public officer shall re-inspect the premises in question fifteen (15) business days from the date of decision to ensure either that the unit is vacant, or that the owner has commenced the eviction process. Failure to comply will result in revocation of the unit's Housing Registration.***

- ~~(1) Alternates.~~ There shall be three alternate members: an owner, an occupant of a housing unit residing in the City of Reading and a member of a community group recognized by the City of Reading.
- ~~(2) 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.
- ~~(3) Term.~~ A member or alternate member shall serve a term of not more than three years from the time of appointment or reappointment or until his/her successor shall take office. *Members may be appointed to serve successive terms.* Members and alternates of the initial board shall be appointed to staggered terms of one, two and three years.
- ~~(4) 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.
- ~~(5) 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.
- ~~(6) 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 an approval of the appeal.
- ~~(7) 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.

C. ~~Powers.~~ The Board shall have the following powers:

- ~~(1) 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.~~

- ~~(2) 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.~~
  - ~~(3) 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.~~
  - ~~(4) Grant extension of time. To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code (Chapter 180, Part 13) and other applicable sections of the Code of the City of Reading of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.~~
  - ~~(5) 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 and the Board shall file its decision no later than within 15 working days after the date of the appeal hearing.~~
  - ~~(6) 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.~~
  - ~~(7) 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.~~
- D. ~~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 Code and License Appeals Board. Said abeyance shall include, but not be limited to, revocation, suspension, denial or nonrenewal of a Housing Permit until the appeal is resolved. An appeal of the two disruptive conduct reports within a twelve 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.~~
- E. ~~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 ~~15~~ 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 the revocation of the Housing Permit pursuant to the provisions set forth in this Part. Upon a successful appeal to the Housing Board, that disruptive conduct report will be withdrawn and discounted within that twelve (12) month period. However, once all appeals to the Housing Board have been exhausted and a second disruptive conduct report has been confirmed, the public officer shall re-inspect the premises in question 15 business days from the date of decision to ensure either that the unit is vacant, or that the owner has commenced the eviction process. Failure to comply will result in revocation of the unit's Housing Permit.~~

### **§ 308-133. Appeal to Court of Common Pleas Proper Jurisdiction.**

Once a DCR is issued, any person aggrieved by any decision of the ~~Housing Board of Appeals~~ **Code and License Appeals Board**, may immediately appeal to the Court of Common Pleas of Berks County, or a court of proper jurisdiction. Such appeal shall be made by a duly verified petition in accordance 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. A timely petition filed with the Court shall be served upon all parties before

the ~~Housing Board of Appeals~~ **Code and License Appeals Board**, including the Board and City of Reading, at the time of its filing and shall stay enforcement of the Board's decision. A successful appeal to the Court shall rescind all prior disruptive conduct reports issued within a twelve (12) month period.

**§ 308-134. 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.

**§ 308-135. 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 180, Part 8), Existing Building Code (Chapter 180, Part 5), Plumbing Code (Chapter 180, Part 9), Mechanical Code (Chapter 180, Part 6) Electrical Code (Chapter 180, Part 7), Fire Code (Chapter 180, Part 14), and Residential Code (Chapter 180, Part 4), Property Maintenance Code (Chapter 180, Part 13) Solid Waste and Recycling Ordinance (Chapter 496, Part 1 and 2) Health Code (Chapter 288, Part 1), and Zoning Ordinance (Chapter 600)~~ **any state or local code or ordinance adopted, enacted or in effect in and for the City of Reading.**

**PART III**

**VACAT ABANDONED PROPERTY REGISTRATION**

**§308-301. DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**ABANDONED REAL PROPERTY** - any real property located in the City, whether vacant or occupied, that is in default on a mortgage, has had a lis pendens filed against it by the ~~Lender~~ **Mortgagee** holding a mortgage on the property, is subject to an ongoing foreclosure action by the ~~Lender~~ **Mortgagee** or, is subject to an application for a tax deed or pending tax assessors lien sale, or has been transferred to the ~~Lender~~ **Mortgagee** under a deed in lieu of foreclosure. The designation of a property as "abandoned" shall remain in place until such time as the property is sold or transferred to a new owner, the foreclosure action has been dismissed and any default on the mortgage has been cured.

~~**ACCESSIBLE PROPERTY/ STRUCTURE**—a property that is accessible through a comprised/breached gate, fence, wall, etc. or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.~~

**APPLICABLE CODES** - to include, but not be limited to, the City's Codified Ordinances ("City Code") and the Pennsylvania Building Code.

~~**BLIGHTED PROPERTY**— includes but is not limited to:~~

- ~~1) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or~~
- ~~2) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or~~
- ~~3) Properties cited for a public nuisance pursuant to the City Code; or~~
- ~~4) Properties that endanger the public's health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the City and Zoning Codes.~~

**ENFORCEMENT OFFICER** - any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the City to enforce the applicable code(s).

**MORTGAGEE – The Lender in a Mortgage.**

~~**OWNER** any person, legal entity or other party having any ownership interest whether legal or equitable, in real property. This term shall also apply to any person, legal entity or agent responsible for the construction, maintenance or operation of the property involved.~~

~~**PROPERTY MANAGEMENT COMPANY** a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.~~

**VACANT** - any building or structure that is not legally occupied.

### **§308-302. ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of this Part, the City or designee shall establish a registry cataloging each Abandoned Property within the City, containing the information required within.

### **§308-303. REGISTRATION OF ABANDONED REAL PROPERTY**

- A. Any mortgagee who holds a mortgage on real property located within the City of Reading shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The mortgagee shall within ten (10) days of the inspection, register the property with the City's Property Maintenance Division on forms or website access provided by the City, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- B. If the property is occupied but remains in default, it shall be inspected by the mortgagee or his designee monthly until (1) the mortgagor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms **or website address** provided by the City.
- C. Registration pursuant to this section shall contain the name of the mortgagee and the server, the direct mailing address of the mortgagee and the server, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact phone number of the property management company responsible for the security and maintenance of the property.
- D. A non-refundable annual registration fee shall be assessed as per the City of Reading Fee Schedule §212 and shall accompany the registration form or website registration.
- E. All registration fees must be paid directly from the Mortgagee, Servicer, Trustee, or Owner. Third Party Registration fees are not allowed without the consent of the City and/or its authorized designee.
- F. This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

- G. Properties subject to this ~~section~~ **Part** shall remain under the annual registration requirements **of this section**, and the inspection, security and maintenance standards **requirements** of this section as long as they remain vacant or in default **ordinance**.
- H. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- I. Failure of the mortgagee and/or owner to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Part is a violation of this Part and shall be subject to enforcement.
- J. Pursuant to any administrative or judicial finding and determination that any property is in violation of this Part, the City may take the necessary action to ensure compliance **as per this ordinance** with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

**§308-304. MAINTENANCE REQUIREMENTS**

All abandoned real properties are subject to the requirements contained within the City's Property Maintenance Ordinance.

**§308-305. INSPECTIONS FOR VIOLATIONS**

Adherence to this ~~article~~ **Part** does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property. ~~Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable code(s) and the owner shall be responsible for meeting with the City's Property Maintenance Division for a Health and Safety Inspection.~~

Bill No. \_\_\_\_2015

**The Council of the City of Reading hereby ordains as follows:**

**That City Council authorizes and directs the Mayor of the City of Reading to sign the Lease Agreement with the Reading Parking Authority, as attached and incorporated therein.**

Adopted by City Council on \_\_\_\_\_ 2015

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**President of Council**

**Attest:**

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City Clerk

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## LEASE AGREEMENT

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_ 2015, by and between the CITY OF READING, a municipal corporation of the Commonwealth of Pennsylvania, hereinafter referred to as "City" and the READING PARKING AUTHORITY, an authority organized under laws of the Commonwealth of Pennsylvania, with its principal office located at 613 Franklin Street, Reading, Berks County, Pennsylvania, hereinafter referred to as "Authority". ("City" and "Authority" hereinafter collectively referred to as "Parties")

WHEREAS, the City by the enactment of Ordinance 8-97 as signed by the Mayor of the City of Reading on April 15, 1997 *and Resolution 31-2001 as adopted by Council on April 9, 2001* directed the Authority in accordance with the Pennsylvania Parking Authorities Act, 53 Pa. C.S. § 345, as amended to develop, administer and enforce a system of on-street parking regulations; and

WHEREAS, The Authority has developed, administered, and enforced such systems to the mutual benefit of the City and the Authority; and

WHEREAS, the Authority was created by the City pursuant to the aforementioned Parking Authorities Act, as amended, and as such act is presently enabled and implemented in accordance with the City of Reading Charter;

WHEREAS, the parties hereto intend to by the execution of this Agreement to facilitate and sustain the direction and control of parking operations from the City of Reading to the Reading Parking Authority pursuant to and consistent with the powers and limitations found in the aforementioned Parking Authorities Act; and

WHEREAS, the parties hereto intend by the

execution of this Agreement to enter into and formalize a spirit of cooperation between them designed to promote and advance the smooth and orderly circulation of motor vehicle traffic throughout the streets and

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thoroughfares of the City of Reading and to enhance the availability of parking for those vehicles necessary for the health, safety and welfare of the community.

NOW, THEREFORE, both parties, intending to be legally bound, do hereby covenant and agree as follows:

**CONFIRMATION.** Except as the same is amended or supplemented hereby, the terms, provisions and conditions of the Original Lease, as amended, are confirmed in all respects.

**TERM.** The authority and grant of power is heretofore transferred to the Parking Authority pursuant to Ordinance 8-97 *and Resolution No. 31-2001* is hereby enacted and confirmed to be in effect for the duration of the Parking Authority Charter as *adopted and* amended by the Council of the City of Reading. The term of this Lease is five (5) years commencing on \_\_\_\_\_, 2015, and terminating on \_\_\_\_\_, 2020. Either party shall have the right and option to renew this Lease pursuant to these conditions and terms, provided that the Authority is not in default of the terms and conditions of this Lease and further provided that no notice of non-renewal has been timely given pursuant to the Section below. This lease shall automatically renew for a second five (5) year term unless either party elects not to renew.

**NON-RENEWAL.** Either party may elect not to renew this Lease upon sixty (60) days written notice indicating the same.

**RENTAL PAYMENT.** The Authority shall pay to City the sum of Two and One Half Million Dollars (\$2,500,000.00) as rent each year of the Lease term. The rent shall be payable quarterly during the Lease term in the amount of Six Hundred Fifty Thousand Dollars (\$650,000.00) per quarter to the Administrative Services Director without prior demand by the City. Beginning January 1, 2017, the amount of the combined the Lease payment for each calendar year shall be increased on January 1 of each year by an amount equal to the positive change in the Consumer Price Index for the most recently completed twelve (12) month period for which such index is reported (expressed as a percentage) multiplied by the amount of the Lease Payment for the immediately preceding January 1 or 2.5% per annum, whichever amount is greater.

**CARE AND MAINTENANCE OF THE PROPERTY.** The Authority shall use due care in the use of the Property.

**BINDING EFFECT.** This Lease shall be binding upon the heirs, executors, personal representatives, successors and assigns of the parties hereto. The Authority shall not have the right to assign this Lease or sublet the Property without the prior written consent of City.

**INDEMNIFICATION.** The Authority hereby agrees by the execution of this Agreement that it will indemnify and hold harmless the City of Reading, its agents, officers, and employees from any and all claims, actions, judgments and proceedings against the City, its agents, officers, and employees as a direct or indirect result of its compliance with the provisions and terms of this Agreement. This indemnity and hold harmless shall not apply to any actions or losses which occur as a result of

the direct or indirect negligence or willful conduct of the City, its agents, officers, and employees.

**AUTHORITY AUDIT.** The Authority shall provide the City Clerk and City Auditor with a correct and complete final draft copy of the Authority's audited financial statements no later than May 30 of each year and a copy of the Authority's final audited financial statement by June 15 of each year.

**ANNUAL PARKING SYSTEM REVIEW.** No later than June 30 of each year, the Authority shall present an annual plan including a statement and current status of goals and objectives and a detailed management discussion and analysis of operations and finances, to the City Clerk for agreement or disagreement by City Council by September 1 of each year.

**AUTHORITY FINANCIAL REPORTS AND DEBT CLOSING BINDERS.** The Authority shall provide the City Clerk and City Auditor with correct and complete copies of current quarterly financial reports of the Authority no later than 45 days after the end of each fiscal quarter of the Authority. The Authority shall provide the City Clerk and City Auditor with any other financial or operational information in its possession or readily obtainable that is requested by Council within ten (10) days of such request. The Authority shall provide the City Clerk and City Auditor correct and complete executed copies of all existing Authority debt closing transcripts, bibles and documents within forty-five (45) days from the date of this Addendum. Going forward, the Authority shall provide the City Clerk and City Auditor correct and complete executed copies of all Authority debt closing transcripts, bibles and documents within ten (10) days from the date of the closing of any debt incurred by the Authority.

**AUTHORITY MEETING MINUTES.** The Authority shall provide the City Clerk with correct copies of the Authority Board meeting minutes within 30 days of all public meetings held by the Authority.

***USE OF PARKING FACILITIES.*** *The Authority shall not charge the City to park City owned vehicles in any parking facility or lot unless an agreement is reached with the Managing Director.*

~~2. The Mayor is hereby authorized to enter into and execute all documents or other instruments of conveyance necessary and related to the transfer of all right, title, interest and ownership, and all items of personal property presently under the control of the City of Reading related to and necessary to the efficient operation and enforcement of on-street parking regulations and ordinances throughout the City of Reading. This includes without limitations items such as parking meters, office equipment, tools, spare parts, manufacturers warranties and all other appurtenances and items related directly or indirectly to the efficient operation of the on-street parking system and enforcement of violations of the applicable regulations and ordinances.~~

***RESPONSIBILITIES OF THE AUTHORITY AND THE CITY.***

1. Department of Public Works

~~Commencing on May 1<sup>st</sup> 2001,~~ The Authority is hereby delegated as an agent of the City to perform the following functions with respect to on street parking which were heretofore the responsibility of the Department of Public

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Works.

- a. Propose to the Administration and promulgate regulations regarding on street parking, including the following:
  - i. Analysis of the existing conditions;
  - ii. Preparation of all documentation to modify existing or implement new parking regulations;
  - ~~iii. Regulations designating limited time parking, loading zones and any other temporary non-emergency or special parking program;~~  
**e.g. bus zones and taxi stands.**
  - iv. Regulations designating residential parking zones and regulations in the implementing and administration of the residential parking program.
  - v. Notify the ~~City Engineer~~ **Public Works Director** of any insufficient, defective or deteriorated signage.
  - (vi) Enforce ~~parking~~ *vehicle non-moving* regulations and provide guidance for the City's maintenance program. This includes authorizing and arranging for the removal of vehicles *when warranted in consultation with the Police Department by the City's towing contractor.* ~~in accordance with the Temporary Parking Restriction~~

~~ordinance.~~

(vii) Provide professional guidance to the Administration on parking related matters that involve proposed development, infrastructure improvements and customer needs.

The above power to promulgate regulations shall be strictly limited, controlled and in complete conformity with all ordinances of the Council of the City of Reading enacted or to be enacted in the future with respect to on-street parking requirements.

- b. Propose to the ~~City Engineer~~ **Public Works Director** the contents and signs required pursuant to regulations established under section (a) above. The Department of Public Works shall fabricate, install and maintain all signs regulating on-street parking. Public Works and the Authority may modify this procedure to respond to unusual or extraordinary signage requirements.
- c. All modifications to any traffic related parking restriction shall be approved by the ~~City Engineer~~ **Public Works Director**. The Authority will submit such modifications to the ~~City Engineer~~ **Public Works Director** for prior written approval.
- d. The Authority will submit work orders to the Department of Public Works, for signs required pursuant to section (a).

The ~~City Engineer~~ **Public Works Director**, directly or through outside contractors, shall provide sufficient resources to fabricate, install and maintain such signs in a timely and efficient manner, and shall provide the Authority on a regular basis with a schedule for the performance of work orders issued by the Authority.

- e. The Authority shall consult with the ~~City Engineer~~ **Public Works Director** on comprehensive parking plans developed for areas of the City, in order to ensure adequate and safe traffic movement as well as parking opportunities.
- f. The Authority shall administer and receive the revenue from temporary, loading zone and short-term parking restriction permits.
- g. The Authority will assume the responsibility for installing, removing, repairing and replacing parking meters, ~~and~~ poles, **and kiosks** as needed.
- h. The Department of Public Works will notify the Authority, whenever possible, of any temporary short term parking restrictions it must initiate. Such notification will be made as much in advance as possible ~~via telephone or fax~~ to minimize any confusion to the public as well as enforcement on the streets.

- i. The Reading Parking Authority shall consult with the *Public Works* Department from time to time as appropriate under the circumstances.

3. Department of Police

The Authority is hereby delegated as an agent of the City to perform the following functions with respect to on street parking which was heretofore the responsibility of the Department of Police.

- a. The distribution, retrieval and issuance of parking tickets by Parking Enforcement Officers of the Authority.
- b. The payment processing of all parking tickets issued by Police Officers and Authority Personnel.
- c. The issuance of any on-street parking permits with the exception of short-term or emergency parking restrictions necessary for police operations.

The power herein granted to the Authority shall be exercised concurrently with all powers given to the Department of Police in the enforcement of Standing, Stopping and Parking restrictions by applicable State and City law, with the understanding that the Department of Police is fully empowered, authorized, and directed to continue to issue parking tickets and enforce all other laws, ordinances and statutes related to parking of the Commonwealth of Pennsylvania in the City of Reading. ~~In addition, the Authority and the Department of Police shall bear concurrent responsibility for booting and towing of vehicles for on street parking violations pursuant to applicable~~

~~sections of the Codified Ordinances of the City of Reading.~~ *The Authority shall have the authority to boot and tow scofflaws using the City's towing contractor. The Authority may tow other vehicles in violation of the City's non-moving violations in consultation with the Police Department with the City's towing contractor.*

d. The Authority and the Department of Police shall jointly develop and have printed parking tickets for use by both organizations, the cost of which shall be equally shared.

e. The Department of Police shall retain the responsibility for responding to public inquiries or complaints regarding tickets issued by Police Officers.

(f) The Authority shall consult with the *Police* Department from time to time as appropriate under the circumstances.

~~4. Department of Finance~~ **Administrative Services Department**

~~Commencing on May 1"2001,~~ The Authority is hereby delegated as an agent of the City to perform the following functions with respect to on street parking which were heretofore the responsibility of the ~~Department of Finance~~ *Administrative Services Department*.

a. The collection and banking of coins from parking meters.

b. The collection and banking of monies for

finances and penalties from parking tickets issued by the ~~Bureau of Police~~ *Department of Police*.

- c. All funds collected from parking meters *and kiosks* and all fines or penalties collected directly by the Authority and such fines or penalties as are collected by prosecution through a *Magisterial* District Justice Court, The Court of Common Pleas, or appellate Courts and which shall be paid directly by the administration of such counts to the Authority, shall be retained by the Authority subject to its obligation under paragraph 6.
- d. Until such time as the Authority receives direct payments from the courts or collect for herein, any such amounts received by the City from the Courts will be apportioned so that the City retains Thirty percent (30%) of such amounts and Seventy percent (70%) of such amounts will be paid to the Authority within 30 days of the City's receipt thereof.

**IN WITNESS WHEREOF**, the City of Reading, Berks County, Pennsylvania, has caused this Fourth Addendum to be executed in its name and on its behalf by its Mayor and its official seal to be affixed hereunder and attested by its City Clerk, and the Reading Parking Authority has caused this Agreement to be executed in its name and on its behalf by its Chairperson or Vice Chairperson and its corporate seal to be affixed hereto and attested by its Secretary or Assistant Secretary, all as of the day and year first above written.

City of Reading

Reading Parking Authority

\_\_\_\_\_

\_\_\_\_\_

Mayor

Chair of the Board

Attest:

Attest:

\_\_\_\_\_

\_\_\_\_\_

City Clerk

Executive Director

Drafted by Property Maintenance Staff/Law Department

Sponsored by/Referred by

Introduced on November 9, 2015

Advertised on November 16, 2015

BILL NO. \_\_\_\_-2015

**AN ORDINANCE**

**MODIFYING CHAPTER 212, FEES, SECTION 116, RENTAL HOUSING INSPECTION**

**The Council of the City of Reading hereby ordains as follows:**

Section One: The Fee Schedule of the City of Reading, Chapter 212 of the City Code Section 116 Rental Housing Inspection, is hereby amended as set forth at Exhibit A hereof.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED \_\_\_\_\_, 2015

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

ATTEST:

\_\_\_\_\_  
City Clerk

Submitted to Mayor by: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Received in Mayor's Office by: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Approved by Mayor: \_\_\_\_\_  
Date Approved: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_  
Date Vetoed: \_\_\_\_\_

§ 212-116 Housing permits ~~Registration~~.

Description	Fee	Ordinance No.	Code Citation
Annual housing permit <i>registration</i> fee	\$100 per parcel	57-2011	§308- <del>445</del> <b>103</b>
Surcharge for failure to submit annual <i>housing</i> renewal form for housing permit by April 1 <del>and annual housing fee by April 1</del>	\$300 per parcel for each month or fraction thereof following the deadline	105-2012; 34-2013	§308-104
<del>Failure of owner or authorized agent to appear for scheduled inspections:</del>			
<del>First failure</del>	<del>Administrative fee of \$150</del>	<del>92-2012</del>	<del>§308-108</del>
<del>Second failure</del>	<del>Administrative fee of \$250</del>	<del>92-2012</del>	<del>§308-108</del>
<del>Third failure</del>	<del>Administrative fee of \$400</del>	<del>92-2012</del>	<del>§308-108</del>
<i>Administrative fee for failure to apply for a housing permit registration</i>			
Noncompliance surcharge for failure to <del>obtain</del> <i>apply for</i> necessary housing permit <i>registration</i>	\$1,000 per unit	52-2011	§308-112
Continuing noncompliance surcharge until permit-application <i>housing registration</i> is complete	\$300 per unit per month or portion thereof	52-2011	§308-112
Deposit for administrative Hearing	<del>\$500</del> <b>\$100</b> (security deposit)	34-2013	§308-112
Annual vacant property registration	\$100	72-2012	
Abandoned real property registration	\$200	48-2013	§308-303
<del>Disrupt</del> <i>Disruptive</i> conduct appeal	\$50	25-2014	§308-132

Drafted by Property Maintenance Staff/Law Department

Sponsored by/Referred by

Introduced on November 9, 2015

Advertised on November 16, 2015

BILL NO. \_\_\_\_-2015

**AN ORDINACE**

**MODIFYING CHAPTER 212, FEES, SECTION 128, RENTAL HOUSING INSPECTION**

**The Council of the City of Reading hereby ordains as follows:**

Section One: The Fee Schedule of the City of Reading, Chapter 212 of the City Code Section 128 Rental Housing Inspection, is hereby amended as set forth at Exhibit A hereof.

Section Two: This Ordinance shall become effective ten (10) days after its adoption in accordance with 219 and 221 of the Home Rule Charter of the City of Reading.

ENACTED \_\_\_\_\_, 2015

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

ATTEST:

\_\_\_\_\_

City Clerk

Submitted to Mayor by: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Received in Mayor's Office by: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Approved by Mayor: \_\_\_\_\_  
Date Approved: \_\_\_\_\_  
Vetoed by Mayor: \_\_\_\_\_  
Date Vetoed: \_\_\_\_\_

**Exhibit A**

**§ 212-128 Rental Housing Inspection.**

A. Fees.

<b>Description</b>	<b>Fee</b>	<b>Ordinance No.</b>	<b>Code Citation</b>
<b>Boarding house</b>			
Initial <del>3-year</del> <i>inspection</i>	\$155	123-2012	N/A
<del>120-day inspect</del> <i>Reinspection</i>	\$155	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	\$200	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
<b>Single-family <del>rental</del> one unit property</b>			
Initial <del>3-year</del> <i>inspection</i>	\$140	123-2012	N/A
<del>120-day inspect</del> <i>Reinspection</i>	\$140	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	\$200	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
<b>Two-unit <del>rental</del> property</b>			
Initial <del>3-year</del> <i>inspection</i>	\$165	123-2012	N/A

<b>Description</b>	<b>Fee</b>	<b>Ordinance No.</b>	<b>Code Citation</b>
<del>120-day inspect</del> <b>Reinspection</b>	\$165	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	\$200	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
<b>Three- and four-unit rental properties</b>			
Initial <del>3-year</del> <b>inspection</b>	\$195	123-2012	N/A
<del>120-day inspect</del> <b>Reinspection</b>	\$195	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	\$250	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
<b>Five- and six-unit rental properties</b>			
Initial <del>3-year</del> <b>inspection</b>	\$235	123-2012	N/A
<del>120-day inspect</del> <b>Reinspection</b>	\$235	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	\$300	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A

Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
<b>Description</b>	<b>Fee</b>	<b>Ordinance No.</b>	<b>Code Citation</b>
Delinquency fee	15% of billing	123-2012	N/A
<b>Seven- to fifteen-unit rental Properties</b>			
Initial <del>3-year</del> <i>inspection</i>	\$315	123-2012	N/A
<del>120-day inspect</del> <i>Reinspection</i>	\$315	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	\$400	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A
<b>Rental Properties with 16 or more Units</b>			
Initial <del>3-year</del> <i>inspection</i>	\$315 + \$10 per unit	123-2012	N/A
<del>120-day inspect</del> <i>Reinspection</i>	\$315 + \$10 per unit	123-2012	N/A
First noncompliance penalty	\$350	123-2012	N/A
Extension inspection	125% of initial <del>3-year</del> inspection fee	123-2012	N/A
Second noncompliance penalty	\$1,000	123-2012	N/A
Third noncompliance penalty	\$2,000	123-2012	N/A
Subsequent penalties	Prior penalty amount plus \$1,000	123-2012	N/A
Delinquency fee	15% of billing	123-2012	N/A

B. Failure to appear or gain access.

Description	Fee	Ordinance No.	Code Citation
Administrative fee for failure to appear or gain entry for scheduled inspection:			
1 to 15 units (base penalty)			
First <del>offense</del> <i>occurrence</i>	\$150	123-2012	N/A
Second <del>offense</del> <i>occurrence</i>	\$250	123-2012	N/A
Third <del>offense</del> and subsequent <i>occurrence-combination of failure to appear, gain entry and/or cancellation</i>	\$400	123-2012	N/A
16 to 49 units	\$200 + base penalty for <del>offense</del> <i>occurrence</i>	123-2012	N/A
50+ units	\$300 + base penalty for <del>offense</del> <i>occurrence</i>	123-2012	N/A

Drafted by City Clerk  
Sponsored by/Referred by Managing Director  
Introduced on November 9, 2015  
Advertised on

**BILL NO. \_\_\_\_\_-2015  
AN ORDINANCE**

**AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION RE3117-OO5a-Ex A – PURCHASING POLICIES REGARDING THE SALE AND LEASE OF CITY OWNED PROPERTY.**

**Whereas the Council of the City of Reading hereby ordains as follows:**

**Section 1.** Amending the Administrative Code, Chapter 5, Section Re3117-Oo5a-Ex A – Purchasing Policies regarding the sale and lease of city owned property, as attached in Exhibit A.

**Section 2.** All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

**Section 3.** The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

**Section 4.** 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: \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT A**

# Section 13

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## Sale and Lease of City Owned Land and Property

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### **1.01. Background**

#### **1. Introduction**

The City of Reading periodically offers properties for sale or lease to prospective buyers and/or lessees, as a way of providing property development and improvement opportunities that will strengthen the city's downtown and neighborhood real estate markets. The proceeds from the sale of properties shall be used either to fund capital repairs/projects or to support the City's reserve funding.

The policies included in this document are intended to provide prospective buyers and/or lessees with clear information about how to pursue opportunities to purchase or lease city-owned properties and how the city administration solicits, reviews, and responds to purchase offers.

#### **2. Qualified Buyers and Bids**

In order to be considered qualified to purchase or lease a city-owned property, a prospective buyer:

- Must be current with respect to property taxes and other city obligations or have entered into a payment agreement to fulfill these obligations.
- Must not own or have an interest in any property with any significant un-remediated violation of city codes and ordinances.
- Must not own a property that was subject to a completed Berks County tax foreclosure proceeding within the previous five years

A prospective buyer and/or lessee must submit the disclosure information described in this document. Failure to submit disclosures or to provide other requested information will result in disqualification.

The City will require a prospective buyer and/or lessee to submit an application that describes development or improvement plans proposed for the property and that includes evidence that the prospective buyer has the financial and operational capacity to implement the plans as proposed. The amount of detailed information to be included in the application will depend on the proposed use of the property. For example, the development/improvement plan and documentation of financial/operational capacity associated with the purchase of a side yard will be different from that associated with the purchase of a large parcel proposed for a major commercial or residential development.

### **3. Appropriate and Timely Development**

The City expects that properties will be developed in an appropriate and timely manner, based on documentation submitted by a prospective buyer and/or lessee. Generally, the City will require that development or improvement activities begin within six months after the date of sale and that these activities be completed as documented in the prospective buyer's and/or lessee's application. To the extent needed in order to ensure that its expectations are met, the City will place conditions on certain property sales and/or leases and will monitor the status of the property following the sale or lease until the proposed activities have been completed.

Proposed uses of purchased or leased property must be consistent with the City's Comprehensive Plan and with other city-approved and accepted plans. Purchasers are required to comply with all city, state and federal codes, regulations and statutes.

#### **4. Documentation of Site Control**

The City recognizes that developers often require legally recognizable site control as part of the development process. In order to respond to this need, the City may execute contingent agreements of sale, property reservation letters or option agreements in order to allow developers to pursue financing and other approvals necessary for development.

Agreements or contracts proposed to be executed for this purpose must meet the following conditions.

- The applicant must be a qualified buyer by fulfilling the requirements described in section II above.
- The agreement or contract must be limited to one year or less, with any subsequent renewal or extension solely at the City's discretion.
- The applicant may not use or move into the property without the City's authorization.
- An non-refundable option fee will be due upon execution (not-for-profit organizations and city-supported projects may be exempted from the fee).
- The terms of the agreement or contract will be public information.

#### **5. Real Estate Review Committee**

Applicant requests related to the pricing of a particular property or to the development of a property for a use that is not consistent with City zoning and land use designations will be referred to a Real Estate Review Committee. The committee will consist of two representatives of the City's Community Development Department (one of which shall be a representative of the Building and Trades division) and one representative each from the Planning Department, the Department of Public Works, and the Reading Redevelopment Authority. The committee will review each such request and will make a recommendation regarding City action in response to the request to the Managing Director.

An applicant will be notified when the requested action is to be reviewed by the committee and will be given an opportunity to submit information and documents for consideration by the Committee.

#### **6. Ethics**

The City of Reading is committed to ethical and transparent processes for the sale and conveyance of its properties. All real estate transactions are governed by City and State laws and rules that generally prohibit, among other things, conflicts of interest, the disclosure of confidential information, and the representation of a person or organization by a City official or employee in a transaction with the City.

## **7. City Council**

All sales and leases of city-owned property are subject to approval by the City Council of Reading. Following the city administration's favorable review of an offer to purchase a particular property, the Managing Director will submit documentation in support of the property sale to Council. The proceeds from the sale of properties shall be used either to fund capital repairs/projects or to support the City's reserve funding.

### **1.02 Property Sales Process**

The City offers properties for sale in several ways.

#### **1. General Sales**

The City may publish information about one or more properties in its inventory online, in some instances with a listing price. Offers from prospective buyers are accepted and reviewed on an ongoing basis.

If the City receives more than one qualified offer for a property, the City may provide first preference to an applicant that proposes to develop the property for a public purpose, as described below. If no public purpose is proposed, the City will determine the most qualified applicant. In some instances, the City may use a Competitive Sales approach to obtain the best offer for the property.

The City's Real Estate Review Committee must approve the final sales price of any property that to be sold in this manner.

#### **2. Competitive Sales**

The City may offer a property for sale through broker listings, the use of the Multiple Listing Service, web sites or other methods of advertising in order to encourage broad participation in the sale of certain properties.

Properties will be placed on the market long enough to allow for broad engagement by potential buyers. The City retains the right to approve or reject an offer, based on price or other criteria. The Real Estate Review Committee will approve the asking price and will recommend approval of an offer for each such property to the Managing Director.

#### **3. Direct Sales**

The City may determine that certain properties will be sold to a specific party. The Real Estate Review Committee will present to the Managing Director the rationale for proposing to sell any

property in this manner.

#### **4. Requests for Proposals/Requests for Qualifications**

Under circumstances in which the City has a specific planned use for a parcel, the City may issue a Request for Proposals (RFP) or Request for Qualifications (RFQ) in order to identify and select a potential developer. Offering a property for sale in this manner provides the City with an opportunity to explain the planned use and any restrictions that might be placed on the developer or successive owners of the property. An RFP/RFQ may be issued by a designated city agency and may be developed in consultation with other parties, as appropriate.

Any RFP or RFQ issued by the City for this purpose will be advertised in order to encourage broad participation. Selection criteria will be published as part of the RFP/RFQ documentation. These criteria may include factors such as developer capacity, anticipated development outcomes, and price. Issuance of an RFP or RFQ does not obligate the City to select a developer or a purchaser.

#### **5. Sale of Small Vacant Lots for Side or Rear Yards**

The City will review and respond to a request for the purchase of a small vacant lot for improvement as a side or rear yard under the following circumstances.

- The applicant must be the owner of an adjacent property and must be using that property as a primary residence.
- The property to be acquired must share a common boundary at either the side or back of the applicant's property.
- The block on which the applicant and the property are located must consist primarily of occupied properties.
- An applicant may acquire up to two adjacent lots, as long as one of those lots shares a common boundary with the applicant's primary residence.
- The City reserves the right not to convey properties that are adjacent to or near other vacant properties.

Once an application for property for a side or rear yard has been submitted, the City will give notice to any other property owners whose property shares a common boundary with the proposed yard. Those property owners will be offered the opportunity to submit an application for the property. If more than one adjacent property owner submits an offer to purchase the property, the City may sell the property to the highest bidder, subdivide the lot (if the applicants and the Planning Commission agree and if the applicants take full responsibility for the subdivision), or pursue another approach to resolving this situation.

### **1.03. Property Lease Process - *Reserved***

### **1.04. Pricing**

#### **1. Listing Price**

The City will publish list prices for all properties. The City may use an appraisal to establish the price of any property. For vacant structures, the cost of repair may be considered in determining price.

#### **2. Discounted Pricing**

The City may choose to support certain projects that serve a public purpose by conveying a property at a discounted price. If a property is identified for one of the following uses, the City will evaluate the proposal and property request to determine whether the proposed project provides significant, visible community benefits that would merit city support in the form of the reduction in price.

- a. The price of property being acquired for a housing development venture defined as affordable by local, state, or federal government entities may be discounted. Affordable housing projects do not have to be directly subsidized by the city, state or federal government to qualify for discounted pricing.
- b. Development projects that advance the City's economic development goals as articulated in the Comprehensive Plan and other City-approved and accepted plans may be eligible for discounted pricing. Eligible projects include but are not limited to:
  1. Leveraging of previous public investments in infrastructure, job creation, and economic development;
  2. Projects with the potential to spur additional private investment in underperforming commercial corridors, neighborhood centers, and areas of regional economic significance as identified in the city's Comprehensive Plan and other city-approved and accepted plans;
  3. Projects that return industrial land to productive use in areas identified as appropriate for industrial development; and

4. Projects that support the completion of significant public improvements, including but not limited to the upgrading of public utilities and the rehabilitation or provision of new public infrastructure.

c. Community development projects that provide significant incremental benefits may be eligible for discounted pricing. Eligible projects include but are not limited to:

1. Support for existing community facilities or the provision of space for new community facilities such as libraries, recreation centers, health centers, computing centers, and playgrounds;
2. Significant improvements to community infrastructure including the greening of schoolyards or recreation center yards or other publicly-owned parcels to achieve storm water management, public recreation, or community gardening goals;
3. Creation of new infrastructure or support for existing infrastructure to improve safety and mobility for children, seniors, and other pedestrians, including sidewalk improvements, pedestrian plazas, traffic medians, or easements for trails; and
4. Urban agriculture – the cultivation of fruits, herbs, and vegetables – and complementary activities, such as processing and distributing food, collecting and reusing food waste and rainwater, and educating, organizing, and employing local residents.

Although religious Institutions are not eligible for discounted pricing, community development projects sponsored by non-profit organizations affiliated with religious institutions may be eligible.

d. For properties priced at \$25,000 or less that are proposed to be used as side or rear yards, up to \$15,000 of the value may be deferred or forgiven.

#### **1.05. Discounted Pricing and Self-Amortizing Mortgages**

For properties conveyed at a discounted price, the City may require the buyer to enter into a ten-year, self-amortizing mortgage for the amount of the discount, in order to ensure that, in the event that the property is resold to another party within ten years, the buyer will not unduly benefit from the discounted price.

The characteristics of the self-amortizing mortgage are as follows:

- a. The length of the mortgage will be ten years from the date of conveyance;

- b. The value of the mortgage is the amount of the price reduction agreed to by the City;
- c. The buyer is not required to make payments on the mortgage so long as the property is used in conformance with the agreed-upon use for the ten-year period;
- d. The mortgage balance will decrease by ten percent each year for ten years (for example, after one year, the balance remaining on a \$10,000 mortgage will be \$9,000; after two years, the balance will be \$8,000, and so on);
- e. Upon satisfactory completion of the ten-year period, the City will satisfy the mortgage.
- f. In the event that the buyer wishes to sell the property before the ten-year expiration date of the mortgage, the City must receive the remaining amount owed on the mortgage before the mortgage will be satisfied;
- g. The mortgage may be assumed by heirs to the original buyer.

#### **1.06. Urban Agriculture**

The City supports the use of vacant land for three categories of urban agriculture.

##### **a. Individual Gardens**

Definition: An individual garden is a property for which an individual or household is given temporary access to garden and maintain for their personal use. The intent is to provide an interim use for the land to eliminate blight and improve safety until development is possible.

The City expects that the majority of individual gardens will be temporary, and the land will still be available for development.

Terms: An Individual Garden Agreement (IGA) executed by the City with the individual or household will last for one year, and may begin and end at any time throughout the year. IGAs are time-limited agreements that both the City and gardener may terminate at any time, with or without cause, upon prior written notice to the other party. The City will use reasonable efforts to avoid terminating the urban garden agreement between April 1 and November 1. The City will provide as much notice as possible if a license is to be terminated.

Pricing: IGAs will be executed at nominal cost.

Renewal: IGAs may be renewed annually at the request of the applicant and at the discretion of the City.

Additional requirements: The City expects that individual gardens will be maintained throughout the term of the IGA. Maintenance standards will be provided in writing to all applicants.

Acceptable Uses: The gardener may enter and use the property only for the following non-commercial, gardening purposes: to grow food, flowers, ornamental plants, and other landscaping, to compost in rodent-resistant containers, and to complete associated construction, with the written approval of the City.

#### b. Community Gardens and Open Space

Definition: A community garden is defined as one or more properties managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (such as flowers) for personal or group consumption, for donation, or for sale that is incidental in nature. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (such as hand tool storage sheds) maintained and used by the group. Community gardens may be used for recreational purposes, and improvements to facilitate such purposes may be allowed on a case-by-case basis upon review by the City and with community support.

Terms: Community gardens and community-managed open spaces are eligible for Community Garden licenses or leases of up to five years in length, subject to renewal. Leases and licenses of longer than one year, lease and license renewals, and purchase options are available at the discretion of the city administration and subject to the approval of City Council. The City shall provide as much notice as possible if a license is to be terminated or a lease not renewed.

Pricing: Community Garden licenses and leases are to be made available at nominal cost in recognition of the beneficial community impact.

#### Additional Requirements for Community Gardens:

- Sponsorship by a local neighborhood, civic association, or institution.
- Insurance in a form acceptable to the City.
- Maintenance plan and description of community benefits and any related programming.

#### Acceptable Uses:

The gardeners may enter and use the property only for the following non-commercial, gardening purposes: to grow food, flowers, ornamental plants, and other landscaping,

to compost in rodent-resistant containers, and to complete associated construction, with the written approval of the City.

### c. Market and Community-Supported Farms

Definition: A market farm is defined as an area managed and maintained by an individual or group of individuals to grow and harvest food crops or non-food crops (such as flowers) for sale or distribution that is not incidental in nature. Market farms include both for-profit and nonprofit enterprises.

Terms: Lease terms are to be variable and are to be established by the City on an individual basis.

Pricing: Market and Community-supported Farm Leases may be available for nominal or reduced price at the discretion of the City.

#### Additional Requirements for Market and Community-Supported Farms:

- Insurance in a form acceptable to the City.
- City approval of a business plan/feasibility study.
- Written city approval for any constructed improvements.

Acceptable Uses: A market or community-supported farm may use the property to grow food, flowers, ornamental plants, and other landscaping, to compost in rodent-resistant containers, and to complete associated construction, with the written approval of the City.

Drafted by \_\_\_\_\_ City Clerk  
Sponsored by/Referred by \_\_\_\_\_ Managing Director  
Introduced on \_\_\_\_\_ November , 2015  
Advertised on \_\_\_\_\_ N/A

**BILL NO. \_\_\_\_\_-2015**  
**AN ORDINANCE**

**AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 5  
ADMINISTRATIVE CODE, SECTION 5-212 ORDINANCES REGARDING THE  
SALE OF CITY OWNED PROPERTY**

Whereas the Council of the City of Reading hereby ordains as follows:

**Section 1.** Amending the City of Reading Code of Ordinances, Chapter 5 Administrative Code, Section 5-212 Ordinances regarding the sale of City owned property, as attached in Exhibit A.

**Section 2.** This ordinance shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### **§ 5-212. Ordinances. [Amended 8-26-1996 by Ord. No. 24-1996]**

- A. Action requiring an ordinance. In addition to requirements provided by law or the Charter, §§ 215 through 224, acts of the Council shall be by ordinance which:
- (1) Adopt or amend the codes or establish, alter, or abolish any unit of the City.
  - (2) Provide for a fine or other penalty or establish a rule or regulation for which a fine or other penalty is imposed.
  - (3) Levy taxes and provide for service charges, permit fees and assessments.
  - (4) Grant, renew or extend a franchise.
  - (5) Adopt and amend the annual budget and capital program budget (see Charter, §§ 905, 912 and 913).
  - (6) Repeal or amend any ordinance.
  - (7) Adopt procedures for purchasing of products, goods, or services, for the making of contracts and for the sale or lease of personal or real property of the City, *as required by the Administrative Code, Chapter 5, Re3117-Oo5a-New Part 13 Sale of Property.* (See Charter, § 915.)
  - (8) Adopt other actions which are legislative in nature.
  - (9) Authorize the borrowing of money.
  - (10) Purchase, convey or lease lands or buildings.
  - (11) Adopt zoning, subdivision or other land use controls.
  - (12) Adopt the annual position ordinance, the official listing of all authorized City employment positions, which authorizes the Administration to hire and compensate all employees, defined in § 70-201, Categories of employment. **[Added 10-26-2009 by Ord. No. 60-2009]**

Drafted by Legal Specialist  
Sponsored by/Referred by Managing Director  
Introduced on November , 2015  
Advertised on N/A

**BILL NO. \_\_\_\_-2015**

**AN ORDINANCE**

**AMENDING THE CITY OF READING CODE OF ORDINANCES, CHAPTER 508 OF THE ADMINISTRATIVE CODE, SECTION 508-702, SECTION 508-703, AND SECTION 508-707 REGARDING STREETS AND SIDEWALKS.**

Whereas the Council of the City of Reading hereby ordains as follows:

**Section 1.** Amending the City of Reading Code of Ordinances, Chapter 508 Streets and Sidewalks, Part 7 Street Cut Permits, as attached in Exhibit A.

**Section 2.** This ordinance shall become effective ten (10) days after it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### 508-702. Application

- (I) Revocation of Permit. All street cut or excavation permits are subject to revocation at any time by the Department of Public Works upon written notice served to whom the permit was granted, their agent, or employee. Such notice shall contain a brief statement detailing the revocation and be issued for failure to cure within three (3) days:
1. A violation of any condition of the permit.
  2. A violation of this section or any other applicable City of Reading ordinance relating to the work.
  3. The creation or failure to eliminate a condition or action that constitutes a ~~nuisance~~ **violation of applicable Americans with Disabilities Act compliances guidelines**, or endangers the lives, property, or welfare of City residents.

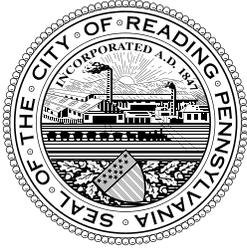
### § 508-703. Rejection of application

Street Cut Permits shall not be issued to any person, firm or corporation indebted to the City due to a previously issued permit. The Public Works Director, or his designee, shall review non-emergency applications anticipated to commence after September of the calendar year. The Public Works Director, or his designee, may permit the project to begin contingent upon the review of several factors, including but not limited to final restoration date, size of the cut, use of steel plates, and scope of the project, however no non-emergency projects shall begin in November, December, or January of a given year, ***unless a special exception is granted by the Public Works Director.***

### 508-707. Special Site Conditions

- (C) Steel Plates. When a temporary surface is required the temporary installation and maintenance thereof shall be the responsibility of the Permittee until the permanent surface is completed and accepted.
1. Steel Plates shall only be used to secure open excavations when the Permittee is unable to backfill the same day excavation occurs and may be utilized ***as for a period not to exceed four (4) business days, unless otherwise permitted by the City.*** In the event steel plates must be left unattended for a period exceeding ~~four (4)~~ ***twenty (20)*** business days without prior approval, the Permittee is required to notify the City of Reading Public Works Department the reason(s) and necessity of the plate(s), as well as the estimated time before resuming their work. ***Failure to provide notice, remove the plates, resume or complete excavation constitutes a violation of this article and the appropriate fine shall be levied.***
  2. All steel plates shall be properly marked with the utility and contractor name, and a twenty-four (24) hour contact phone number in the event of a disturbance. Additionally, the steel plates shall be of sufficient thickness to resist bending and vibration under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the Permittee shall be required to backfill, pave the excavation, or use alternative methods sufficient to remedy the disruption.
  3. ~~Skid-resistant plates are required: from November and through April and in high-traffic locations including, but not limited to crosswalks near schools, hospitals or elderly housing, stop bars, handicapped ramps, on bridges and major intersections. The City does reserve the right to require skid-resistant plates when deemed necessary.~~

4. The plates shall be secured to prevent any lateral movement. If movement occurs, the Permittee will be notified to re-secure plating immediately; otherwise the Permittee shall be charged 115% of the cost incurred by the City to secure the Permittee's plates.
5. All plated locations ~~must have "Caution: Steel Plates Ahead" signs constructed with Retro Reflective Florescent Orange material (Type 4) bracketed 6 feet in height or greater on unobstructed poles or posts placed at approximately 100 feet in advance of the steel plate location, unless otherwise approved by the City of Reading Public Works Department. "Steel Plates Ahead" signs must be taken down when plates have been removed from the work site.~~ must utilize traffic control devices as defined to include, signs, signals, or markings generally used to warn, or guide vehicular traffic through streets, highways, or private roads open to public travel as regulated by the Manual on Uniform Traffic Control Devices (MUTCD).



**AGENDA MEMO**

**COMMUNITY DEVELOPMENT**

**TO:** CITY COUNCIL  
**FROM:** LENIN AGUDO, DIRECTOR  
**MEETING DATE:** NOVEMBER 9, 2015

**AGENDA MEMO DATE:** SEPTEMBER 21, 2015

**REQUESTED ACTION:** TO APPROVE SUBMISSION OF THE PY2016 (42ND YEAR - JANUARY 1, 2016 TO DECEMBER 31, 2016) ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

CD is asking City Council to pass the resolution no later than the **November 9, 2015** City Council meeting so that it may be sent to HUD by the November 15<sup>th</sup>, 2015 deadline.

**BACKGROUND:** For the fiscal year beginning on January 1, 2016 and ending December 31, 2016 the City of Reading anticipates receiving approximately \$2,456,385 in CDBG funds, \$756,936 in HOME funds, and \$223,211 in ESG funds. HUD requires the City to expend those funds in accordance with each program's federal regulations and City policy as detailed in both a five-year Consolidated Plan and a one-year Action Plan. The Consolidated Plan period runs from January 1, 2014 to December 31, 2018. The Action Plan is the annual budget explaining how the administration intends to spend HUD funds and demonstrate how those expenditures conform to HUD regulations. The plan must be submitted to HUD for review and approval at least forty-five (45) days prior to the beginning of each fiscal year. CD develops the plan based upon requests from City Departments and the general public. CD reviews the requests to determine compatibility with HUD regulations, the Consolidated Plan, and City policy. The plan is advertised and made available for public review and comment for a period of thirty (30) days. CD will present the plan in a formal public hearing. Upon approval by Council, the plan will be sent to HUD for their review and approval.

**BUDGETARY IMPACT:** None.

**PREVIOUS ACTION:** None.

**SUBSEQUENT ACTION:** If approved by Council, the PY2016 (42nd year - January 1, 2016 to December

31, 2016) one year Action Plan will be submitted to HUD on November 13, 2015 for their review and approval.

**RECOMMENDED BY:** Community Development Director, Managing Director, and Mayor.

**RECOMMENDED MOTION:** To approve/deny a Council Resolution authorizing submission of the PY2016 (42nd year - January 1, 2016 to December 31, 2016) one year Action Plan to HUD.

Cc: Vaughn D. Spencer

Carole Snyder

David Kersley

Alejandro Palacios

Neil Nemeth

Brenda Skimski

Drafted by CD Department  
Referred by CD Department  
Introduced on N/A  
Advertised on CD Department

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF READING AUTHORIZING SUBMISSION OF THE PY2016 ACTION PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for community planning and development programs which will serve as: (1) a planning document for the City that builds on a participatory process at the grass roots level, (2) an application for federal funds under HUD's formula grant program, (3) a strategy to be followed in carrying out HUD programs, and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the PY2014 to FFY2018 five year Consolidated Plan (40th to 44th years - January 1, 2014 to December 31, 2018) specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during a five year period;

WHEREAS, the PY2016 (42nd year January 1, 2016 to December 31, 2016) Action Plan specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during the program year;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The PY2016 (42nd year January 1, 2016 to December 31, 2016) Action Plan is hereby approved.

The Mayor, on behalf of the City of Reading, is authorized and directed to file the application for financial assistance to carry out the housing and community development activities outlined in the plan; and to execute the necessary certifications in connection with the plan and provide such additional information as may be required.

ADPTED BY COUNCIL \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK

ADA Curb Ramps	\$ 300,000.00	CDBG
CDBG Administration	491,277.00	CDBG
Code Enforcement - PMI	\$ 500,000.00	CDBG
Code Enforcement - Trades	\$ 170,000.00	CDBG
Community Policing	\$ 312,858.00	CDBG
Emergency Demolition	\$ 160,000.00	CDBG
Historic Preservation Commercial Façade Program	\$ 75,000.00	CDBG
Historic Preservation Building Improvements	\$ 20,000.00	CDBG
Historic Preservation Residential Façade Improvement Program	\$ 60,000.00	CDBG
HRC Homelessness Prevention CDBG	\$ 15,200.00	CDBG
HRC Fair Housing	\$ 20,800.00	CDBG
HRC Landlord Tenant Mediation	\$ 15,600.00	CDBG
Micro-Enterprise Technical Assistance	\$ 120,000.00	CDBG
NHS Major System Housing Rehab Program	\$ 175,000.00	CDBG
Pendora Park Improvements	\$ 20,650.00	CDBG
Total	\$ 2,456,385.00	CDBG
Berks County Coalition To End Homelessness	\$ 18,500.00	ESG
Berks County Coalition / Salvation Army	\$ 35,000.00	ESG
ESG Administration	\$ 16,741.00	ESG
HRC Homelessness Prevention ESG	\$ 27,000.00	ESG
Mary's Shelter	\$ 10,000.00	ESG
Opportunity House	\$ 115,970.00	ESG
Total	\$ 223,211.00	ESG

Drafted by Deputy City Clerk  
Sponsored by/Referred by Council Nominations and Appointments Committee  
Introduced on N/A  
Advertised on N/A

**RESOLUTION NO. \_\_\_\_\_**

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

That Steven Symons is appointed to the Reading Area Water Authority with a term ending January 1, 2019.

Adopted by Council \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

Drafted by Deputy City Clerk  
Sponsored by/Referred by Council Nominations and Appointments Committee  
Introduced on N/A  
Advertised on N/A

**R E S O L U T I O N N O.**\_\_\_\_\_

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

That Stephen Karnat is appointed to the Officers & Employees Pension  
Board.

Adopted by Council \_\_\_\_\_, 2015

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

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk