

Chapter 1

Administration and Government

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Part 1**Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Township of Reading shall be the “Township of Reading Code of Ordinances.”

(Ord. 2014-01, 4/21/2014)

§1-102. Citation of Code of Ordinances.

The Township of Reading Code of Ordinances may be cited by Section number. The approved short form is “Code.” Thus, “Code, §27-101” refers to §101 of Chapter 27 of this Code of Ordinances.

(Ord. 2014-01, 4/21/2014)

§1-103. Arrangement of Code.

1. This Code is divided into Chapters which are subdivided as follows:
 - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
 - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
 - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
 - A. Subsections, identified by Arabic numerals.
 - B. Paragraphs, identified by capital letters.
 - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
 - D. Clauses, identified by lower case letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified small Roman numerals.

(Ord. 2014-01, 4/21/2014)

§1-104. Headings.

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(Ord. 2014-01, 4/21/2014)

§1-105. Tenses, Gender and Number.

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 2014-01, 4/21/2014)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors (in written form and designated “resolution”) which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such “resolutions” are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 2014-01, 4/21/2014)

§1-107. Normal Numbering.

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem.

(Ord. 2014-01, 4/21/2014)

§1-108. Special Numbering Problems.

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing units, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(Ord. 2014-01, 4/21/2014)

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended (revised) to read as follows” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended by the addition of the following” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby repealed in its entirety.”

3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 2014-01, 4/21/2014)

§1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Supervisors.

(Ord. 2014-01, 4/21/2014)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of

ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, “Motor Vehicles and Traffic” (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney’s fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 2014-01, 4/21/2014)

Part 2**Boards and Commissions**

[See Chapter 27, "Zoning," §27-1711, "Appointment of a Zoning Hearing Board," and §27-1712, "Organization of the Zoning Hearing Board"]

A. Planning Commission.**§1-201. Creation of Commission.**

A Township Planning Commission, to be composed of five members, appointed as provided by law, 53 P.S. §10202, is hereby created in and for the Township of Reading. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(*Ord. 1966-4, --/1966; as revised by Ord. 1987-2, 7/16/1987, §1-201*)

B. Zoning Hearing Board

[See Chapter 27, Zoning, §27-1711, Appointment of a Zoning Hearing Board and §27-1712, Organization of the Zoning Hearing Board]

Part 3**Firemen's Relief Association****§1-301. Recognition of Firemen's Relief Association.**

1. The following associations are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of Reading.

East Berlin Fire Department [*Ord. 2014-01*]

Lake Meade Fire and Rescue Co., Inc. [*Ord. 2014-01*]

Hampton Volunteer Fire Co. [*Ord. 2014-01*]

The above named associations have been formed for the benefit of their members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named Associations of the Township are designated the proper associations to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(*Res. 8/9/1976*; as revised by *Ord. 1987-2, 7/16/1987, §1-501*; and amended by *Ord. 2014-01, 4/21/2014*)

§1-302. Certification to Auditor General.

The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the names of the active associations and the percentage of service they contribute to the protection of the Township. Such certification shall be on forms prescribed by the Auditor General.

(*Res. 8/9/1976*; as revised by *Ord. 1987-2, 7/16/1987, §1-502*)

§1-303. Annual Appropriation.

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §701 *et seq.* as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed to the duly recognized associations within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(*Res. 8/9/1976*; as revised by *Ord. 1987-2, 7/16/1987, §1-503*)

Part 4**Fire Insurance Proceeds Escrow****§1-401. Authorization.**

Reading Township (“Township”) hereby authorizes the procedures set forth in Act 93 of 1994, Act of October 13, 1994, P.L. 609, 40 P.S. §638 (“Act”).

(Ord. 2011-5, 6/20/2011, §1)

§1-402. Purpose and Intent.

The purpose and intent of this Part is to comply with the requirements of Act 93 of 1994, Act of October 13, 1994, P.L. 609, 40 P.S. §638, relating to fire damage to buildings or structures located within the Township which are at the time of such fire damage insured by an insurance company, association or exchange doing business in the Commonwealth of Pennsylvania.

(Ord. 2011-5, 6/20/2011, §2)

§1-403. Procedure.

In the event of fire damage to a building or structure within the Township, the Township Treasurer shall, upon written request of the named insured, which written request shall specify the tax description of the property, the name and address of the insurance company, association or exchange, and the date of the receipt of a loss report of a claim, furnish the identified insurance company, within 14 working days of the request, the following:

A. A certificate or, at the discretion of the Township, a verbal notification, that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges owed to the Township, County, School district or any municipal authority against the identified property, and that, as of the date of the Treasurer's certificate or verbal notification, neither the Township nor any other municipality to the knowledge of the Treasurer, has certified any amount as total costs incurred by the Township or other municipality for the removal, repair or securing of a building or other structure on the property.

B. A certificate or bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified and the requests that have not been paid as of the date of the certificate, and also showing, as of the date of the Treasurer's certificate, the amount of the total costs, if any, certified to the Treasurer that have been incurred by the Township or any other municipality known to the Treasurer, for the removal, repair or securing of a building or other structure on the property. For purposes of this paragraph, the Township shall certify to the Treasurer the total amount, if any, of such costs.

C. A tax, assessment, penalty or user charge becomes delinquent for purposes of this Section at the time and on the date a lien could otherwise have been filed against the property by the Township under applicable law.

D. Upon receipt of a certificate and bill pursuant to paragraph .B of this Section, the insurance company, association or exchange shall return the bill to the

Township Treasurer and transfer to the Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The Township shall receive the amount and apply or credit it to payment of the items shown in the bill.

E. When the loss as determined by agreement between the insured and the insurance company, association or exchange equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the Treasurer of the Township in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim, or, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. In the event that the named insured submits a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer authorized in this subsection, then the Township Treasurer shall return the amount of the fund in excess of the estimate to the named insured if the Township has not commenced to remove, repair or secure the building or other structure.

(Ord. 2011-5, 6/20/2011, §3)

§1-404. Rules.

The following rules shall apply:

A. Upon receipt of proceeds by the Township as authorized by this Part, the Township Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Township. When transferring the funds as required in §1-403 of this Part, an insurance company, association or exchange shall provide the Township with the name and address of the named insured, whereupon the Township shall contact the named insured, certify that the proceeds have been received by the Township, and notify the named insured that the procedures under this Section shall be followed.

B. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed, and the required proof received by the Township secretary or Treasurer has not incurred any costs for repairs, removal or securing. If the Township has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund, and, if excess funds remains, the Township shall transfer the remaining funds to the named insured. Nothing in this Part shall be construed to limit the ability of the Township to recover any costs for repairs, removal or securing of the building or other structure which exceed the fund provided in §1-403 of this Part. Nothing in this Part shall be construed to require the Township to repair, remove or secure the building or other structure.

C. Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of the proceeds payable under its insurance policy, for any other act performed pursuant to this Part, or to

make the Township or a public official an insured under a policy of insurance, or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

D. Any insurance company, association or exchange making payments of policy proceeds under this Part shall have the full benefit of such payment, including all rights of subrogation and of assignment.

(Ord. 2011-5, 6/20/2011, §4)

§1-405. Filing of Copy of Ordinance.

An exact copy of this Part shall be filed with the Governor's Center for Local Government Services, which is the designated successor to the Department of Community Affairs, which was the designated recipient in the Act, but which Department has been abolished.

(Ord. 2011-5, 6/20/2011, §5)

Part 5**Recognizing and Reestablishing Existing Police Department****§1-501. Police Department Recognized and Reestablished.**

The existing Police Department is hereby recognized and reestablished in and for Reading Township, Adams County, Pennsylvania.

(Ord. 2004-8, 10/11/2004, §1)

§1-502. Members.

The number, rank, term of office, compensation, duties and other requirements of the members of the Police Department shall be as, from time to time, fixed and determined by the Board of Supervisors or by provisions of a collective bargaining agreement.

(Ord. 2004-8, 10/11/2004, §2)

§1-503. Officer-in-Charge.

There shall be created the position of Officer-in-Charge, who shall be the chief supervisor of the Police Department. He shall be in charge of the Police Department and have supervision over its members, and the exercise of their powers, duties and authority and shall be under the direction of the Board of Supervisors.

(Ord. 2004-8, 10/11/2004, §3)

Part 6**Compensation for Township Supervisors****§1-601. Compensation.**

1. The recitals are incorporated herein by reference as if fully set forth.¹
2. Reading Township Supervisors shall receive the maximum amount of compensation allowed under the Act [53 P.S. §65606 *et seq.*].
3. Any Reading Township Supervisor who shall become eligible for increased compensation under the Act [53 P.S. §65606 *et seq.*] shall automatically begin to receive said increased compensation in monthly installments as soon as allowed under the Act. (*Ord. 2005-06, 9/13/2005*)

¹WHEREAS, Act 60 of 1995, 53 P.S. §65606 (the “Act”), provides for a maximum compensation for Township Supervisors based upon the Township population, as determined by the latest official census figures.

WHEREAS, from time to time, the latest official census figures show an increase in the population of Reading Township so as to place it in a higher maximum compensation bracket.

WHEREAS, the Act further provides that any change in compensation shall become effective for each Supervisor only at the beginning of his next term of office.

WHEREAS, the Township wishes to provide to its Supervisors the maximum compensation allowed by law as soon as any Supervisor becomes eligible to receive it.

