

Julio Guridy, President
Ray O'Connell, Vice President
Joseph Davis
Jeanette Eichenwald
Daryl Hendricks
Cynthia Y. Mota
Peter Schweyer



Allentown City Council
435 Hamilton Street
Allentown, Pa. 18101
AllentownPa.Gov

Facebook: Allentown City Council

**COUNCIL MEETING
May 7, 2014
COUNCIL CHAMBERS**

Public Safety Committee -5:00 PM

Center City Security

Parks and Recreation Committee – 5:30 PM

Bill 15 Public Art

Amending Title Eleven of the Codified Ordinances of the City of Allentown, Pennsylvania, relating to Authorities, Boards and Commissions, by enacting a new Article 180 creating the Allentown Public Art Committee and setting forth its powers and duties.

Public Works – 6:00 PM

Bill 16 Extends Term of Parking Authority

Extending and ratifying the previously authorized and organized Allentown Parking Authority as established under the Act of 1947, June 5, P.L. 458, as amended, including all powers necessary or convenient for the administration; supervision and enforcement of an efficient system of off-street and on-street parking; and further, providing for the delegation to the Allentown Parking Authority of certain municipal functions relating to off-street and on-street parking, under certain terms and conditions.

PUBLIC HEARING NOTICE - 6:15 PM

INTERMUNICIPAL LIQUOR LICENSE TRANSFER REQUEST - 612 West Hamilton Street

Allentown City Council will conduct a Public Hearing on Wednesday, May 7, 2014 at 6:15 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on the request for the Intermunicipal Transfer of Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA. from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA. The transfer applicant is the Brown Brothers Restaurant Group, LLC. There will be a resolution on the council meeting that follows the public hearing that will allow City Council to approve or disapprove the transfer.

PUBLIC HEARING - 6:45 PM

Allentown City Council will conduct a Public Hearing on Wednesday, May 7, 2014 at 6:45 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on Bill 7 which amends the Zoning Code of the City of Allentown by rezoning 1202-1250 N. Godfrey St. and 739-751 East Fairmont Street from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District. Copies of the legislation are available at the City Clerk's Office, 435 Hamilton Street, Allentown, PA, during normal business hours.

Bill 7 Zoning Amendment

Amends the Zoning Code of the City of Allentown by rezoning 1202-1250 N. Godfrey St. and 739-751 East Fairmont Street from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District.

COUNCIL MEETING – 7:00 PM

1. Invocation:
2. Pledge to the Flag
3. Roll Call
4. Courtesy of the Floor
5. Approval of Minutes
6. Old Business
7. Communications

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Schweyer

Public Safety: Chairperson Eichenwald

Community and Economic Development: Chairperson Davis

Parks and Recreation: Chairperson Mota

Public Works: Chairperson O'Connell

Human Resources, Administration and Appointments: Chairperson Hendricks

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

OTHER COMMITTEE REPORTS

Controller's Report:

Managing Director's Report:

9. APPOINTMENTS: None

10. ORDINANCES FOR FINAL PASSAGE:

Bill 7 Zoning Amendment

Amends the Zoning Code of the City of Allentown by rezoning 1202-1250 N. Godfrey St. and 739-751 East Fairmont Street from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District.

Bill 15 Public Art

Amending Title Eleven of the Codified Ordinances of the City of Allentown, Pennsylvania, relating to Authorities, Boards and Commissions, by enacting a new Article 180 creating the Allentown Public Art Committee and setting forth its powers and duties.

Bill 13 Parking Regulations

Public Works

Amends Traffic Regulations by, changing enforcement hours to run Monday through Saturday from 8 am to 9 pm, expanding acceptable forms of payments, modifying the notice of violations provisions, and changing the fine for the parking of inoperable or illegally registered vehicles.

AMENDMENT:

To delete all reference to enforcement hours – in effect, allowing the non-controversial items to pass – i.e., the forms of payment, modifying notice of violations provisions, and changing the fine for parking of inoperable or illegally registered vehicles.

Bill 16 Extends term of Parking Authority

Extending and ratifying the previously authorized and organized Allentown Parking Authority as established under the Act of 1947, June 5, P.L. 458, as amended, including all powers necessary or convenient for the administration; supervision and enforcement of an efficient system of off-street and on-street parking; and further, providing for the delegation to the Allentown Parking Authority of certain municipal functions relating to off-street and on-street parking, under certain terms and conditions.

11. ORDINANCES FOR INTRODUCTION:

Bill 17 Staffing Pattern Changes - Parks and Rec and Public Works

Amending the 2014 General Fund, Parks and Recreation Department, by eliminating three part time Maintenance Worker positions and creating a full time Clerk 3 (union) position for the parks maintenance office and transferring the Tree Inspector position to Public Works.

Bill 18 Staffing Pattern Changes - Police

Amending the General Fund, Police Department, by eliminating one Sergeant Position in the Academy budget, creating a Lieutenant position in the Police Operations budget, and transferring a patrolman position from Police Operations to the Academy budget.

Bill 19 Staffing Pattern Change – Health Bureau

Amending the General Fund, Health Bureau by eliminating one Clerk 3 position and creating a Sanitarian position.

12. CONSENT AGENDA: None

13. RESOLUTIONS ON SECOND READING: None

14. RESOLUTIONS ON FIRST READING:

R 12 To Support Local Use Of Radar (to be voted on)

Supports Senate Bill 1340 and House Bill 1272 allowing Municipal Police to use Speed Timing Equipment

R13 Transfer of Liquor License (to be voted on)

Approves/Disapproves the Intermunicipal Transfer of a Liquor License from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA.

R14 Council Rules

Refer to Rules Committee

Amends council rules relating to the introduction of legislation, appointments, consent agenda, and extending the floor to the public on bills and resolutions

16. GOOD AND WELFARE

17. ADJOURNED

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 7 - 2014

March 19, 2014

AN ORDINANCE

Amending the Zoning Map of the City of Allentown by rezoning 739-751 E. Fairmont and 1202-1250 N. Godfrey St. from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the area on the Zoning Map of the City of Allentown, depicted on Exhibit "A" attached hereto, be rezoned from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District.

SECTION TWO: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

I hereby certify that the foregoing Ordinance was passed by City Council and signed by His Honor the Mayor on the

CITY CLERK

MICHAEL P. HANLON



CITY CLERK

hanlon@allentowncity.org
435 West Hamilton Street
Allentown, PA 18101
Phone: (610) 437-7539
Fax: (610) 437-7554

March 3, 2014

Richard Young
Director, Public Works
City Hall, Allentown, PA 18101

Michael C. Hefele
Director of Planning
City Hall, Allentown, PA 18101

Dave Berryman
Lehigh Valley Planning Commission
961 Marcon Boulevard
Suite 310
Allentown, PA 18103-9397

Gentlemen:

The attached rezoning request petition was received from the Parkway Development Group, Inc. to rezone the following tract of land:

1202 North Godfrey Street, Allentown, PA from a B/LI zoning classification to a I-2 zoning classification

This petition is hereby referred to the City Engineer, the Planning Commission and the Lehigh Valley Planning Commission for review and recommendations.

Please submit your report to this office.

Very truly yours,

Michael P. Hanlon
City Clerk

cc: Council
Mayor Ed Pawlowski
Sara Hailstone, Director, Community and Economic Development
Oldrich Foucek, Chairman of the Planning Commission
Brian Borzak, Engineering
Steven T. Boell, Esq., Fitzpatrick Lentz & Bubba, P.C.
Jerry Snyder, Solicitor

*Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers.
For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov.*

REZONING REQUEST PETITION

City Council
City Hall
Allentown, PA 18101

Date February 28, 2014

TELEPHONE: (610) 437-7539

FAX: (610) 437-7554

EMAIL: Mike Hanlon

Tawanna L. Whitehead

hanlon@allentownpa.gov

whiteheadt@allentownpa.gov

Members of City Council:

We, the undersigned and interested parties, hereby request your honorable body to rezone the following tract of land or amend the zoning code in the following manner:

To amend the Zoning Map to amend the zoning classification of the within described properties from a **B/LI** zoning classification to a **I2** zoning classification. A legal description of the property to be rezoned must be included with this application.

The reason for this rezoning is: To amend the zoning of the properties described herein to be consistent with the adjacent zoning and to facilitate industrial development of the same.

NAME

ADDRESS



Steven T. Boell, Esquire – Attorney for Petitioner,
Parkway Development Group, Inc.

Fitzpatrick Lentz & Bubba, P.C.

4001 Schoolhouse Lane, P.O. Box 219

Center Valley, PA 18034-0219

(610) 797-9000 Ext. 330

NOTE: Send or deliver this petition, along with \$500 to cover administration and advertising costs, to:

**City Clerk
City Hall
Room 510
435 Hamilton Street
Allentown, PA 18101**

TELEPHONE: (610) 437-7539

FAX: (610) 437-7554

EMAIL: Mike Hanlon

Tawanna L. Whitehead

hanlon@allentownpa.gov

whiteheadt@allentownpa.gov

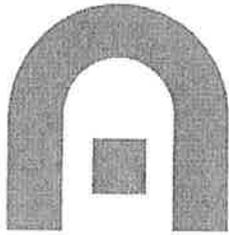


N/T LANDS OF
LV BASEBALL LP
PIN 6407698189

B/LI

N/T LANDS OF
PETER X GRIFFIN
PIN 640870762056

12



Allentown

City without limits.

March 13, 2014

Michael C. Hefele, AICP

Director of Planning

Bureau of Planning & Zoning

435 Hamilton Street

Allentown, PA 18101-1699

Office 610-437-7611

Fax 610-437-8781

Michael.Hefele@allentownpa.gov

The Honorable Julio Guridy
President, City Council
City of Allentown
435 Hamilton Street
Allentown, PA 18101

Re: Amends the Zoning Code by rezoning 1202 N. Godfrey
Street and 739 E. Fairmont Street from Business/Light
Industrial (B/LI) to Limited Industrial (I-2) District

Dear Mr. Guridy:

Please be advised that at the monthly meeting of the Allentown City Planning Commission held on Tuesday, March 11, 2014, the Commission reviewed the above-referenced amendment to the City's Zoning Map requested by Parkway Development Group, Inc. The Commission voted to RECOMMEND APPROVAL of this amendment to City Council.

If you have any questions concerning this action, please contact me.

Yours truly,

Michael C. Hefele, AICP

Director of Planning

MCH:jf

Enclosures

xc: Mayor Ed Pawlowski
Francis Dougherty, Managing Director
Sara Hailstone, Director of Community & Economic Development
Michael Hanlon, City Clerk
Joseph Fitzpatrick, Jr., Esquire

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Allentown
City without limits.

Memo

To: Members, Allentown City Planning Commission
From: Michael C. Hefele, AICP, Director of Planning *MCH*
CC:
Date: 3/11/2014
Re: Rezone 1202 N. Godfrey Street and 739 E. Fairmont Street from Business/Light Industrial (B/LI)
to Limited Industrial (I-2) District

The above referenced rezoning is before the Planning Commission for a preliminary review prior to its formal introduction to City Council. The request involves rezoning two vacant parcels from their current Business/Light Industrial (B/LI) designation to the Limited Industrial (I-2) classification.

Properties to the east and south of the area in question are already zoned I-2 while the property to the west is zoned B/LI. The subject parcels had originally been zoned I-2, but were rezoned in 2005 to B/LI in anticipation of a proposed casino that would have encompassed these and other parcels.

The rezoning includes a portion of City-owned land that was originally acquired for the development of the American Parkway. However, there have been discussions with the Applicant for the transfer of that parcel to them.

This office favorably recommends the advancement of this rezoning request to City Council.



Legend

-  I2 to B/IWD
-  Zoning

CITY OF ALLENTOWN
 BUREAU OF PLANNING & ZONING
 12 to B/IWD
 555 Union Blvd



1 inch = 330 feet



Allentown
City without limits.

Michael C. Hefele, AICP
Director of Planning
Bureau of Planning & Zoning
435 Hamilton Street
Allentown, PA 18101-1699
Office 610-437-7611
Fax 610-437-8781
Michael.Hefele@allentownpa.gov

April 30, 2014

The Honorable Julio Guridy
President, City Council
City of Allentown
435 Hamilton Street
Allentown PA 18101

Re: Bill 7-2014 Amending the Zoning Map of the City of Allentown by rezoning 739-751 E. Fairmont Street and 1202-1250 N. Godfrey Street from Business/Light Industrial (B/LI) District to Limited Industrial (I-2) District.

Dear Mr. Guridy:

Please be advised that at the monthly meeting of the Allentown City Planning Commission held on Tuesday, April 15, 2014, the Commission reviewed the above-referenced amendment requested by Parkway Development Group, Inc. The Commission ratified their previous favorable recommendation.

If you have any questions concerning this action, please contact me.

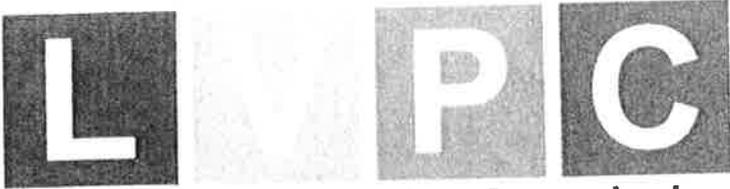
Yours truly,

Michael C. Hefele, AICP
Director of Planning

MCH:jf

xc: Mayor Ed Pawlowski
Francis Dougherty, Managing Director
Sara Hailstone, Director of Community & Economic Development
Michael Hanlon, City Clerk
Joseph Fitzpatrick, Jr., Esquire

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Lehigh Valley Planning Commission

KENT H. HERMAN, ESQ.
Chair

LIESEL DREIBACH
Vice Chair

STEPHEN REPASCH
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

March 28, 2014

Mr. Michael P. Hanlon, City Clerk
City of Allentown
435 Hamilton Street
Allentown, PA 18101

**Re: Rezoning of 1202 North Godfrey Street from B/LI to I-2
City of Allentown
Lehigh County**

Dear Mr. Hanlon:

The Lehigh Valley Planning Commission reviewed the proposed rezoning at its March 27, 2014 meeting. The rezoning is a matter of local concern. The Planning Commission offers no comments.

Please send a copy of the map amendment should City Council choose to adopt it.

Sincerely,

A handwritten signature in black ink that reads 'D. P. Berryman' with a stylized flourish at the end.

David P. Berryman
Chief Planner



Lehigh Valley Planning Commission

KENT H. HERMAN, ESQ.
Chair

LIESEL DREISBACH
Vice Chair

STEPHEN REPASCH
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

Planning for the Future of Lehigh and Northampton Counties at 961 Marcon Blvd., Ste 310, Allentown, PA 18109 ■ (610) 264-4544 ■ lvpc@lvpc.org ■ www.lvpc.org

April 25, 2014

Mr. Michael P. Hanlon, City Clerk
City of Allentown
435 Hamilton Street
Allentown, PA 18101

**Re: Zoning Map Amendment
739-751 East Fairmont and 1202-1250 North Godfrey Streets
Business/Light Industrial (B/LI) to Limited Industrial (I-2)
City of Allentown
Lehigh County**

Dear Mr. Hanlon:

The Lehigh Valley Planning Commission considered the subject proposal at its April 24, 2014 meeting pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). The Commission found the map amendment to be a matter of local concern only and offers no comments.

Please send a copy of the map amendment should City Council choose to adopt it.

Sincerely,

A handwritten signature in black ink, appearing to read 'D.P.B.', with a long horizontal stroke extending to the right.

David P. Berryman
Chief Planner

ORDINANCE NO. _____

FILE OF CITY COUNCIL

BILL NO. 15 - 2014

April 16, 2014

AN ORDINANCE

Amending Title Eleven of the Codified Ordinances of the City of Allentown, Pennsylvania, relating to AUTHORITIES, BOARDS AND COMMISSIONS, by enacting a new Article 180 creating the Allentown Public Art Committee and setting forth its powers and duties.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That the following be added as Article 180 of the Codified Ordinances.

ARTICLE 180
ALLENTOWN PUBLIC ART ORDINANCE

Section 180.01	Title
Section 180.02	Findings and Purpose
Section 180.03	Definitions
Section 180.04	Establishment
Section 180.05	Composition
Section 180.06	Terms; Removal and Vacancies
Section 180.07	Powers and Duties
Section 180.08	Quorum of the Committee
Section 180.09	Meetings
Section 180.10	Rules and Regulations
Section 180.11	Annual Report

SECTION 180.01
TITLE

The title of this Article is the Allentown Public Art Ordinance.

SECTION 180.02
FINDINGS AND PURPOSE

The City of Allentown finds that Public Art strengthens and enriches the quality of life of its citizens. Commissioning new work and restoring and maintaining the existing Public Art creates a more vibrant city that integrates art and artists into the culture, fostering a community of creativity. Public art enhances public places and promotes Allentown's identity as a livable and creative city and a desirable place to live, work and visit. The City recognizes the importance of expanding the opportunities for its citizens to experience

Public Art resulting from the creative expression of artists in public places of the city. A planned Public Art program improves the local arts community and the entire City of Allentown.

SECTION 180.03 DEFINITIONS

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

- A. Works of art may include, but not be limited to, the following:
- (1) Sculpture: in the round, bas relief, mobile, fountain, kinetic, and electronic, in any approved material or combination of material(s)
 - (2) Painting: all media, including portable and permanently affixed works, such as murals
 - (3) Graphic arts: printmaking, drawing, and banners
 - (4) Mosaics
 - (5) Photography
 - (6) Crafts: in clay, fiber, and textiles, wood, metal, plastics, stained glass, and other materials, both functional, and nonfunctional
 - (7) Mixed media; any combination of forms and media, including collage
 - (8) Earth works, environmental installations, and environmental art
 - (9) Decorative, ornamental, or functional elements which are designed by practicing artists or other persons submitting as artists, including but not limited to design professionals who are not participating members of the city's design team for the project (includes repetitive or serial art by the artist)
 - (10) Light or luminal art, lighting
 - (11) Sound art
 - (12) Portable art that may be displayed at locations other than its substantially permanent location at or adjacent to the project site
 - (13) Temporary performance, or time-based art, provided that it is documented, is tied to the project whose budget provided funding and produces a permanent work of art that is on substantially permanent display at or adjacent to the project site.

Directional elements, signage, objects which are mass produced in standard design, reproductions of artwork, or landscape gardening (except where the elements are designed by the artist or landscape architect and are an integral part of a work of environmental art) are not considered art.

B. Public Art means art that is owned by the City and which is installed in public, accessible locations, including public land and buildings owned by the City and public land and buildings owned by Authorities, Boards and Commissions controlled by the City.

The provisions of this Article do not apply to land or buildings located within the City that are owned by the Commonwealth of Pennsylvania, the County of Lehigh or the Allentown City School District, or that are owned by an agency or instrumentality of the Commonwealth of Pennsylvania, of the County of Lehigh or of the Allentown City School District.

SECTION 180.04 ESTABLISHMENT

There is constituted for the City a body to be known as the Public Art Committee. By this ordinance, the City of Allentown's Public Art collection shall be under the direction of the Allentown Public Art Committee, whose composition is described in Section 180.05 and whose powers and duties are described in Section 180.07.

SECTION 180.05
COMPOSITION

A. The Committee shall consist of ten (10) persons who shall be appointed by the Mayor subject to the approval and confirmation of the Council. The ten (10) members shall include: two (2) experts in visual art, one (1) community representative, one (1) Council Member, two (2) representatives from the Allentown Arts Commission, the President & CEO of the Allentown Art Museum of the Lehigh Valley, one (1) engineer, one (1) landscape architect, and one (1) finance/accounting expert.

Together the Committee Members will concentrate on Public Art exclusively, gathering resources, making recommendations on the acquisition, placement, maintenance and conservation, marketing and siting of outdoor and other Public Art for or in the City of Allentown.

(1) The Allentown Arts Commission Members shall Chair or Co-chair the committee, relay important goals, policies and procedures to the Committee, advise on art element matters and share the history and knowledge of other Public Art projects with the Committee.

(2) The design professionals shall provide the Committee with architectural, structural, landscape or other design elements of the site or the facility; recommend opportunities for Public Art to be more integrated into the sites including ways to utilize electrical, structural, plumbing or other useful infrastructure.

(3) The artists and art professionals shall assist with conveying to the Committee the methods of interpreting and evaluating artistic craftsmanship, aesthetic design and meaning of Public Art design concepts; advise on methods for evaluating artists' background, experience and capacity for achieving successful project completion; and assist other Committee members with understanding art terminology and process.

(3) The community representative shall convey to the Committee the immediate and broader neighborhood desires and concerns about the site or how the art project will function in the area; cultivate stewardship responsibilities from the neighborhood for the resulting project; provide regular reports to other neighborhood members and or/organizations; establish local resources and network connections for creation and installation of work.

(4) The fundraiser/grant writer shall advise the Committee on where and how to seek funding for Public Art maintenance, conservation, restoration and acquisition.

(5) The finance or accounting professional shall assist the Committee in decision making about managing financial resources for Public Art.

(6) The President & CEO of the Allentown Art Museum of the Lehigh Valley shall advise the Committee concerning acquisition, maintenance, conservation, restoration and management of Public Art and shall advise the Committee on how the Public Art projects can generate excitement, interest and support from the citizenry, and how these projects can portray Allentown as an arts-friendly, creative, 21st century place.

(7) The City Council Member shall act as a liaison between the Committee and City Council.

B. The following City staff persons, or their respective designees, shall be *ex officio* members of the Committee and shall offer support and assistance to the Committee: the Director of Parks & Recreation, the Director of Public Works, the Planning Director, and the Special Events Coordinator.

(1) The Planning Director or his/her designee shall assist the Committee in understanding the City's goals, visions and initiatives outlined in various plans, including master plans, comprehensive plans, zoning plans, etc. (2) The Director of Parks & Recreation and Public Works Director or their respective designees shall implement the recommendations of the Committee regarding siting, conservation and maintenance, and landscaping of Public Art.

(3) The City staff ex officio members shall also convey to the Committee the issues related to public use and interaction with City Departments and staff; cultivate relationships within the City agencies for the Public Art projects, providing regular project updates to various City Department Directors and other City staff, and shall also provide all required administrative functions to facilitate the meetings and site visits, including recording and distributing the actions of the Committee to members.

SECTION 180.06

TERMS; REMOVAL AND VACANCIES

A. The initial terms of the first ten (10) Committee members shall be as follows and until their successors are selected: Four (4) members shall serve until the first Monday of January 2015; three (3) members shall serve until the first Monday of January 2016; and three (3) members shall serve until the first Monday of January 2017. Members serving until January 2017 include the following: 1) one finance/accounting expert, 2) one representative from the Allentown Arts Commission, and 3) one City Council Member. Members serving until 2016 include the following: 1) one expert in visual art, 2) President and CEO of the Allentown Art Museum and 3) one engineer. Members serving until 2015 include 1) one expert in visual art, 2) one community member, and 3) one representative from the Allentown Arts Commission and 4) one landscape architect.

B. After the expiration of the initial terms successor Members shall serve a term of five (5) years.

C. The Mayor may remove any or all members of the Committee for official misconduct or neglect of duty.

D. In the case of any vacancies on the Committee the Mayor, with the approval and consent of Council, may appoint persons to fill the vacancy for the remainder of the predecessor member's term.

SECTION 180.07

POWERS AND DUTIES

A. General Powers and Duties.

The Allentown Public Art Committee shall have responsibility for the process and procedures undertaken by the City of Allentown for the maintenance, acquisition and de-accession of Public Art in the City of Allentown, in adherence to the definition of Public Art and the administration of such definition.

B. General Principles Governing Public Art.

The following guiding principles and values are intended to guide the Committee and the City of Allentown regarding Public Art. The Committee and the City adopt these goals and commit to these ideals and process.

(1) Public Art will represent a broad variety of styles and support community interests.

(2) Public Art will reflect the diverse spectrum of beliefs, cultural heritage and artistic expressions of the people of Allentown.

(3) Public Art will enhance the environment, creating tourism and economic development potential for Allentown.

(4) The Committee will adhere to all federal, state and local laws.

(5) The Committee will identify and pursue additional sources of funding for acquisitions, maintenance and conservation of the collection.

(6) The Committee will inform, include and invite the public to participate in all phases of the Public Art process.

- (7) The Committee will promote the visual arts of Allentown, working to increase understanding within the community about the purpose and meaning of the artwork and the collection.
- (8) The Committee will make the collection available to the public through a variety of media.
- (9) The Committee will document, maintain and conserve Public Art in Allentown.
- (10) The Committee will seek to develop opportunities for local artists.
- (11) The Committee will partner with other organizations to promote the arts.

C. Specific Powers and Duties.

(1) Recordkeeping, Cataloging, and Maintenance

(i) The Committee has the responsibility to document, maintain and conserve, and when appropriate, restore works of Public Art. By this Ordinance, stewardship of the Public Art collection is a mandate of the Allentown Public Art Committee. The Committee shall protect the value, integrity and authenticity of the work, by raising the necessary funds to return the collection to its original condition, and then provide for the prescribed annual maintenance. The Committee shall ensure that there is appropriate recordkeeping of maintenance and cataloging of the artwork.

(ii) The Committee and the Allentown Arts Commission shall be familiar with and comply with the Visual Artist's Rights Act of 1990, 17 U.S.C. § 106A, as amended.

(iii) Public Art can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion, Public Art may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the Public Art risks serious degradation as the collection ages. The overall policy of the Committee is to preserve as much of the Public Art collection as possible in the current locations of the various works. This typically means repairing and restoring as many works as available resources allow. The general order of priority is to repair and restore the works that have sustained serious damage and degradation first.

(iv) Maintenance and conservation are to be carried out only by qualified consultants. During planning for Public Art projects, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability.

(v) The conservation effort includes condition assessment reports for the collection, integrated into a database, maintained by the City of Allentown that is updated periodically and reviewed at least yearly by the Committee. In its joint report with the Allentown Arts Commission, the Committee shall report on the overall condition of the Public Art collection in their annual report to City Council pursuant to Section 180.11

(2) Artist Selection for Commissioned Artwork

The following methods of selection described in these guidelines may be used to select an artist or artists for projects. Curators or other organizations may be used to assist the Committee in acquiring appropriate artist services or works of art.

(i) Open Competition – An open call for artists to compete for commission or purchase for a work of art. There are no restrictions, other than the medium or the style.

(ii) Open/Invitational – An open call for artists that includes the possibility that certain, appropriate artists may receive invitations to compete. From this group, an artist(s) would be selected.

(iii) Invitational – An invitation to certain, identified, appropriate artists to submit materials for consideration on a project. From this group, an artist(s) would be selected.

(iv) Direct Selection – This is a direct identification of a specific artist (or artists such as a team) who has been identified by the Committee as being capable of providing the requirements of the

project as defined in the prospectus. With direct selection, the artist is providing sole source services. Direct selection may also be utilized in the acquisition of an existing, specific, work of art. Direct selection is only possible when it is determined that a site would be best served by commissioning artist(s) with specific backgrounds or qualifications or when there is a recognized time constraint to complete the project.

(v) Selection of a curator, organization, or project jury panel – For certain projects, the Committee may identify other entities or individuals to assist in development of the project.

(3) Development of the prospectus for the Public Art project

(i) The Committee shall develop project criteria such as site, theme, media, scale, method of artist or work of art selection, residency of eligible artists, determination of the selection process, and other appropriate parameters. The prospectus may take different forms, including but not limited to Request for Proposal (RFP), Request for Qualifications (RFQ), or a hybrid RFP/RFQ. A project evaluation criteria matrix will be established and used for rating the proposals.

(ii) The Committee shall present the prospectus to the Allentown Arts Commission for approval.

(iii) Upon acceptance by the Allentown Arts Commission, the prospectus will be forwarded to the Mayor.

(iv) Upon approval by the Mayor, the prospectus will be made available publically through various venues and in multiple formats, i.e. digitally, electronically, and in hard copy.

(v) Selection of artists or artwork may be made on evaluation of any or all of the following elements: Digital images of previous work; photographs; resumes; narrative or visual proposals; interviews, maquettes, or other appropriate materials. The artist selection process will be open to all artists regardless of race, color, creed, gender, gender variance, national origin, age, religion, marital status, political opinion or affiliation or mental or physical handicap. Beyond this, artists will be sought who work in all media, materials, and who have varying levels of experience.

(vi) The following are typical materials used in the selection of art: site plan showing location of proposed Public Art; minimum 1/4" scale drawings of the art concept or the art component, including at least one elevation; context drawings; material/color samples; model (optional); written proposal including the following information: a description and summary of final design proposal for the proposed Public Art; detailed maintenance requirements; a schedule for development, fabrication, completion; Artist resume/background; and evidence of assumption of liability by applicant or designee. Additional requirements may be requested by the selection committee. The selection process will be an open, fair and transparent competitive process.

(4) Artist Registry

The Committee shall establish an artist registry established for future commissions of Public Art in the City of Allentown.

(5) Art Donation Procedure

The Public Art Committee shall review requests to make donations of Public Art. Responsible ownership of Public Art requires a commitment of resources to conserve and protect it. With limited City resources for maintenance, the Committee will accept donations of Public Art only if a plan has been made for the costs of installation, and the conservation and maintenance of the Public Art for the expected life of the Public Art.

(i) Criteria used for review of requests to make donations of Public Art are: relationship to other existing Public Art in the vicinity, or future proposed Public Art; constructability of proposed Public Art,

and requirements regarding access to the site and accessibility to the site, including the federal Americans with Disabilities Act of 1990, as amended; artist's credentials and recognition; durability and craftsmanship in fabrication and production quality; appropriateness of Public Art location; appropriateness of Public Art scale to the proposed site; appropriateness of Public Art to other aspects of its surroundings; maintenance and conservation plan; and any applicable neighborhood design guidelines.

(6) Project and Site Selection

(i) The Committee, with approval from the Allentown Arts Commission, shall identify suitable locations for Public Art. The criteria for selecting locations include: the durability of materials used by the artist; the nature, size and configuration of the Public Art; configurations, intended uses and risk factors of various available locations; and aesthetic considerations

(ii) The City staff persons who are members of the Arts Commission shall present the Commission's selected site to the City Departments. When the Public Art is to be placed in property owned by or under the use and control of the City Right specific City staff from appropriate departments shall be invited to participate in Committee meetings to arrange for the installations.

(iii) Public Art shall be sited where it can best be appreciated and experienced by the site users or residents of the neighborhood in which it is situated.

(iv) The *ex officio* members of the Committee who are City staff persons shall endeavor to maintain a list of suitable locations for Public Art, updated from time to time and made available to the Committee on a regular basis.

(7) De-accession and Relocation of Artwork

(i) De-accession is the removal of an artwork from the permanent Public Art collection. Because disposal of artwork is generally irrevocable, de-accession shall be a deliberate procedure.

(ii) Reasons for de-accession of Public Art include but are not limited to: the condition or security of the artwork cannot be reasonably guaranteed; the Public Art requires extensive maintenance or has faults of design or workmanship and repair or remedy is unfeasible or impractical; the Public Art has been damaged or has deteriorated beyond the point where repair is practical or feasible; the Public Art endangers public safety; significant changes in the use, character or design of the site have occurred, which affect the integrity of the Public Art; extreme adverse public reaction over an extensive period of time; the quality of the Public Art is called into question; the Committee desires to replace the Public Art with a more appropriate work by the same artist; or written request from the artist has been received stating the artist requests removal or return or extensive repair of the Public Art

(iii) Relocation is the movement of a work of Public Art to a more suitable site because of changes to, or sale of, City property where the work is sited, or the original site is deemed unsuitable.

(iv) Reasons for relocation of artwork include but are not limited to: the Public Art endangers public safety in its current location; significant changes in the ownership, use, character or design of the site have occurred, which affect the integrity of the Public Art; a written request from the artist has been received; or a more appropriate site for the Public Art is determined

(v) The City of Allentown's Public Art collection shall be periodically reviewed by the Committee, with a joint report (in addition to yearly report) from the Committee and the Allentown Arts Commission to Allentown City Council. In the event that circumstances warrant, a written request may be submitted to the Committee for review for de-accession or relocation or disposal of a work of art.

(vi) A recommendation addressing the concerns which prompted the request for de-accession or relocation shall be reviewed by the Committee, with a decision forwarded to the Allentown Arts Commission. Should the Allentown Arts Commission's decision be unsatisfactory to the requesting party, the Allentown Arts Commission shall convene a competent independent third party to review the Committee's recommendation regarding the artwork.

(vii) The following courses of action in order of priority may be followed if a work of Public Art must be removed from the City's collection: relocate the Public Art; sell or trade the Public Art; offer the artist(s) the opportunity to buy back the Public Art at the current appraised value, with the cost of the appraisal to be borne by the artist; advertise the sale of the Public Art by auction or other public sale; dispose of the Public Art or remainder of the Public Art in an appropriate and practical way when other options have not resulted in the disposal of work

(viii) Disposal of any means of any Public Art shall conform to legal requirements. Proceeds from the sale of any Public Art must be used in the maintenance, repair, or preferably, for the purchase of new Public Art.

SECTION 180.08 QUORUM OF THE COMMITTEE

Six (6) voting members of the Committee shall constitute a quorum and the votes of a majority of all voting members shall be necessary for any official action. In the event that the chairperson or co-chair is not present at a meeting, an acting chairperson will be selected from among those members of the Committee present at such meeting.

SECTION 180.09 MEETINGS

Meetings of the Committee may be called at the discretion of the Chairperson, or at the written request of five (5) Committee members, provided that such written notice is delivered to the Chairperson at least five (5) working days in advance of such special meeting. All meetings of the Committee must be open to the public as is required by the Pennsylvania Sunshine Act, 65 Pa.C.S. § 701 et seq. Executive Sessions may be called in conformance with applicable law.

SECTION 180.10 RULES AND REGULATIONS

Subject to the approval of the Mayor and Council, the Committee may enact its own rules and regulations pertaining to the carrying out of its duties.

SECTION 180.11 ANNUAL REPORT

The Committee, in cooperation with the Allentown Arts Commission, shall annually prepare a written report of the year's activities, a one (1) year plan and long term goals and scenarios to enhance the City's Public Art programs and facilities. The report shall be given to the Mayor and City Controller and shall be presented to Allentown City Council at a public meeting.

SECTION TWO: That this Ordinance will take effect ten (10) days after final passage.

SECTION THREE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Office of the Mayor. Initiative represents the final product of the 250th Legacy Project, which seeks to protect and enhance public art in the City of Allentown. The initiative was funded in large measure by the Trexler Trust.

Summary and Facts of the Bill

The bill amends Title 11 of the Codified Ordinances by enacting a new Article 180 creating the Allentown Public Art Committee and setting forth its powers and duties.

Forthwith the bill will be known as the Allentown Public Art Ordinance.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

Our City celebrated its 250th Anniversary in 2012. A lasting part of that 250th year celebration was the creation of a Legacy Project which aims to protect, enhance, expand and value our collection of public art in the City of Allentown.

The Legacy Project includes an inventory of all public art throughout the City: sculpture, murals and the like. All relevant information about the pieces has been recorded including the location and condition. The inventory also includes photographs. This catalog will help to serve as a critical resource as we move forward with implementing the Legacy Project itself.

Before City Council now is an ordinance to codify the guidelines used in developing a policy and plan for restoration, maintenance, placement and education for public art in Allentown. Such guidelines and procedures will help Allentown manage its public art collection.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

The Bill itself has no demonstrable financial impact, save for utilizing existing staff time.

The benefits, however, are immeasurable in both the quantitative and qualitative terms: expanding tourist dollars spent in Allentown; value of the art work itself and the improved look and appearance of the pieces themselves.

Funding Sources – Please include the following in your explanation:

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Save for staff time devoted to the Committee, there is no funding necessary for the creation and continuation of the Public Arts Committee.

Funding sources for the work of the Committee will be a function of the Committee to deal with and identify.

- **Priority status/Deadlines, if any**

The Administration and the Trexler Trust would request consideration by City Council in April and May 2014.

- **Why should Council unanimously support this bill?**

City Council should support this Bill because it provides for the protection, enhancement, expansion, and marketing of the City’s world class collection of public art.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 13 - 2014

April 2, 2014

AN ORDINANCE

Amends Traffic Regulations by, changing enforcement hours to run Monday through Saturday from 8 am to 9 pm, expanding acceptable forms of payments, modifying the notice of violations provisions, and changing the fine for the parking of inoperable or illegally registered vehicles.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 531, Stopping, Standing, and Parking be amended to read as follows:

531.01 PARKING IN PROHIBITED AREAS

When signs are erected lawfully giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets designated as prohibited parking areas by the Traffic Control Maps, or by temporary regulations in conformity with Article 505. (9898 §10 9/18/62)

531.02 PARKING LIMITED IN DESIGNATED AREAS

When signs are erected lawfully giving notice thereof, no person shall park a vehicle longer than the time permitted upon any street or parts of streets designated as limited parking areas by the Traffic Control Maps, or by temporary regulations in conformity with Article 505. (9898 §10 9/18/62; 14701 §1 4/6/09)

531.03 PARKING PROHIBITED IN SPECIFIC AREAS

No person shall park a vehicle or tractor or permit it to stand, whether attended or unattended, upon a highway or in any of the following places:

- A. Within an intersection
- B. On a crosswalk
- C. Between a safety zone and the adjacent curb or within thirty (30') feet of points on the curb immediately opposite the ends of a safety zone, unless local officials shall indicate a different length by signs or markings.
- D. Within twenty-five (25') feet from the intersection of curb lines or, if none, then within fifteen (15') feet of the intersection of property lines at an intersection of highways.
- E. Within thirty (30') feet upon the approach to any official flashing signal, stop sign or traffic signal located at the side of the roadway.
- F. Within fifteen (15') feet of the driveway entrance to any fire station.
- G. Within fifteen (15') feet of a fire hydrant
- H. On a sidewalk

I. In front of a private driveway or alongside any street or highway excavation or obstruction, or opposite the same, unless a clear and unobstructed width of not less than twenty (20') feet upon the main traveled portion of the street or highway shall be left free for passage of other vehicles thereon. (9898 §10 9/18/62)

J. In the lane ordinarily used by moving traffic or on the roadway side of any vehicle stopped or parked at the curb or edge of the highway. (10657 §2 3/23/65)

K. At any place where official signs have been erected prohibiting standing and parking.

L. Within fifty (50') feet of the nearest rail or railway crossing.

M. Except when necessary in obedience to traffic regulations or traffic signs or signals or where angle parking is permitted, the operator of a vehicle shall not stop, stand or park such vehicle on the highway within a business or residence district other than parallel with the edge of the highway, headed in the direction of authorized traffic movement and with the right hand wheels on a two (2) way highway or the curb side wheels on a one way highway within six (6") inches of the edge of the highway or curb. Vehicles which, because of the type or construction, cannot load or unload parallel to the curb, shall be exempt, while loading or unloading only, from the requirements of standing parallel to the curb. (9898 §10 9/18/62; 14702 §1 4/6/09)

N. At any place where official signs have been erected prohibiting parking pursuant to any declared emergency under the provisions of this article. (11120 §1 2/28/67)

531.04 BLOCKING GARAGE ENTRANCE

No person shall park a vehicle at any time in front of, opposite to, or in such a position as to block entrance to or exit by a vehicle from a garage or driveway. The only exception to this is on streets with widths of twenty (20') feet or more where said vehicle is able to park on an apron to a garage and it is able to be more than fifty (50%) percent off the roadway, and it is not parked on a sidewalk. (9898 §10 9/18/62; 13387 §1 3/25/96; 14061 §1 2/21/03)

531.05 GREASING OR REPAIR WORK

No vehicle shall stand on any street or sidewalk for the purpose of greasing or repair work except in case of emergency repairs. (9898 §10 9/18/62; 13389 §1 3/25/96)

531.06 DISPLAYING OR ADVERTISING VEHICLES FOR SALE

No vehicle shall be displayed or advertised for sale while parked upon any street. (9898 §10 9/18/62)

531.07 PARKING TRUCK AND TRAILERS

No truck trailer or trailer shall be parked upon any street without having attached thereto a means of mechanical traction constructed or designed for the purpose of pulling or drawing such trailer. (9898 §10 9/18/62)

531.08 STORAGE OF VEHICLES ON STREETS

No vehicle shall be stored upon any street. As used herein, "stored" shall mean the parking of a vehicle in one place upon any street continuously for over seventy-two (72) hours. (9898 §10 9/18/62)

531.09 PARKING OF INOPERABLE OR ILLEGALLY REGISTERED VEHICLES

A. No person shall park or leave on the streets, highway or public property of the City any mechanically inoperable vehicles or vehicles without current registration plates. (9610 §9 9/26/61)

B. No person shall park or leave on the streets, highways or public property of the City any vehicle without a current inspection sticker unless the vehicle is legally parked in front of, or in close proximity to, an official Pennsylvania State Inspection Station which identifies said vehicle by work order specifying a state inspection will be performed within twenty-four (24) hours. Additional work orders beyond the initial twenty-four (24) hour period are prohibited. (13035 §1 3/6/91)

531.10 PARKING PROHIBITED ON PRIVATE PROPERTY

A. No person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property, except in the case of emergency or disablement of the vehicle, in which case the operator, within twenty-four hours, must show proof of the emergency and disablement and remove the vehicle from the private property. (13036 §1 3/6/91)

B. The provisions of this section shall not apply to private parking lots unless such lots are posted to notify the public of any parking restrictions, and the operator of the vehicle violates such posted restrictions. For the purpose of this section, "private parking lot" means a parking lot open to the public or used for parking without charge; or a parking lot used for parking with a charge. The City hereby adopts the regulations promulgated by the Pennsylvania Department of Transportation which

defines posting for public notice pursuant to 75 PA Consolidated Statutes Annotated §3353 (b)2 and any amended or successor statute(s). (13036 §1 3/6/91)

531.11 PARKING PROHIBITED AT HANDICAPPED AREAS

No person shall park or leave unattended a vehicle at any place specifically reserved for handicapped parking, unless the parked vehicle has a state issued plate or placard (displayed in a conspicuous manner) for a handicapped person or severely disabled veteran, and is being used in the immediate service of a handicapped person or severely disabled veteran.

For the purpose of this section, a reserved handicapped parking place must be indicated by a PennDOT approved sign with universally accepted handicapped symbols. Each sign must indicate that a state issued placard or plate must be displayed at all times while parking in the space. (13194 §1 4/21/93)

531.12 PARKING, STOPPING, STANDING OR DRAFTING PROHIBITED IN A LOADING ZONE OR FIVE MINUTE ZONE

No person shall allow a vehicle to be parked, stopped, standing or drifted to conceal an officer's chalk mark without loading activity for more than twenty (20) minutes in a marked Loading Zone or more than five (5) minutes in a Five Minute Zone. (13389 §1 3/25/96)

531.13 WASHING VEHICLES ON STREETS AND SIDEWALKS

No vehicle shall stand on any street or sidewalk for the purpose of washing. (13389 §1 3/25/96)

531.99 NOTICE OF VIOLATION; WAIVER

Any police officer or duly authorized Parking Authority employee shall issue a violation notice to any vehicle ~~place on motor vehicles/conveyances~~ parked in violation of the provisions of the following sections, including a notice for the owner or operator to report to such place as may be designated by the Parking Authority in regard to the violation. (12659 §1 6/5/85)

A. For violation of Sections 531.02, Parking Limited in Designated Areas and 531.09, ~~Parking of Inoperable or Illegally Registered Vehicles~~, the owner or operator within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty and in full satisfaction of each violation, the sum of Fifteen (\$15) Dollars, and after ten (10) days, but within Twenty (20) days of the violation, the sum of Twenty-five (\$25) Dollars. (12659 §1 6/5/85; 13069 §1 8/8/91; 13227 §1 12/1/93; 13389 §1 3/25/96; 13901 §2 4/19/01)

B. For violation of Article 531.03, Parking Prohibited in a Lane Ordinarily used by moving traffic or on the roadway side of any vehicle stopped or parked at the curb or edge of the highway, and 531.10, Parking Prohibited on Private Property, the owner or operator within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty and in full satisfaction of each violation, the sum of Thirty-five (\$35) Dollars, and after ten (10) days, but within twenty (20) days of the violation, the sum of Fifty (\$50) Dollars. (12659 §1 6/5/85; 13069 §1 3/25/96; 13901 §1 4/19/01; 14025 §1 10/4/02; 14059 §1 2/21/03)

C. Violation of Section 531.03 J, Parking Prohibited (Double Parking) (15009 §1 8/15/12)

1. For violation of Section 531.03 (J), Parking Prohibited in a lane ordinarily used by moving traffic or on the roadway side of any vehicle stopped or parked at the curb or edge of the highway, the owner or operator, within ten (10) days of the time when such notice was issued, pay as a penalty and in full satisfaction of each violation, the sum of One Hundred (\$100) dollars, after ten (10) days, but within twenty (20) days of the violation, the sum of One Hundred Fifty (\$150) Dollars. On the second violation offense, the owner or operator, within ten (10) days of the time when such notice was issued, pay as a penalty and in full satisfaction of each violation, the sum of Two Hundred (\$200) dollars, after ten (10) days, but within twenty (20) days of the violation, the sum of Two Hundred Fifty (\$250) Dollars. On the third and subsequent violation offense, the owner or operator, within ten (10) days of the time when such notice was issued, pay as a penalty and in full satisfaction of each violation, the sum of Three Hundred (\$300) dollars, after ten (10) days, but within twenty (20) days of the violation, the sum of Three Hundred Fifty (\$350) Dollars. (15009 §1 8/15/12)

2. Lazy Parker Provision: If the violator of Section 531 J, is adjacent to an open space within ten feet of an available parking space, an additional \$100 shall be added to the penalty (14059 §1 2/21/03; 14490 §1 6/8/07; 14787 § 03/03/10' 15009 § 1 8/15/12)

D. For violation of Section 531.05, Greasing or Repair Work, the owner or operator, within ten (10) days of the time when such violation was alleged ~~notice was attached to the motor vehicle/conveyance~~, pay as a penalty, Fifty (\$50) Dollars and after ten (10) days, but within twenty (20) days of violation, the sum of One Hundred (\$100) Dollars. (13389 §1 3/25/96)

E. For violation of Section 531.11, Parking Prohibited at Handicapped Areas, the owner or operator, within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty in full

satisfaction of each violation, the sum of Fifty (\$50) Dollars and after ten (10) days, but within twenty (20) days of violation, the sum of One Hundred (\$100) Dollars. (13194 §1 4/21/93; 13389 §1 3/25/96; 13902 §3 4/19/01)

F. For violation of any other provision of this article, the owner or operator may, within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty the sum of Fifteen (\$15) Dollars after ten (10) days but within twenty (20) days of the violation, the sum of Twenty-five (\$25) Dollars. (13069 §1 8/8/91; 13194 §2 12/1/93; 13901 §2 4/19/01)

G. For violation of Section 531.12, Parking, Stopping, Standing or Drifting Prohibited in a Loading Zone or Five Minute Zone, the vehicle is subject to immediate towing and/or a notice placed on the vehicle. The owner or operator, within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, will pay as a penalty, the sum of Fifteen (\$15) Dollars and after ten (10) days, but within twenty (20) days of the violation, the sum of Twenty-five (\$25) Dollars. (13069 §1 5/15/91; 13194 §1 4/21/93; 13389 §1 3/25/96; 13901 §2 4/19/01)

H. In all cases, failure of the owner or operator to make payment after twenty (20) days, shall make the owner or operator subject to a penalty not to exceed One Hundred (\$100) Dollars, and default of payment of fine and costs, imprisoned not more than ten (10) days. (13069 §1 5/15/91; 13194 §1 4/21/93; 13389 §1 3/25/96; 13901 §24/19/01)

I. For violation of Section 531.08, Storage of Vehicles on Street, the owner or operator may, within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty the sum of Thirty-five (\$35) dollars after ten (10) days but within twenty (20) days of the violation, the sum of Fifty (\$50) Dollars. Any vehicle parked in violation of the provisions of this ordinance may be removed by any member of the Police Bureau, their designee, or a designated Allentown Parking Authority personnel. Any vehicle removed may be towed to and placed at any area designated by the Mayor or his duly designated representative or the Parking Authority, for impounding of vehicles. All fines and costs for removal, towing, storage or parking of any vehicle removed under the provisions of this section shall be paid by the owner of the vehicle and the vehicle shall remain impounded until all costs are paid. (13901 §2 4/19/01)

J. For violation of Sections 531.07, Parking Truck and Tractor Trailers, 531.09, Parking of Inoperable or Illegally Registered Vehicles, and 531.13, Washing Vehicles on Streets and Sidewalks, the owner or operator within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty and in full satisfaction of each violation, the sum of Twenty-five (\$25) Dollars, and after ten (10) days, but within twenty (20) days of the violation, the sum of Thirty-five (\$35) Dollars. (13901 §2 4/19/01)

K. For Violation of Section 531.03 (G), Parking Prohibited within fifteen (15') feet of a fire hydrant, the vehicle is subject to immediate towing. The owner or operator within ten (10) days of violation pay a penalty of Fifty (\$50) Dollars, and after ten (10) days, but within twenty (20) days of the violation, pay the sum of One Hundred (\$100) Dollars. In addition, the owner will be responsible for all towing and storage fees, and costs of the vehicle, and all must be paid prior to its release. (14025 §1 10/4/02)

L. Any vehicle that has been cited two (2) times within a one year period shall be towed upon the third citation for violating Article 531.11, Parking Prohibited at Handicapped Areas, and Article 531.12, Parking, Stopping, Standing or Drafting Prohibited in a Loading Zone or Five Minute Zone. The owner of said vehicle will be responsible for all towing and storage fees and the costs of the vehicle, and all must be paid, including all fines, prior to its release. (14514 8/2/07)

M. For violation of Sections 531.07, Parking Truck and Tractor Trailers, the owner or operator within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty and in full satisfaction of each violation, the sum of Thirty-five (\$35) Dollars, and after then (10) days, but within twenty (20) days of the violation, the sum of Fifty (\$50) Dollars. (13901 § 2 4/19/01; 14787 § 03/03/10)

SECTION TWO: That Article 532, Stopping, Standing, and Parking be amended to read as follows:

532.01 Purpose

Allentown City Council finds it necessary to regulate the parking of large vehicles and trailers to reduce public safety hazards and maintain the quality of residential neighborhoods, thereby preserving the value of property in those districts. The street grid in Allentown predates the manufacturing and licensing of large vehicles and trailers; over 90% of the streets are 36 feet wide, leaving 8 feet for parking and 10 feet for the flow of two lane traffic. Large vehicles and trailers create safety hazards by encroaching into the abutting lane and moving traffic across the center lane. Such parking and obstructions, besides being a public safety issue, impedes the free flow of traffic. Parked close to an intersection, such vehicles and trailers, negatively impact the distance for vehicles entering the street. Large vehicles and trailers parked in residential areas generate complaints from residential neighborhoods in regard to traffic impediments and safety hazards, as well as noise. (14421 §1 9/15/2006)

532.02 Definitions

Bus: A motor vehicle designed to transport 16 or more passengers, including the driver; or, a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver. The term does not include a vehicle used in a ridesharing arrangement, as defined in the Act of December 14, 1982 (P.L. 1211, No. 279), entitled, "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements, or a school bus.

Dual Wheel Motor Home: A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck-camper.

Oversized Vehicle: A motor vehicle that has a Class 5 license or above, or any equivalent license or above, or with a Gross Vehicle Weight of over 11,000 pounds. (14468 2/8/07)

Owner: A person, other than a lien holder, having the property right in or title to a motor vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or Parking: When permitted, means the temporary storing of a vehicle, whether occupied or not, off the roadway; and, when prohibited, means the halting of a vehicle, whether occupied or not, except momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

Recreational Trailer: A trailer designed or adopted and used exclusively for recreational purposes.

School Bus: A motor vehicle which is designed to carry 11 passengers or more including the driver and is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993; or, a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993.

Tractor Trailer: A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Trailer: Every vehicle, wagon or truck without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Truck Camper: A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space. (14421 §1 9/15/2006)

532.03 Prohibitions

It shall be unlawful for any person to park, or allow to remain parked, on any street or parts of streets, the following vehicles: Buses, dual wheel motor homes, oversized vehicle, school buses, tractor trailers, trailers, truck campers within the districts listed below as defined and circumscribed in the City's Zoning Ordinance; and, on any street abutting such zone; and, that this prohibition shall apply to any designated district established in the Zoning Code except for I-2, Limited Industrial, and I-3, General Industrial Districts. (14500 §1 6/25/07; 14468 §1 2/8/07; 14500 §1 5/25/07; 14468 §1 2/8/07)

532.04 Exceptions

These provisions of this Ordinance shall not apply to:

Vehicles of the City of Allentown, such as fire apparatus and ambulances, or vehicles engaged in the work of a public utility;

Vehicles of service companies, contractors, repairmen, delivery trucks or others actually engaged in working operations in the vicinity during the actual period of such between the hours of 7:00 AM and 8:00 PM. (14421 §1 9/15/2006)

532.05 Permit for Loading or Unloading Recreational Vehicles or Truck Campers

Permits shall be issued by the Allentown Parking Authority to the owners of Recreation vehicles or truck campers for a twenty-four (24) hour permit to unload or load said vehicle with the option of a twenty-four hour renewal by notifying the Allentown Parking Authority. (14421 §1 9/15/2006; 14742 §1 9/16/09; 15082 §1 7/17/13)

532.99 Penalty

For violation of Section 532, Parking of Trucks and Trailers Prohibited In Residential Areas, the owner or operator, within ten (10) days of the time when such violation was alleged shall notice was attached to his motor vehicle/conveyance, pay as a penalty in full satisfaction of each violation, the sum of Fifty (\$50) Dollars and after ten (10) days, but within twenty (20) days of violation, the sum of One Hundred (\$100) Dollars. In addition to the fine, the Police Department may have the vehicle or trailer immediately towed if the vehicle is posing an immediate safety hazard. (14421 §1 9/15/2006)

SECTION THREE: That Article 533, Parking Meters, be amended to read as follows:

ARTICLE 533 PARKING METERS

- 533.01 Definitions
- 533.02 Parking Meter Zones Established; Traffic Control Maps
- 533.03 Sundays and Holidays Excepted
- 533.04 Time of Parking Limited by Zone; Hours of Operation
- 533.05 Marking of Spaces
- 533.06 Meter Signals
- 533.07 Manner of Parking
- 533.08 Deposit of Proper forms of currency or electronic payment Coins in Meter
- 533.09 No Parking Beyond Meter-Indicated Time
- 533.10 Use of Meter Funds
- 533.11 Slugs Prohibited
- 533.12 Injuring or Defacing Meters
- 533.13 Exceptions
- 533.14 Enforcement
- 533.15 Duty of Police
- 533.16 Verification of Meters
- 533.99 Notice of Violation; Waiver

533.01 DEFINITIONS

The following words, whether in the singular or plural, when used in this article shall have the meanings ascribed to them in this article except in those instances where the context clearly indicates otherwise.

1. **Public place** shall mean any municipal parking lot operated by the City or the Parking Authority of the City.
2. **Parking meter** shall mean a device intended to assist public authorities in enforcing ordinances limiting the time during which vehicles may be parked on any street or highway or other public place within a parking meter zone.
3. **Parking meter zone** shall mean streets or highways, or portions thereof, or municipal parking lots operated by the City or the Parking Authority of the City on which parking meters are installed, operated and used. (8024 §2 4/3/56)

533.02 PARKING METER ZONES ESTABLISHED; TRAFFIC CONTROL MAPS

All municipal parking lots operated by the City of Allentown or the Parking Authority of the City of Allentown. (8024 §3 4/3/56)

Parking meter zones shall be established and set forth by legend on the Traffic Control Maps of the City. (9844 §1 7/3/62; 14312 §1 8/18/05)

533.03 SUNDAYS AND HOLIDAYS EXCEPTED

Parking restrictions and limitations in any parking meter zone are exempted on Sundays and on the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Martin Luther King, Jr. Day and Christmas. (8024 §4 4/3/56; 13201 §1 6/3/93; 14312 §1 8/18/05)

533.04 TIME OF PARKING LIMITED BY ZONE; HOURS OF OPERATION

On all days, other than those set forth in Section 533.03, parking in all zones is hereby limited not to exceed the maximum time stated in each meter. (8024 §5 4/3/56; 13201 §1 6/3/93; 14312 §1 8/18/05)

533.05 MARKING OF SPACES

In all parking meter zones a parking meter shall be installed for each parking space. All parking spaces may be placed either parallel, diagonal or perpendicular to the curb. Parking in other than designated parking spaces is prohibited in any parking meter zone. (8024 §6 4/3/56; 14312 §1 8/18/05)

533.06 METER SIGNALS

Parking meters shall be placed in such a way that each designated parking space is clearly marked as to show or display by a signal that the parking space controlled by such meter is or is not legally occupied. Each parking meter shall indicate by a proper legend the established legal parking time and, when in operation, shall also indicate on or by its display the duration of the period of legal parking or any illegal or overtime parking. (8024 §7 4/3/56; 14312 §1 8/18/05)

533.07 MANNER OF PARKING

Every vehicle parked parallel with the curb in any parking meter zone on a street or highway shall be parked with the front end of such parked vehicle at or immediately adjacent to the parking meter controlling such parking space. Every vehicle parked perpendicular to the curb of any street or highway or on any parking lot within a meter zone, shall be parked with the front end or the rear end of such parked vehicle, as the situation may be, at or immediately adjacent to the parking meter controlling such parking space. All vehicles shall be parked entirely within the lines of the designated parking space controlled by the meter situated adjacent thereto. (8024 §8 4/3/56)

533.08 DEPOSIT OF PROPER COINS IN METER

A. Upon parking any vehicle in any parking meter space, the operator shall immediately deposit, in the meter controlling such space, any legally acceptable form of currency or electronic payment ~~the proper coin of the United States as designated for such parking on the instructions for operations of such meter.~~ Upon the deposit of such coin and placing the meter in operation, such meter space may be lawfully occupied by any vehicle during the period of parking time as indicated on the meter. (9844 §2 7/3/62)

B. Pursuant to this section, Council is hereby authorized and empowered to designate the proper acceptable currency and electronic payment ~~coin~~ or amount to be placed in such meter and to amend the instructions on the meter to reflect the proper coin or amount required for the operation of such meter. The rate per hour shall be One (\$1) Dollars. (12161 §1 12/22/75; 14312 §1 8/18/05)

533.09 NO PARKING BEYOND METER-INDICATED TIME

No owner or operator of any vehicle shall cause, allow, permit or suffer such vehicle to be parked overtime or beyond the period of legal parking time as indicated or set forth on the instructions of such meter. (9844 §3 7/3/62)

533.10 USE OF METER FUNDS

The payments ~~coins~~ required to be deposited in parking meters are levied and assessed as fees to provide for the proper regulations and control of traffic upon the streets and highways and other public places of the City, including the cost of supervising and regulating the parking of vehicles in the parking meter zones created hereby, and the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters and municipal parking lots. The coins required to be deposited in parking meters shall be collected and accounted for under the direction of the Executive Director of the Parking Authority and deposited by the Director at least once a week. (8024 §11 4/3/56; 13201 §1 6/3/93)

533.11 SLUGS PROHIBITED

No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for legal coins of the United States. (8024 §12 4/3/56)

533.12 INJURING OR DEFACING METERS

No person shall deface, injure, tamper with or willfully break, destroy or impair the usefulness of any parking meter installed by authority of Council or by the Parking Authority of the City. (8024 §13 4/3/56)

533.13 EXCEPTIONS

Nothing in this article shall be construed as prohibiting the Authority from providing for free parking space for loading or unloading of commercial vehicles, for bus stops, taxicab stands or for other matters of a similar nature. The provisions of this

Ordinance shall not apply to Vehicles of the City of Allentown or to the Allentown School District which display a Municipal plate and are engaged in official business." (8024 §14 4/3/56; 14312 §1 8/18/05; 15053 § 1 1/16/13)

533.14 ENFORCEMENT

The duty of enforcing the provisions of this article shall be on the department of Police and the Allentown Parking Authority. In case of emergency, any of the provisions of this article may be temporarily suspended by such Director or Chief of Police, who shall then have the authority to adopt and enforce such other temporary rules and regulations as traffic conditions, during such emergency, may demand or required. (8024 §15 4/3/56; 13201 §1 6/3/93)

533.15 DUTY OF POLICE

It shall be the duty of police officers or Parking Authority Personnel or other duly authorized City employees of the City, acting in accordance with instructions issued by the Chief of Police or the Chief's designee, or the Executive Director of the Parking Authority, to turn in the violation ticket. The violation shall contain: (14312 §1 8/18/05)

A. The number of each parking meter which indicates that the vehicles occupying the parking space adjacent to such parking meter is, or has been, parked in violation of any of the provisions of this article.

B. The State license number of such vehicle.

C. The day and hour at which such vehicle is parked in violation of any of the provisions of this article at the time of his inspection.

D. Any other facts, a knowledge of which may be considered necessary to a thorough understanding of the circumstances attending such violation. (11813 §1 7/21/70; 13201 §1 6/3/93; 14312 §1 8/18/05)

533.16 VERIFICATION OF METERS

All parking meters located in the City of Allentown shall be checked for accuracy at least once a year. At the completion of each calendar year, a statement verifying that the annual inspection has been completed, shall be submitted to City Council. (13201 §1 6/3/93)

533.99 NOTICE OF VIOLATION; WAIVER

A. Any police officer or other duly authorized Parking Authority employee shall issue a violation notice to any vehicles ~~place on motor vehicles/conveyances~~ parked in violation of the provisions of this article a notice of said violation. (12786 §1 8/5/87)

Each such owner or operator may, within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a penalty and in full satisfaction of each violation, the sum of Ten (\$10) Dollars; and after ten (10) days, but within twenty (20) days of the violation, the sum of Twenty-five (\$25) Dollars. (12660 §1 6/5/85; 12786 §1 8/5/87; 13227 §3 12/1/93; 13901 §3 4/19/01; 14312 §1 8/18/05)

Failure of the owner or operator to make payment after twenty (20) days shall make the owner or operator subject to a penalty not to exceed One Hundred (\$100) Dollars and, in default of payment of fine and costs, be imprisoned not more than ten (10) days. (12660 + 6/5/85; 12786 §1 8/5/87; 13901 §3 4/19/01)

SECTION FOUR: That Article 534, Residential Permit Parking, be amended to read as follows:

534.01 PURPOSE

The City Council of the City of Allentown considers it to be in the interest of the citizens of the City of Allentown to provide for the establishment of a Residential Permit Parking (RPP) Program in order to alleviate the hardship experienced by residents in obtaining on-street parking space to preserve the residential quality of neighborhoods and to provide for improvement in air quality. The powers and duties as contained in this article shall be performed by the Parking Authority. (12708 §1 5/7/86)

534.02 RESIDENTIAL PERMIT PARKING PROGRAM

The Parking Authority is hereby authorized to designate, subject to the approval by City Council, as herein provided, certain streets and other public areas within the City of Allentown as permit parking areas in which resident vehicles displaying valid parking permits may stand or be parked without limitation by parking time restrictions established by this article. Vehicles not displaying valid parking permits may stand or be parked for a limited time not to exceed the time specified upon adequately posted signs. (12708 §2 5/7/86)

534.03 DESIGNATION OF RESIDENTIAL PERMIT PARKING AREAS

A residential area, regardless of current zoning designation, shall be considered for designation as a residential permit parking area provided that designation criteria established by this article be satisfied and that City Council, through enactment of an ordinance, authorize the posting of appropriate signs specifying time limits and period of the day for its application. (12568 §1 9/7/83; 14702 §1 4/6/09)

534.04 DESIGNATION CRITERIA

A residential area shall be deemed impacted and thereby eligible for residential permit parking provided that the following criteria are satisfied:

A. In areas zoned other than Central Business District, the following criteria must be met:

1. At least fifty (50%) percent of the street level, front footage use is residential or non-business related. (12804 §1 11/4/87)
2. During any period between the hours of 8:00 AM and 9:00 6:00 PM Monday through Saturday on weekdays, except holidays, the number of vehicles parked and/or standing, legally or illegally, at on-street parking spaces is equal to seventy (70%) percent or more of the legal on-street parking capacity of the area. For purposes of this evaluation, a legal parking space shall be twenty (20) linear feet. (12804 §1 11/4/87)
3. During the same time period as specified above, ten (10%) percent or more of the vehicles parking and/or standing, on the streets in the area are not registered in the name of a person residing within a three (3) block distance of the location at which the vehicle is parked. (12804 §1 11/4/87)
4. On streets where there are parking meters and/or time restricted parking in Section 534.04 (2) and (3) are not criteria for designation. (12804 §1 11/4/87)

B. In areas zoned Central Business District, the following criteria must be met:

1. At least eighty (80%) percent of the street level front footage abutting the street designated have a residential or non-business related use. (12804 §1 11/4/87)
2. During any period between the hours of 8:00 AM and 9:00 6:00 PM Monday through Saturday on weekdays except holidays, at least eighty (80%) percent of all occupied on-street parking spaces are occupied by vehicles registered in the name of a person residing within a three (3) block distance of the location at which the vehicle is parked. (12804 §1 11/4/87)
3. If the above criteria are not met at any time, the Allentown Parking Authority shall notify City Council. City Council may consider revoking the Residential Parking Permit status for that street. (12804 §1 11/4/87)

534.05 DESIGNATION PROCESS

A. If the area in question is not an approved Residential Permit Parking Zone and a sufficient number of residents have requested to be a residential permit parking zone then the Parking Authority will schedule and administer a public hearing. For this hearing, every resident and property owner of the proposed plan area shall be notified by mail. On the basis of testimony taken, City Council shall or shall not designate the areas as an Official Residential Permit Parking Area. (12708 §4 5/7/86)

B. On blocks or portions there within a Residential Parking Permit Zone where parking meters and/or time restricted parking already exists, the Parking Authority may designate the area as a residential permit parking block. (12708 §4 5/7/86)

C. On blocks or portions thereof within a Residential Parking Permit Zone where no parking meters and/or time restricted parking exists, the following process is to be followed:

1. A block or portion thereof may be considered as a potential residential parking block or portion thereof upon the receipt by the Parking Authority of verified petitions from the residents of that block or portion thereof. The petition process may be initiated at the resident's request by the Allentown Parking Authority. A separate petition must be filed for each block and in order for the petition to be valid, it must contain the signatures of the majority of households in that block. (12708 §4 5/7/86; 14702 §1 4/6/09)

2. The Parking Authority shall conduct surveys of potential residential parking areas to determine the following:

- a. The number of legal on-street parking spaces available on each block in the area. (12708 §4 5/7/86)

b. The number of legal on-street spaces occupied by parked vehicles during an average weekday on each block in the area. Two (2) surveys will be made on different days of the week and at different times of the day. One observation will be made in the early part of the day and the other later in the day. (12708 §4 5/7/86)

c. The number of parked vehicles in the area which are registered to addresses of persons who do not live in the area. (12708 §4 5/7/86)

3. If all designation criteria for a particular block has been satisfied, the Parking Authority shall direct the Bureau of Traffic Planning and Control to erect, or cause to be erected, signs on the designated block indicating that parking beyond the stipulated number of hours is by permit only. This restriction shall be considered a temporary traffic regulation subject to approval by City Council. (12708 §4 5/7/86)

534.06 ISSUANCE OF PARKING PERMITS

Following City Council's approval of the designation of a Residential Permit Parking area, the Parking authority may issue appropriate permits and shall cause parking signs to be erected in the area indicating the times and conditions under which parking shall be allowed. A permit shall be issued upon application and payment of the applicable fee, only to the owner or operator of a motor vehicle who resides in the appropriate Residential Permit Parking area. A separate permit shall be required for each motor vehicle. Commercial vehicles exceeding a gross weight of 10,000 pounds are not eligible for permits. Eligibility for a permit shall be as follows:

A. **Residents:** The resident must prove residency and vehicle ownership or evidence of having a leased or company-owned vehicle. The Parking Authority shall establish criteria for proof of residence. A separate application shall be required for each vehicle and each application shall be accompanied by a permit fee. (12708 §5 5/7/86)

B. **Visitors:** Special permits may be issued to visitors for a period of time not to exceed fourteen (14) days. No resident of a Residential Permit Parking area shall be issued more than two (2) visitor permits at any time. (12708 §5 5/7/86)

C. **Residents living in the Central Business District** have the option of purchasing a permit to park in an adjacent designated area. (12708 §5 5/7/86)

D. **Caregiver:** Caregivers may be issued a parking permit sticker provided the address of the resident receiving the care is within said parking area, and the resident requiring care forfeits a current, valid permit or does not possess a current Residential Permit Parking permit. The requirements to obtain a parking permit for a caregiver are:

- A completed application form in both the resident's and caregiver's name and address;
- A current DMV vehicle registration for the vehicle the applicant is requesting a permit for;
- Proof of residency in the permit area of the person receiving the care;
- A letter from the resident identifying the permit applicant as the caregiver;
- Photo identification and employment verification of the caregiver. (14702 §2 4/6/09)

534.07 DISPLAY OF PERMIT

Permits shall be displayed on the driver's side of the rear bumper so as to be readily visible to enforcement personnel. (12568 §1 9/7/83)

534.08 PERMIT PARKING EXEMPTION

A resident vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the Residential Permit area for which the permit has been issued without being limited by time restrictions or meter requirements established pursuant to this article. However, said resident's vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this article including Article 531, Stopping and Parking, and Article 539, Street Sweeping, of the Codified Ordinances as well as loading zones, five minute parking zones, handicapped zones and other special parking restrictions. All other motor vehicles parked within a Residential Permit Parking area shall be subject to the time restrictions and meter requirements adopted as provided in this article as well as the penalties provided for herein. The provisions of this Ordinance shall not apply to Vehicles of the City of Allentown or to the Allentown School District which display a Municipal plate and are engaged in official business. A person shall not allow a vehicle to be parked, stopped, standing or drifted to conceal an officer's chalk mark. (12595 §3 2/15/84; 13901 §4 4/19/01; 15053 §1 1/16/13)

A Residential Parking Permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated Residential Permit Parking area. (12568 §1 9/7/83)

534.09 APPLICATION FOR AND DURATION OF PERMIT

Each parking permit issued shall be valid for one (1) year from the date of issuance. Permits may be renewed annually upon reapplication in the manner required by the Parking Authority. Each application or re-application for a parking permit shall

contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a Residential Permit Parking area, and the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by the Parking Authority. If a resident sells or otherwise transfers a vehicle bearing a parking permit sticker, he shall remove the sticker before the transfer. If a resident transfers a vehicle bearing a valid permit parking sticker and acquires another vehicle, he shall provide the Parking Authority with proof of the transfer an affidavit attesting to the removal of the sticker. The Parking Authority shall then provide, at no cost, a new sticker which will expire at the same time as the original sticker. (12708 §6 5/7/86)

534.10 PERMIT FEES

The initial cost for each Residential Parking Permit shall be Twenty-five (\$25.00) Dollars and each annual renewal cost will be Twenty (\$20.00) Dollars. The cost for visitor parking permits will be Two (\$2.00) Dollars. (12708 §7 5/7/86; 12827 §1 2/17/88)

534.11 REVOCATION OF PERMIT

The Parking Authority is authorized to revoke the Residential Parking Permit of any person found to be in violation of this article and, upon written notification thereof, the person shall surrender such permit to the Parking Authority. Failure, when so requested, to surrender a Residential Parking Permit so revoked shall constitute a violation of law and of this article. (12708 §8 5/7/86)

534.12 RESIDENTIAL PARKING PERMIT ZONES

The following areas are hereby designated as the Residential Parking Permit zones.:

A. Residential Parking Permit Zone #1

1. Area bounded by Turner Street on the south, Allen Street on the north, 7th Street on the east and 10th Street on the west, but not to include 7th Street or Turner Street from Hall Street to 7th Street. Along the boundaries of Turner, Allen and 10th Streets, both sides of the street shall be included in the program. In addition, the 100 block of North 8th Street from Linden Street to Turner Street is included in this zone, as well as the 400 block of North 9th Street. (12708 §9 5/7/86; 13889 §1 2/8/01; 14702 §2 4/6/09)

B. Residential Parking Permit Zone #2

1. Area bounded by Turner Street on the south, Allen Street on the north, 4th Street on the east and 7th Street on the west but not to include Turner Street from Morris Street to 7th Street. Along each of the four (4) boundaries, both sides of the street shall be included in the program. (12708 §9 5/7/86; 13889 §1 2/8/01)

C. Residential Parking Permit Zone #3

1. Area bounded by Turner Street on the north, Court Street on the south, 4th Street on the east and Penn Street on the west, but not to include Turner Street. Along the boundaries of Court Street, 4th Street, and Penn Street, both sides of the street shall be included in the program. (12708 §9 5/7/86)

2. Area bounded by Turner Street on the north, Linden Street on the south, Penn Street on the east, and Law Street on the west, but not to include Turner Street. Along the boundaries of Linden Street, Penn Street and Law Street, both sides of the street will be included. (12708 §9 5/7/86)

3. Area bounded by Walnut Street on the north, Law Street on the west, Union Street on the south, and 4th Street on the east. Along each of the four (4) boundaries, both sides of the street are to be included.

4. Area bounded by Maple Street on the north, Law Street on the west, Walnut Street on the south and College Street on the east. Along each of the four (4) boundaries, both sides of the street are to be included. (12804 §1 11/4/87)

D. Residential Parking Permit Zone #4

1. Area bounded by Maple Street on the north, Union Street on the south, 13th Street on the west and 10th Street on the east. Along each of the four (4) boundaries, both sides of the street are to be included. Also included is the unit block of South Jefferson Street. (12708 §9 5/7/86; 14702 §2 4/6/09)

2. Area bounded by Walnut Street on the north, Union Street on the south, 8th Street on the east and 10th Street on the west but not to include Walnut Street from 9th to 10th Streets, 9th Street from Walnut Street to Jackson Street and Jackson Street from 9th to 10th Streets and all areas included in the between these boundaries. (12708 §9 5/7/86)

E. Residential Parking Permit Zone #5

1. Area bounded by Chew Street on the north, Linden Street on the south, 10th Street on the east and 13th Street on the west but not to include 10th Street from Chew Street to Turner Street. Both sides of the street are to be included. Also included is the 200 block of North Poplar Street. (12708 §9 5/7/86; 14702 §2 4/6/09)

2. Area bounded by Turner Street on the north, Fountain Street on the east, Linden Street on the south and 10th Street on the west but not to include Turner Street. Both sides of the street are to be included. (12708 §9 5/7/86)

3. Area bounded by Linden Street on the north, Court Street on the south, Howard Street on the east and 13th Street on the west, to include both sides of the streets on the boundary streets. (12708 §9 5/7/86)

F. Residential Parking Permit - Zone #6

An area bounded by Gordon on the north from 13th to 16th Streets, 13th Street from Gordon to Turner, Turner on the south from 13th to West Street, inclusive of the north side of Turner and West Street on the west from Gordon to Turner. (13214 §1 9/2/93)

On the 200 block of North 19th Street, bounded by Turner on the south and Chew on the north. (1369 §1 2/5/98)

534.13 REGULATIONS AND PROCEDURES

A. Time Restriction on Parking - Except as otherwise designated, on-street parking will be restricted to a one to three hour time limit on streets that now have legal, on-street parking except for metered areas. Vehicle bearing valid Residential Parking Permit stickers for this area shall be exempt from the one to three hour time limit and meter requirements. The Bureau of Traffic Planning and Control will erect, or cause to be erected signs. These signs shall indicate the one to three hour time limit and the exclusion for vehicles with Residential Permit Parking stickers or shall indicate the exclusion of said vehicles from meter requirements. The one to three hour time limit shall be enforced from 8:00 AM to ~~9:00~~ 6:00 PM Monday through Saturday on weekdays, excluding holidays. (12708 §10 5/7/86)

B. In areas with existing parking meters, operators with valid Residential Parking Permits will be allowed to be parked at meters within the designated area without the need to deposit coins. (12708 §10 5/7/86)

C. Existing Parking Regulations - All existing parking regulations shall remain in effect. These include but are not limited to: prohibited parking areas, street cleaning restrictions, five (5) minute parking areas, loading zones, and the seventy-two (72) hour parking rule. Holders of Residential Permit Parking stickers will not be exempt from these regulations. (12708 §10 5/7/86)

534.99 PENALTIES

A. It shall be unlawful and a violation of this article for any person to stand or park a motor vehicle for a period exceeding the time limitation established pursuant hereto. No person shall move and repark a vehicle on the same side of the street within the same block in order to avoid a parking time limit. For violation of any provisions of this article the owner or operator may within ten (10) days of the time when such notice was attached to his vehicle, pay as a penalty the sum of Fifteen (\$15) Dollars; after ten (10) days but within twenty (20) days of the violation the sum of Twenty-five (\$25) Dollars. In all cases, failure of the owner or operator to make payment within twenty (20) days shall make the owner or operator subject to a penalty not to exceed One Hundred (\$100) Dollars, and, in default of payment of fine and costs, imprisonment for not more than ten (10) days. (12708 §11 5/7/86; 12787 §1 8/5/87; 13227 §4 12/1/93; 13901 §4 4/19/01; 14702 §2 4/6/09)

B. It shall be unlawful and a violation of this article for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor. (12708 §11 5/7/86)

C. It shall be unlawful and a violation of this article for a person holding a valid parking permit issued pursuant hereto to permit the use of display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this article both by the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. (12708 §11 5/7/86)

D. It shall be unlawful and a violation of this article for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits. It shall further be unlawful and a violation of this article for a person to knowingly use or display a facsimile or counterfeit parking permit in order to evade time limitations on parking applicable in a Residential Permit Parking area. (12708 §11 5/7/86)

E. For violation of any provision contained in Sections 534.14(b), (c) and (d) of this article, the person committing the unlawful act shall be subject to a penalty not to exceed Three Hundred (\$300) Dollars and/or imprisonment for not more than ten (10) days for each such violation. (12708 § 5/7/86)

SECTION FIVE: That Article 539, Street Cleaning, be amended to read as follows:

**ARTICLE 539
STREET CLEANING**

- 539.01 Definitions
- 539.02 Control Maps and Preparation
- 539.03 Parking Restrictions; Exception
- 539.04 Existing Parking Regulations; Emergencies
- 539.05 Year Round Street Cleaning
- 539.06 Reporting Requirements
- 539.99 Penalty

14437 §1 11/7/06 amending the Street Sweeping section by enacting cleaning throughout the year and added a sunset provision requiring Council review. 14656 §1 11/21/08 repealed the sunset provision on winter street cleaning and established an annual reporting requirement on Street Cleaning by May 15.

CROSS REFERENCES

Parking Prohibitions Generally -- See Traffic Article 531
Parking Meter Zones Established -- See Traffic Article 533.02

539.01 DEFINITIONS

Person means every natural person, firm, corporation, partnership, association, or institution. (14437 §1 11/7/06)

Street Cleaning shall include the year round sweeping, salting, plowing or snow removal of the designated streets. (14437 §1 11/7/06)

539.02 CONTROL MAPS AND PREPARATION

There are hereby established street cleaning control maps prepared and maintained by the Director of Public Works and kept on file in the office of the City Engineer. All street cleaning control maps shall be a matter of public record, but keeping these maps up to date shall not be a requisite condition for the prosecution to any violation of a legal regulation. (11863 §2 3/2/71; 14216 §1 10/8/04; 14437 §1 11/7/06)

539.03 PARKING RESTRICTIONS; EXCEPTIONS

A. No person shall stop, stand or park a vehicle, or cause or permit a vehicle to be parked or left unattended on a City street posted for "No Parking/Street Cleaning" during the designated days and hours chosen by regulations promulgated by the Director of Public Works or his designee. (14216 §1 10/8/04; 14437 §1 11/7/06)

B. The posted times designated on the "No Parking/Street Cleaning" signs shall remain in effect for the full length of time or until the street area has been cleaned. (11863 §3 3/2/71; 14216 §1 10/8/04; 14437 §1 11/7/06)

C. Enforcement shall be suspended during winter storms and for a reasonable period of time thereafter as determined by the Director of Public Works or designee. A reasonable period of time should be no less than 24 hours from the end of the winter storm event. (14437 §1 11/7/06)

539.04 EXISTING PARKING REGULATIONS; EMERGENCIES

Nothing herein shall be construed to permit any motor vehicle to be parked on any street or in any parking area where parking is prohibited by the terms of any other article.

Nothing in the section shall be construed as prohibiting physicians or emergency cars, or any other person, firm or corporation operating authorized emergency vehicles while engaged in their duties, from parking a vehicle in designated areas upon the occasion of any emergency.

Nothing in this section shall be construed to prohibit taxicabs or public buses standing in any established taxicab or bus stand, provided the same are attended by the drivers thereof. (11863 §4 3/2/71)

In all cases, failure of the owner or operator to make payment within twenty (20) days shall make the owner or operator subject to a penalty not to exceed Fifty (\$50.00) Dollars, and in default of payment of fines and costs, imprisoned for not more than ten (10) days. (13227 §5 12/1/93)

539.05 YEAR ROUND-STREET CLEANING

Street Cleaning will continue in the designated posted areas during the months of December through February. (14437 §1 11/7/06, 14656 §1 11/21/08)

539.06 REPORTING REQUIREMENTS

The Department of Public Works and the Allentown Parking Authority by or on May 15 of each year shall prepare and submit a report on year round street cleaning focusing on winter street cleaning to Allentown City Council's Public Works Committee for review at a public meeting. (14656 §1 11/21/08)

539.99 PENALTY

Any police officer or duly authorized Parking Authority employee shall issue a violation notice to any vehicles ~~place on motor vehicle/conveyance~~ parking in violation of the provisions of this ordinance, a notice of said violation.

A. For violation of "Prohibited Parking/Street Cleaning" the owner or operator may, within ten (10) days of the time when such violation was alleged ~~notice was attached to his motor vehicle/conveyance~~, pay as a fine and in full satisfaction of each initial violation, the sum of Twenty (\$20) Dollars; and, after ten (10) days but within twenty (20) days of the violation, pay a penalty of Thirty (\$30) Dollars. Subsequent offenses will incur additional penalties when repeat violation occurs more than one time in a thirty (30) day period. For violation of "No Parking/Street Cleaning", the owner or operator may, within ten (10) days of the time when the subsequent notice was attached to his vehicle, pay as a fine and in full satisfaction of repeat violation, the sum of Fifty (\$50) Dollars; and, after ten (10) days but within twenty (20) days of the subsequent offense, pay a penalty of Sixty (\$60) Dollars. In all cases failure of the owner or operator to make payment within twenty (20) days shall make the owner or operator subject to a penalty not to exceed One Hundred (\$100) Dollars, and in default of payment of fines and costs, imprisoned for not more than ten (10) days. (13227 §5 12/1/93; 13901 §5 4/19/01) (11863 §5 3/2/71; 13227 §5 12/1/93; 13901 §5 4/19/01; 14216 §1 10/8/04; 14437 §1 11/7/06; 14787 3/19/2010)

SECTION SIX: That this Ordinance will take effect ten (10) days after final passage.

SECTION SEVEN: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

ORDINANCE NO. _____

FILE OF CITY COUNCIL

Bill No. 16 - 2014

AN ORDINANCE

Extending and ratifying the previously authorized and organized Allentown Parking Authority as established under the Act of 1947, June 5, P.L. 458, as amended, including all powers necessary or convenient for the administration; supervision and enforcement of an efficient system of off-street and on-street parking; and further, providing for the delegation to the Allentown Parking Authority of certain municipal functions relating to off-street and on-street parking, under certain terms and conditions.

WHEREAS, the Allentown Parking Authority (the "Authority") was duly formed by the City of Allentown City Council (the "City Council") under the Pennsylvania Parking Authority Law of 1947, approved June 5, 1947, P.L. 458, as amended and supplemented, with the Articles of Incorporation having been filed and approved by the Department of State of the Commonwealth of Pennsylvania (the "Department") on November 30, 1984; and

WHEREAS, the Pennsylvania Parking Authority Law establishes an initial term of existence for parking authorities of fifty (50) years from the approval of the Articles of Incorporation, which in the case of the Authority would originally have expired on November 29, 2034; and

WHEREAS, the Authority owns and/or operates a variety of parking facilities within the City of Allentown, including, but not limited to, parking lots and parking structures and garages, serving the parking needs of businesses, residents, tourists and visitors to the City of Allentown and beyond; and

WHEREAS, from time to time, it is necessary to obtain financing to improve the current facilities and/or to construct or purchase additional facilities; and

WHEREAS, limiting financing to the remaining Authority life will result in substantially increased costs and higher rates to the public for capital projects; and

WHEREAS, the most appropriate and favorable financing is likely to have a term exceeding the remaining Authority life; and

WHEREAS, the Authority will need to have a thirty (30) year life to be able to achieve the most appropriate and favorable financing ; and

WHEREAS, the Authority has proposed, in accordance with the Pennsylvania Parking Authority Law, 53 Pa. C.S.A. § 5505 ("the Act"), that the Authority's existence be extended for a thirty (30) year period from the date such extension is approved by this Ordinance so that it may continue to provide capital improvements for the public at the most reasonable financing.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN :

SECTION 1. The foregoing WHEREAS clauses are incorporated herein as if set forth in their entirety.

SECTION 2. The City Council for the City of Allentown, in accordance with the Pennsylvania Parking Authority Law, 53 Pa. C.S.A. § 5505 ("the Act"), extends the existence of the Allentown Parking Authority from November 30, 2034 to November 30, 2064.

SECTION 3. It is confirmed and ratified that the Authority shall continue to provide efficient and equitable parking services to the public to meet the needs of the growing and changing City of Allentown and promote economic growth particularly in the downtown business area. That the purpose and powers of the said Parking Authority shall be as determined in the Parking Authority Law 1947, June 5, P.L. 458, as amended.

SECTION 4. The Authority shall continue to be empowered, subject to the provisions of this Ordinance, to exercise all powers necessary or convenient for the administration and enforcement of an efficient system of off-street and on-street parking regulations within the City of Allentown.

SECTION 5. It is ratified and confirmed that, in accordance with the general grant of authority contained in the "Parking Authority Law", Act of June 5, 1947, P.L. 458, as amended, and Section 2 of this Ordinance, and pursuant to the limitation of the "Parking Authority Law" that Authorities may not engage in the performance of municipal functions except such functions as are delegated to it by municipal ordinance, the Allentown Parking Authority is hereby delegated, subject to the provisions of Section 6 of this Ordinance, the power and right to exercise those municipal functions necessary or convenient for the administration, supervision and enforcement of an efficient system of off-street and on-street parking, including the power and right:

- (1) to conduct research and maintain data related to off-street and on-street parking programs;
- (2) to distribute, issue and process parking tickets;
- (3) to enforce parking regulations by the issuance of parking tickets and by booting, towing and impounding vehicles as provided by law, including the providing for and the establishment of procedures governing the removal and impounding of any vehicle parked on the highways or City property in violation of law;
- (4) to collect on behalf of the City of Allentown all revenue derived from on-street parking programs except fines and penalties from contested on-street parking violations and to pay to the City of Allentown said revenue in excess of:
 - (a) costs incurred by the Authority for on-street parking programs including the costs of administration, operation, (including a reasonable allowance for repair and replacement of equipment), and enforcement.
 - (b) costs incurred by the Authority for off-street parking programs in excess of revenues derived therefrom; off-street costs shall include administration, operation, (including a reasonable allowance for maintenance of facilities and debt service), and enforcement;

- (5) to acquire parking meters and related supplies and to locate, install and maintain such parking meters;
- (6) to administer a program of residential permit parking as provided by law; and,
- (7) to make, from time to time, such regulations as are necessary and convenient for the administration, supervision and enforcement of an efficient system of on-street parking, including the regulation or prohibition of stopping, standing or parking.

SECTION 6. The delegation of authority provided for it in Section 5 of this Ordinance shall not be construed as an authorization to the Authority to undertake any municipal function currently exercised by the executive and administrative branch of the City government unless and until the Mayor, or such other officers of the executive and administrative branch of City government as he shall designate, or as required by law, has reviewed, or caused to be reviewed, and has approved the transfer of any executive or administrative municipal function to the Authority; nor shall said delegation be construed in contravention, limitation or enlargement of any other Ordinance of the City of Allentown, relating to the regulation of off-street or on-street parking, unless specifically authorized herein or by Ordinances of City Council.

SECTION 7. That this Ordinance shall take effect twenty (20) days following its passage by City Council and approved by the Mayor.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 17 – 2014

May 7, 2014

AN ORDINANCE

Amending the 2014 General Fund, Parks and Recreation Department, by eliminating three part time Maintenance Worker positions and creating a full time Clerk 3 (union) position for the parks maintenance office and transferring the Tree Inspector position to Public Works.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Pages GF-171, 172, 86 and 87 of the General Fund be amended as follows:

Eliminate	3 (three) Part time MW 1	06M	\$ 44,220
Create	1 Full time Clerk 3	08M	\$ 25,816
Transfer	1 Full time Tree Inspector	16M	\$ 25,816
	To Public Works		

SECTION TWO: That City Council authorizes a transfer in the amount of \$38,473 (Thirty-Eight Thousand, Four hundred and Seventy-three Dollars) within the Park and Recreation Personnel Accounts in the following manner:

<u>FROM</u>		<u>TO</u>
000-08-0709-0001-04 Temporary Wages	\$25,816	000-08-0709-0001-02 Permanent Wages
000-08-0709-0001-04 Temporary Wages	\$ 2,244	000-08-0709-0001-14 Pension
000-08-0709-0001-04 Temporary Wages	<u>\$10,413</u>	000-08-0709-0001-16 Insurance-Employee Group
Total	\$38,473	

SECTION THREE: That City Council authorizes a transfer in the amount of \$41,407 (Forty-one Thousand, Four hundred and Seven Dollars) from Parks and Recreation Personnel Accounts to Public Works Personnel Accounts in the following manner:

<u>FROM</u>		<u>TO</u>
000-08-0709-0001-02 Permanent Wages	\$26,707	000-03-0702-0001-02 Permanent Wages
000-08-0709-0001-12 FICA	\$ 2,043	000-03-0702-0001-12 FICA
000-08-0709-0001-14 Pension	\$ 2,244	000-03-0702-0001-14 Pension
000-08-0709-0001-16 Insurance – Employee Group	<u>\$10,413</u>	000-03-0702-0001-16 Insurance-Employee Group
Total	\$41,407	

SECTION FOUR: That this Ordinance takes effect ten (10) days after final passage.

SECTION FIVE: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Parks and Recreation

- **Summary and Facts of the Bill**

- 1) To eliminate three part time Maintenance Worker positions and create a full time Clerk 3 (union) position for the parks maintenance office.
- 2) To transfer the Tree Inspector position to Public Works.

- **Purpose – Please include the following in your explanation:**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
- **What are the Benefits of doing this/Down-side of doing this**
- **How does this Bill related to the City's Vision/Mission/Priorities**

- 1) The Parks Grounds Maintenance staff does not have sufficient office clerical support but currently has unfilled maintenance worker part time positions. After this reorganization, there still remains summer laborer positions to assist the year round staff with the maintenance of the parks.
- 2) Because the Tree Inspector works with residential streets and sidewalks, this position would be better aligned with the Public Works, Engineering Department.

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

This reorganization will result in a net savings to the City of approximately \$7,154 to the Parks Maintenance Department. By providing clerical support to them, there will be more efficiency of staff allowing them to better focus on their work.

- **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

- 1) Within the Parks Maintenance bureau moving seven months of temporary wages to the permanent wage account along with necessary pension and insurance costs.
- 2) Transferring seven months of Tree Inspector full time wages and benefits to the Public Works, Engineering bureau.

- **Priority status/Deadlines, if any**

Having passage of this ordinance in May would allow seven months of greater Parks Maintenance efficiencies.

- **Why should Council unanimously support this bill?**

The City leadership continues to look for better support and productivity throughout the City and passage of this bill will help with providing this support to the Parks Department.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 18 – 2014

May 7, 2014

AN ORDINANCE

Amending the General Fund, Police Department, by eliminating one Sergeant Position in the Academy budget, creating a Lieutenant position in the Police Operations budget, and transferring a patrolman position from Police Operations to the Academy budget.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Pages GF-109, 110, 113, and 114 of the General Fund be amended as follows:

Eliminate	1 Sergeant position (7 months) 05P	\$ 41,944
Create	1 Lieutenant position (7 months) 17N	\$ 44,041
Transfer	1 Patrolman position (7 months) 02P	\$ 38,730

SECTION TWO: The City Council authorizes a transfer in the amount of \$ 82,825, Eighty Two Thousand, Eight Hundred Twenty Five Dollars) within Police Department Personnel Accounts in the following manner:

<u>FROM</u>		<u>TO</u>
000-04-0802-0004-02	\$ 41,944	000-04-0802-0001-02
000-04-0802-0001-46	\$ 2,097	000-04-0802-0001-02
000-04-0802-0001-02	\$ 38,730	000-04-0802-0004-02
000-04-0908-0001-12	\$ 54	000-04-0802-0004-12

SECTION THREE: That this Ordinance take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

The Police Department

- **Summary and Facts of the Bill**

To eliminate 1 Sergeant position in the Academy budget, create a Lieutenant position in the Police Operations budget, and transfer a patrolman position from Police Operations to the Academy budget.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

The Bill will eliminate a Sergeant position that is currently vacant at the Academy and create a Lieutenant’s position that is needed in the Operations Division. The APD lacks an essential supervisory position of Lieutenant. There are only four (4) Lieutenant positions on the department, each assigned to patrol. The lack of a lieutenant position in Administration diminishes the effective flattening of the organization. Another benefit of reclassification is the assignment of the lieutenant to the Office of Professional Standards, providing the department the ability to handle Internal Affairs complaints with speed and increased efficiency. Finally, there will be the value added benefit of a boost to morale, as approval of this reclassification allows the agency to reward deserving officers with two additional promotions.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

Removing a Sergeant from the Police Academy and adding a Training Officer will result in a cost savings to the city for the remainder of this budget year of \$3,214. Folding a Sergeant position and adding a Lieutenant will result in a salary increase of \$2,097 a year. Overall, this change will result in a cost savings to the city of \$1,117.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The transfer is within Police Department Personnel Accounts.

- **Priority status/Deadlines, if any**

The objective is to have the Lieutenant hired in June, 2014.

- **Why should Council unanimously support this bill?**

-First, it is important to point out that this change would be head count neutral, in that an additional position is not required, and total staffing would remain at 216.

- The APD is budgeted for thirty-two (32) total Sergeant positions, two of which were serving at the Allentown Police Academy. Rather than replacing the open Sergeant position, a second Training Officer was added at the Academy providing the same level of support to cadets in training. Additionally, this creates an overall cost savings to the city of over \$3,200 for the remainder of 2014. After the organizational changes, the officer headcount will remain at 216, the Sergeant headcount will move from thirty-two (32) to thirty-one (31), and the Lieutenant headcount will move from four (4) to five (5).

Upon examination of the organizational chart it was evident that an imbalance existed in chain of command between the Operations Division and the Administrative Division. For example: The two major facets of the Operations Division, Investigative Services and Uniform Services have adequate span of control. Each platoon has four (4) Sergeants and one (1) Lieutenant who report to one (1) Captain, and each investigative division has Sergeants who ultimately report to a Captain, for a total of five (5) Captains in the Operations Division reporting to the Assistant Chief of Operations. In stark contrast, the Administrative Services Division has only four (4) Sergeants who report directly to the Assistant Chief of Administration.

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 19 – 2014

May 7, 2014

AN ORDINANCE

Amending the General Fund, Health Bureau by eliminating one Clerk 3 position and creating a Sanitarian position.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Pages GF-247, 248, 267, 268, 275 and 276 of the General Fund be amended as follows:

Eliminate	1 Clerk 3 position (7 months)	08M	\$ 24,657
Create	1 Sanitarian position (7 months)	18M	\$ 24,600

SECTION TWO: The City Council authorizes a transfer in the amount of \$39,024 (Thirty-Nine Thousand, Twenty-four Dollars) within Health Bureau Personnel Accounts in the following manner:

<u>FROM</u>		<u>TO</u>
000-09-0908-0001-02	\$ 12,300	000-09-0908-0006-02
000-09-0908-0001-02	\$ 12,300	000-09-0908-0008-02
000-09-0908-0001-12	\$ 941	000-09-0908-0006-12
000-09-0908-0001-12	\$ 941	000-09-0908-0008-12
000-09-0908-0001-14	\$ 1,122	000-09-0908-0006-14
000-09-0908-0001-14	\$ 1,122	000-09-0908-0008-14
000-09-0908-0001-16	\$ 5,149	000-09-0908-0006-16
000-09-0908-0001-16	\$ 5,149	000-09-0908-0008-16

SECTION THREE: That this Ordinance take effect ten (10) days after final passage.

SECTION FOUR: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

The Health Bureau

- **Summary and Facts of the Bill**

To eliminate 1 Clerk 3 positions and create a Sanitarian position in its place.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City’s Vision/Mission/Priorities**

The Bill will eliminate a clerical position that is currently vacant and assignments have been restructured within. Additionally the bill will create an additional Sanitarian position that is needed due to increased inspections as well as increased public health complaints.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is very little financial impact from the elimination of the Clerk 3 position to the creation of the sanitation position.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

The transfer is within Health Bureau Personnel Accounts.

- **Priority status/Deadlines, if any**

The objective is to have the Sanitarian hired in June, 2014.

- **Why should Council unanimously support this bill?**

The sanitarian workload has steadily increased since 2006 when our sanitarian staff was reduced from 5 to 4 positions. For example, in 2007 the number of licensed food facilities in the city was 843, it will be more than 900 in 2014; the number of temporary inspections was 253 in 2007 and 420 in 2013, a 66% increase; we also saw a 36% jump in the number of child care facilities from 121 in 2007 to 164 in 2013. Lastly, the number of public health complaints investigated rose from 538 in 2007 to 729 in 2013, again a 36% increase. The clerical position has been vacant and during that time we have successfully restructured clerical assignments within the bureau to increase efficiencies and thus determined that re-filling that position was not a priority.



CITY OF ALLENTOWN

No. 12

RESOLUTION

R - 2014

Introduced by the Administration and City Council on May 7, 2014

**Supports Senate Bill 1340 and House Bill 1272 allowing Municipal Police
to use Speed Timing Equipment**

Resolved by the Council of the City of Allentown, That

WHEREAS, public protection is a principal reason municipalities are established; and

WHEREAS, municipal police and the Pennsylvania State Police are statutorily authorized to protect the public, primarily through the enforcement of the Crimes Code and Motor Vehicle Code; and all of the tools of law enforcement available to the Pennsylvania State Police are also available to municipal police, with one notable exception, that being radar; and

WHEREAS, Pennsylvania is the only state in the United States of America that gives its municipal police a law enforcement mandate and then prohibits them from using a common and effective piece of speed-timing equipment that the Pennsylvania State Police are permitted to use; and

WHEREAS, the inability of municipal police to use radar has resulted in uneven enforcement of the maximum speed laws across Pennsylvania, as well as contributing to Pennsylvania's distinction as the state with the 3rd highest number of speed-related vehicle fatalities and the 2nd highest percentage of speed-related vehicle fatalities in the country.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Allentown City Council support the Senate and House of Representatives of the General Assembly of Pennsylvania, and specifically, Senator Matt Smith, Representative Erin Molchany and Representative Harry Readshaw, recommending passage of Senate Bill 1340 and House Bill 1272 which would enable all municipal police to use the same motor vehicle speed-timing equipment as the Pennsylvania State Police.

BE IT FURTHER RESOLVED that a copy of the resolution be sent to Lehigh Valley legislators, as well as those Senators and Representatives noted above, requesting they support passing Senate Bill 1340 and House Bill 1272.

What Department or bureau is Bill originating from? Where did the initiative for the bill originate?

Office of the Mayor

- **Summary and Facts of the Bill**

Providing resolution to support legislation to allow municipal police to use radar as motor vehicle speed timing device.

- **Purpose – Please include the following in your explanation:**
 - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
 - **What are the Benefits of doing this/Down-side of doing this**
 - **How does this Bill related to the City's Vision/Mission/Priorities**

Pennsylvania remains the only state in the United States that specifically prohibits its municipal police from using RADAR as a speed-detecting device.

- **Financial Impact – Please include the following in your explanation:**
 - **Cost (Initial and ongoing)**
 - **Benefits (initial and ongoing)**

There is no financial impact to this resolution.

- **Funding Sources – Please include the following in your explanation:**
 - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

Not applicable.

- **Priority status/Deadlines, if any (None)**
- **Why should Council unanimously support this bill?**

Pennsylvania is the only state in the United States that only allows its State Police to use RADAR to detect speeding motorists. Research of the laws, standards, and practices of the other 49 states shows that RADAR is a normal and integral tool that all police officers use everyday.

To review, Pennsylvania's statute states that, "[e]xcept as otherwise provided in paragraph (3), electronic devices such as radio-microwave devices (commonly referred to as electronic speed meters or radar) may be used only by members of the Pennsylvania State Police."³⁴ All that the Pennsylvania State Legislature would need to do to amend this statute would be to change it to read, "[e]xcept as otherwise provided in paragraph (3), electronic devices such as radiomicrowave devices (commonly referred to as electronic speed meters or radar) may be used by any police officer." Such a simple change would go a long way to making our local roads safer and our local governments more efficient.



CITY OF ALLENTOWN

No. 13

RESOLUTION

R - 2014

Introduced by City Council on May 7, 2014

Approves/Disapproves the Intermunicipal Transfer of a Liquor License from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA.

Resolved by the Council of the City of Allentown, That

WHEREAS, the Pennsylvania Liquor Code (47 P.S. Sec. 4-461 (b.3) provides for the intermunicipal transfer of certain liquor licenses, under circumstances that include approval of the transfer from the governing body of the receiving municipality; and

WHEREAS, the City of Allentown (the "City"), Lehigh County, has received an application from Brown Brothers Restaurant for the transfer of a liquor license from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA, and has held a public hearing to receive comments and recommendations of interested individuals; and

WHEREAS, the City Council of the City of Allentown does not find that the requested liquor license transfer would adversely affect the welfare, health, peace and morals of the City or its residents.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Allentown, Lehigh County, Pennsylvania, hereby resolves as follows:

That the requested transfer of a Liquor License from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA. to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA, Lehigh County, be approved/denied.

PLEASE REPLY TO PA OFFICE

Theodore J. Zeller III, Esquire
E-mail: tzeller@nmmlaw.com
Direct Dial: 484-765-2220
Direct Fax: 484-765-2312

March 14, 2014

VIA HAND DELIVERY

City Clerk
City Hall
Room 510
435 Hamilton Street
Allentown, PA 18101

RE: Request for Intermunicipal Liquor License Transfer
My Client: Brown Brothers Restaurant Group, LLC
Site Location: 612 West Hamilton Street, Allentown, PA 18101

Dear Sir/Madam:

Enclosed please find the Liquor Transfer Request Petition, along with a check in the amount of \$400.00 representing the requisite fee, submitted on behalf of my client, Brown Brothers Restaurant Group, LLC.

Should you have any questions or comments, please feel free to contact me. I trust you will advise me of our hearing date before City Council and I request a hearing at the earliest date.

Very truly yours,



THEODORE J. ZELLER III

TJZ:rds
Enclosure
cc: Mr. Jeffrey Brown (w/encl.)



LIQUOR TRANSFER REQUEST PETITION

City Council
City Hall
Allentown, PA 18101
TELEPHONE: (610) 437-7539
FAX: (610) 437-7554
EMAIL: Mike Hanlon
Tawanna L. Whitehead

Date 3/14/2014

hanlon@allentownpa.gov
whiteheadt@allentownpa.gov

Members of City Council:

We, the undersigned and interested parties, hereby request your honorable body to approve the transfer of said liquor license within the boundaries of the City.

Brown Brothers Restaurant Group, LLC
Applicant's Name

R-11588
Applicants LCB Number

Beef House, Inc., t/a Beef House, 1358 Catasauqua Road, Bethlehem, PA
Current Business name, Address and Telephone Number where license proposed to be transferred is located. 18018
Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street,
Allentown, PA 18101
Current Business name, address, telephone number where the liquor license is proposed to be located within the City of Allentown.

Description of type of operation where proposed license is to be transferred to:

Restaurant

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
Theodore J. Zeller, Esq.	<u>1611 Pond Road,</u> <u>Allentown, PA 18104</u>	<u>610-391-1800</u>

NOTE: Send or deliver this petition, along with \$400, to cover advertising, public hearing and public notification costs, to:
Remittance/Check payable to the "City of Allentown"

City Clerk
City Hall
Room 510
435 Hamilton Street
Allentown, PA 18101
TELEPHONE: (610) 437-7539
FAX: (610) 437-7554 Fax
EMAIL: Mike Hanlon hanlon@allentownpa.gov
Tawanna L. Whitehead whiteheadt@allentownpa.gov

Allentown City Council will conduct a Public Hearing on Wednesday, April 16, 2014 at 6:30 PM in Council Chambers, 435 Hamilton Street, Allentown, PA 18101. The purpose of the Public Hearing is to take public testimony on the request for the Intermunicipal Transfer of Liquor License Number R-11588, to Brown Brothers Restaurant Group, LLC, 612 West Hamilton Street, Allentown, PA, from the Beef House, Inc., 1358 Catasauqua Road, Bethlehem, PA. The transfer applicant is the Brown Brothers Restaurant Group, LLC. There will be a resolution on the council meeting that follows the public hearing that will allow City Council to approve or disapprove the transfer.

Hanlon, Michael

From: Paulus, David
Sent: Thursday, March 20, 2014 12:56 PM
To: Whitehead, Tawanna; Dougherty, Francis; Snyder, Jerry; Strathearn, Gary; Hefele, Michael; Fitzgerald Sr., Joel; Kudlak, Robert Jr; Kistler, Vicky; Pawlowski, Ed
Cc: Cynthia Mota; Eichenwald, Jeanette; Guridy, Julio; Hanlon, Michael; Hendricks, Daryl; Jeanette Eichenwald (jeichenwald@rcn.com); Davis, Joseph; Joseph John Davis; Julio Guridy; O'Connell, Raymond; Peter Schweyer (pschweye@shh.org); Schweyer, Peter
Subject: RE: Letter from Mike Hanlon regarding Liquor License Transfer Request (Brown Brothers Restaurant Group, LLC)

The owners of this property had submitted plans and received permits for a major reconstruction of the property. It is currently in the construction phase.



David Paulus
Director
Building Standards and Safety
435 Hamilton Street
Allentown, PA 18101
610.437.7696
David.Paulus@allentownpa.gov
<http://www.AllentownPA.gov>

From: Whitehead, Tawanna
Sent: Thursday, March 20, 2014 10:55 AM
To: Dougherty, Francis; Snyder, Jerry; Strathearn, Gary; Paulus, David; Hefele, Michael; Fitzgerald Sr., Joel; Kudlak, Robert Jr; Kistler, Vicky; Pawlowski, Ed
Cc: Cynthia Mota; Eichenwald, Jeanette; Guridy, Julio; Hanlon, Michael; Hendricks, Daryl; Jeanette Eichenwald (jeichenwald@rcn.com); Davis, Joseph; Joseph John Davis; Julio Guridy; O'Connell, Raymond; Peter Schweyer (pschweye@shh.org); Schweyer, Peter
Subject: Letter from Mike Hanlon regarding Liquor License Transfer Request (Brown Brothers Restaurant Group, LLC)

Hello,

Attached, please find a letter from Mike Hanlon regarding a Liquor License Transfer Request from Brown Brothers Restaurant Group, LLC.

Please review.

Thank you in advance.

MICHAEL P. HANLON



CITY CLERK

hanlon@allentowncity.org
435 West Hamilton Street
Allentown, PA 18101
Phone: 610.437-7539
Fax: 610.437-7554

April 8, 2014

Theodore J. Zeller, III
Norris McLaughlin & Marcus, P.A.
The Paragon Centre
Suite 300
1611 Pond Road
Allentown, PA 18104-2258

Dear Mr. Zeller:

Thank you for your request to extend the Public Hearing for 612 West Hamilton Street Liquor License Transfer.

Please note that the forty-five (45) day period for the City to render a decision on this Application under Section 4-461(b.3) of the Liquor Code will expire on April 28, 2014.

Kindly consider this correspondence as the City's written notice to extend the time to render a decision on this Application for a period not to exceed sixty (60) days, from April 28, 2014 to June 30, 2014 under Section 4-461 (b.3) of the Liquor Code.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Hanlon".

Michael P. Hanlon
City Clerk

Cc: City Council



CITY OF ALLENTOWN

No. 14

RESOLUTION

R - 2014

Introduced by City Council on May 7, 2014

Amends Council Rules

Resolved by the Council of the City of Allentown, That

WHEREAS, Allentown City Council is proposing changing their rules on the introduction of legislation, order of business, public comment provisions, the consent agenda, voting on appointments, and the use of sign in sheets.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby makes the following additions and deletions to the following sections of Council rules:

RULE III

ORDER OF BUSINESS

The order of business will be as follows:

Invocation
Pledge to the Flag
Roll Call
Courtesy of the Floor
Minutes of Previous Meeting
Old Business
Communications
Reports
Appointments
Ordinances for Final Passage
~~New Ordinances~~
~~Consent Agenda~~
~~Resolutions on Second Reading~~
Resolutions for Final Passage
Ordinances for Introduction
New Resolutions for Introduction
New Business
Good and Welfare
Adjournment

(24831 2/18/81; 25050 7/7/82; 26940 9/21/94; Art. II, §213; 4/1/09 28577

RULE V - LEGISLATION

A. General: All legislation of Council will be by Resolution or Ordinance. Every Ordinance passed by Council will be signed by the President of Council and attested to by the City Clerk.

B. Numbered: All proposed Ordinances and Resolutions presented to Council will be written or typewritten and numbered serially for the calendar year.

C. Introduction: An Ordinance or Resolution may be introduced by the Administration or by any two members Council. The title of all bills and resolutions shall be read into the record. A complete copy of every bill or resolution shall be available for public inspection at the City Clerk's Office during regular office hours.

~~A Resolution or Ordinance will be discussed by Council only after it is signed by a mover and seconder. Every Resolution, unless it appears on the Consent Agenda, will be read at length when introduced and on Final Passage. Only the title of every Bill and Resolution on the Consent Agenda will be read when introduced and on Final Passage. A majority vote of Council can, however, direct a Bill or Resolution to be read at length. A complete copy of every Bill or Resolution introduced will be available for public inspection at the City Clerk's Office during regular office hours. (26383 2/20/91; Article II, §217)~~

D. Form of an Ordinance: Every ordinance will have a title clearly expressing its subject and every ordinance will contain only one subject. (Art. II, §216).

E. Amendments: Ordinances will not be altered or amended on their passage so as to change their original purpose.

F. Final Passage of Ordinances: A minimum of fourteen (14) days must intervene between introduction and passage of an ordinance unless Council finds and declares a public emergency posing a sudden, clear and present danger to life or property. However, Council may, by the affirmative vote of six (6) of its seven (7) members, reduce or eliminate the fourteen (14) day period between introduction and passage of any ordinance. (Art. II, §218)

G. Effective Date of Legislation: Subject to the provisions of Section 221, Submission to Mayor and Veto Power, every adopted ordinance, except emergency legislation, will become effective at the expiration of thirty (30) days after passage by Council and approval by the Mayor, or repassage by Council over the Mayor's veto, or at a date specified therein, but not less than ten (10) days after adoption. (Art. II, §219)

H. Emergency Ordinance: An emergency ordinance may be adopted to meet a public emergency posing a sudden, clear and present danger to life or property. An emergency ordinance will be introduced in the form and manner prescribed for an ordinance generally, except that it will be plainly designated as an emergency ordinance and will describe in clear and specific term

RULE VII - PRESIDING OFFICER

A. President: The Presiding Officer will be the President. The Vice-President will be the Presiding Officer in the absence of the President.

B. Questions of Procedure: The Presiding Officer will have general supervision of the meeting and decide all questions of procedure, subject to appeal by any two (2) Members. If such an appeal is made, a vote is required and the President's decision may be overruled by a majority vote of the Councilpersons present.

C. Privilege of the Floor: Members and others given the privilege of the floor will address the Presiding Officer. The Presiding Officer will extend the courtesy to the Councilperson(s) responsible for introducing legislation the opportunity to speak first. Each member will have the right to speak twice on any

subject. No Member will be allowed to speak more than twice on any subject without permission of the Presiding Officer. No Member will speak more than three (3) times on the question without the unanimous consent of all the Members present. (26980 12/21/94)

Privilege of the Floor will not be extended for personal insults or personal attacks on any individual, name calling or other behavior that is inconsistent with the purpose and intent of conducting official business.

When given Privilege of the Floor, please state your name and address. All remarks must be directed towards the presiding officer or council as a body; not a particular Council member or elected official, the audience or city staff. Unless otherwise determined, individuals shall have three minutes to address council and individuals representing a bona-fide group shall have five minutes. (27472 2/17/99)

D. Referral to Committee: At the meeting in which any Ordinance first appears upon the agenda, after discussion as set forth heretofore, the Presiding Officer will commit said Ordinance to the appropriate committee. At the meeting in which any Resolution or other matter first appears upon the agenda it will be acted upon by Council at that meeting unless the Presiding Officer, or the Council, by a majority vote commits such matters to the appropriate committee.

Public comment will be taken on bills or resolutions on introduction prior to any action to refer the bills to committee.

E. Debate: The Presiding Officer may participate in debate without leaving his chair.

F. Citizen Participation during Council Meetings: Citizens wishing to address council at its regular meetings may do so under Courtesy of the Floor, and Bills and Resolutions on introduction and final passage.

Individuals should sign in on forms at the council meeting stating their name, address, phone or email if you prefer, and topic you would like to discuss under Courtesy of the Floor, or a particular bill or resolution. You may also contact the City Clerk's office in advance of the Council meeting to have your name added to the form.

Courtesy of the Floor: Courtesy of the Floor is extended to individuals wishing to address an item that is not on council's agenda that is relevant to the operation of city government.

Please state your name and address at the podium. All remarks must be directed towards the presiding officer or council as a body; not a particular Council member or elected official, the audience or city staff. Unless otherwise determined, individuals shall have three minutes to address council and individuals representing a bona-fide group shall have five minutes.

Power Point or other digital presentations must follow the same time limits and must be submitted to the City Clerk's Office in the same manner as other legislation, no later than 4:00 PM eight days prior to the council meeting. Please be sure to have hard copies of any presentations in the event the city's network system is not functioning.

F G. Candidate Participation: Persons running for office in a primary or general election will not be allowed to speak to "new issues" under Good and Welfare or Courtesy of the Floor. Candidates for political office may address City Council under Courtesy of the Floor as long as the issue under consideration is not a new issue but an old issue and no political statements are made. An old issue is defined as a concern that appears in the minutes of City Council. (28561 4/1/09) This prohibition will apply

as soon as the candidate's nominating petition is filed and until after the General Election in that same year (unless a candidate is unsuccessful in the primary). The Presiding Officer will enforce this rule.

1. Good and Welfare prohibition applies to members of City Council seeking election.
2. Courtesy of the Floor prohibition applies to those, not on Council, seeking election. (26179 12/6/89)

G H. The Presiding Officer will not extend Courtesy of the Floor or Good and Welfare for personal insults or personal attacks on any individual, name calling or other behavior that is inconsistent with the purpose and intent of Courtesy of the Floor and Good and Welfare. (27472 2/17/99)

RULE IX - ~~CONSENT AGENDA AND APPOINTMENTS~~

~~A. Consent Agenda will consist solely of Resolutions. In accordance with Rule III, the City Clerk will be first read all the titles of Resolutions on the Consent Agenda. Any Council Member may, with the concurrence of two (2) other Council Members, effect the removal of a Resolution from the Consent Agenda after it has been read by the City Clerk. Any resolution removed from the Consent Agenda in this manner may be placed under resolutions for first reading or removed from the agenda by a motion of Council. (26383 2/20/91)~~

~~B. Appointments shall be listed on the agenda under Appointments if they received a recommendation from the Appointments Committee. The appointments shall be voted on as a group unless the Council President or council requests an appointment to be voted on individually. They shall be voted on individually and each appointment shall be so noted as a separate resolution after approved. This provision shall not apply to the appointment of Department Directors and the Solicitor. (28577 5/6/09)~~