

CITY OF WILKES-BARRE
PENNSYLVANIA



CITY COUNCIL AGENDA

CITY COUNCIL
WORK SESSION

DATE: October 24, 2006

TIME: 6:00 P.M.

6:00 P.M. **Jim Ryan, City Clerk**

ORDINANCE FOR SECOND AND FINAL READING

FILE OF COUNCIL NO. 19 OF 2006 – AN ORDINANCE AMENDING CHAPTER 7, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE TO AMEND PERMITS TO BE ISSUED TO LICENSED ELECTRICIANS, PLUMBERS OR CONTRACTORS; EXCEPTIONS.

FILE OF COUNCIL NO. 20 OF 2006 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 6 OF 1978, AMENDING FILE OF COUNCIL NO. 16 OF 1971, ENTITLED “THE HOUSING CODE ORDINANCE OF THE CITY OF WILKES-BARRE”, AS AMENDED.

FILE OF COUNCIL NO. 21 OF 2006 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 63 OF 2004, AN ORDINANCE ESTABLISHING A TENANT AND RENTAL UNIT REGISTRATION REQUIREMENT WITHIN THE CITY OF WILKES-BARRE AND AMENDING THE LANDLORD ORDINANCE NUMBER 23 OF 2002, AS AMENDED.

CITY COUNCIL
WORK SESSION
OCTOBER 24, 2006

6:10 P.M. **General Discussion**

1. Request for possible easement across city property.

6:10 P.M. **Thomas M. Leighton, Mayor (See Attached)**

CITY OF WILKES-BARRE
Pennsylvania

Thomas M. Leighton
Mayor



40 East Market Street
Wilkes-Barre, PA 18711-0451

(570) 208-4152 phone
(570) 208-4101 fax

OFFICE OF THE
MAYOR

MAYOR'S AGENDA

WORK SESSION

OCTOBER 24, 2006

RESOLUTIONS

Awarding the contract for the demolition of 24-26 Schoolhouse Lane to Brdaric Excavating, Inc. in the amount of \$10,740.00

Authorizing the proper City officials to enter into an agreement with the lowest responsible bidder for the demolition of 104 Railroad Street

Authorizing the proper City officials to apply for an emergency preparedness grant through the Department of Health in the amount of \$186,727.00

Appointments to the Wilkes-Barre Complex TIF Committee

Authorizing "Celebrate Wilkes-Barre" to attach banners to the street lights

Appointing William Harvey to the Zoning Board

ORDINANCE

PROHIBITING THE USE OF FURNITURE DESIGNED FOR INTERIOR USE IN EXTERIOR AREAS WHERE IT IS EXPOSED TO THE ELEMENTS AND SUSCEPTIBLE TO POSING AN UNREASONABLE HEALTH AND SAFETY RISK (TITLE ONLY)

**CITY OF WILKES-BARRE
PENNSYLVANIA**



CITY COUNCIL AGENDA

CITY COUNCIL

OCTOBER 26, 2006

6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA (RESOLUTIONS)

CONSENT AGENDA (ORDINANCES)

PRESENTATIONS BY COUNCIL MEMBERS

PUBLIC DISCUSSION

ADJOURNMENT

CITY COUNCIL
OCTOBER 26, 2006

CONSENT AGENDA (RESOLUTIONS)

Awarding the contract for the demolition of 24-26 Schoolhouse Lane to Brdaric Excavating, Inc. in the amount of \$10,740.00.

Authorizing the proper City officials to enter into an agreement with the lowest responsible bidder for the demolition of 104 Railroad Street.

Authorizing the proper City officials to apply for an emergency preparedness grant through the Department of Health in the amount of \$186,727.00.

Appointing John J. Koval to the Wilkes-Barre Complex TIF Committee.

Authorizing "Celebrate Wilkes-Barre" to attach banners to the street lights.

Appointing William Harvey to the Zoning Board.

MINUTES

Of the Regular Session of City Council of October 12, 2006.

Of the Wilkes-Barre Industrial Development Authority of September 7, 2006.

CITY COUNCIL
OCTOBER 26, 2006

CONSENT AGENDA (ORDINANCES)

FILE OF COUNCIL NO. 19 OF 2006 – AN ORDINANCE AMENDING CHAPTER 7, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE TO AMEND PERMITS TO BE ISSUED TO LICENSED ELECTRICIANS, PLUMBERS OR CONTRACTORS; EXCEPTIONS. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 20 OF 2006 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 6 OF 1978, AMENDING FILE OF COUNCIL NO. 16 OF 1971, ENTITLED “THE HOUSING CODE ORDINANCE OF THE CITY OF WILKES-BARRE”, AS AMENDED. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 21 OF 2006 – AN ORDINANCE AMENDING FILE OF COUNCIL NO. 63 OF 2004, AN ORDINANCE ESTABLISHING A TENANT AND RENTAL UNIT REGISTRATION REQUIREMENT WITHIN THE CITY OF WILKES-BARRE AND AMENDING THE LANDLORD ORDINANCE NUMBER 23 OF 2002, AS AMENDED. (SECOND AND FINAL READING)

FILE OF COUNCIL NO. 22 OF 2006 – AN ORDINANCE PROHIBITING THE USE OF FURNITURE DESIGNED FOR INTERIOR USE IN EXTERIOR AREAS WHERE IT IS EXPOSED TO THE ELEMENTS AND SUSCEPTIBLE TO POSING AN UNREASONABLE HEALTH AND SAFETY RISK. (FIRST READING – TITLE ONLY)

FILE OF COUNCIL NO. 23 OF 2006 – AN ORDINANCE OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA ESTABLISHING SEX OFFENDER RESIDENCY RESTRICTIONS AND PENALTIES FOR VIOLATIONS. (FIRST READING – TITLE ONLY)



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, the property at 24-26 Schoolhouse Lane constitutes a hazard to the public safety, health and welfare, and is in violation of Section 108.2 et seq., of the Wilkes-Barre Housing Code, Ordinance No. 16 of 1971, as amended; and

WHEREAS, bids for the demolition and site clearance were received and publicly opened on Monday, October 16, 2006; and

WHEREAS, Brdaric Excavating, Inc. was the lowest responsible bidder with a bid of \$10,740.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wilkes-Barre approves the demolition of 24-26 Schoolhouse Lane and further authorizes the awarding of the contract to Brdaric Excavating, Inc.

FURTHER, that the City Attorney will file a Municipal Lien against the property for all costs incurred to the City due to the razing of the property.

FURTHER, that the cost of the demolition will be paid from Community Development Funds.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

THAT, the proper City Officials are hereby authorized to enter into an agreement with the lowest responsible bidder for the demolition of 104 Railroad Street.

FURTHER, that the cost of the demolition will be paid through Community Development Funds.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

That the proper City officials are hereby authorized to apply for an emergency preparedness grant through the Department of Health in the amount of \$186,727.00.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

THAT, John J. Koval, Finance Officer, and a City Council designee is hereby appointed to the Wilkes-Barre Complex TIF Committee.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, CELEBRATE WILKES-BARRE IS A NON-PROFIT ORGANIZATION ESTABLISHED BY MEMBERS OF THE COMMUNITY; AND

WHEREAS, CELEBRATE WILKES-BARRE HAS TAKEN THE LEAD ON ADMINISTRATING AND COORDINATING THE CITY OF WILKES-BARRE'S BICENTENNIAL CELEBRATION, AND

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF WILKES-BARRE THAT THE CELEBRATE WILKES-BARRE IS AUTHORIZED TO ATTACH BANNERS TO THE STREETLIGHTS IN DOWNTOWN.

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS



Wilkes-Barre, Pa. _____

Resolution No. _____

BE IT RESOLVED by the City Council of the City of Wilkes-Barre:

WHEREAS, Article V, Section 5:08 of the City's Home Rule Charter provides that the Mayor shall appoint, with the advice and consent of City Council, members to Board and Authorities:

NOW, THEREFORE, BE IT RESOLVED, THAT the City Council of the City of Wilkes-Barre hereby accepts the recommendation of Mayor Thomas M. Leighton for the following appointment to fill the unexpired term of Ron Felton:

ZONING BOARD

William Harvey
53 Hillard Street
Wilkes-Barre, Pa. 18702

Effective immediately

Term to expire: January 24, 2007

Submitted by _____

ROLL CALL

YEAS

RESOLUTIONS

NAYS

FILE OF COUNCIL

NO. 19 OF 2006

PRESENTED IN CITY COUNCIL OCTOBER 12, 2006

AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 7, SECTION 19 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE TO AMEND PERMITS TO BE ISSUED TO LICENSED ELECTRICIANS, PLUMBERS OR CONTRACTORS; EXCEPTIONS.

Whereas, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre and amend Section 7-19, Permits to be issued to licensed electricians, plumbers or contractors; exceptions; and

Now, Therefore, Be It Ordained by the City Council of Wilkes-Barre and it is hereby ordained by the authority of the same that:

SECTION I. Section 7-19 (7) Permits to be issued to licensed electricians, plumbers or contractors; exceptions which originally read:

Permits to be issued to licensed electricians, plumbers or contractors; exceptions: All electrical, plumbing and general construction work performed under any permit shall be done by a licensed electrician, plumber or contractor except, however a person may perform any electrical, plumbing and general construction work on a structure of which he is the owner, provided he does not employ or engage, for compensation of any form, any person or persons to assist him and provided further that he has first secured the necessary permits from the office building inspection. All such work performed by the owner of a structure must conform to the same requirements governing licensed electricians, plumbers or contractors.

The purpose of this exception is to allow a property owner to work on his own property and get assistance from family and friends. It is also meant to prevent a property owner from securing a building permit and then hiring an unlicensed contractor to perform the work.

Is amended to Read:

Permits to be issued to licensed electricians, plumbers or contractors; exceptions: All electrical, plumbing and general construction work performed under any permit shall be done by a licensed electrician, plumber or contractor, except, however, a person may

perform electrical, plumbing and general construction work on a structure which he is the owner, (AND PROVIDED THAT THE STRUCTURE HE IS WORKING ON IS HIS PRIMARY RESIDENCE,) and further provided that he does not employ or engage for compensation of any form any person or persons to assist him and provided further that he has first secured the necessary permits from the office of building inspection. all such work performed by the owner of a structure must conform to the same requirements governing licenses electricians, plumbers or contractors.

The purpose of this exception is to allow a property owner to work on his own property and get assistance from family and friends. it is also meant to prevent a property owner from securing a building permit and then hiring an unlicensed contractor to perform the work.

SECTION II. SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION III. REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed finally by the Council of the City of Wilkes-Barre on

_____.

This ordinance shall become effective ten (10) days after final passage by the Wilkes-Barre City Council.

Attest:

Jim Ryan, City Clerk

CITY OF WILKES-BARRE
Pennsylvania
Thomas M. Leighton, Mayor

Timothy J. Henry, Esquire
City Attorney




William E. Vinsko, Jr., Esquire
Assistant City Attorney

Margaret M. Sharksnas
Paralegal

OFFICE OF THE CITY ATTORNEY
40 East Market Street
Wilkes-Barre, PA 18711
Tel. (570) 208-4155 Fax (570) 208-4153

MEMORANDUM

To: Jim Ryan, City Clerk

From: Timothy J. Henry, City Attorney 

Date: October 3, 2006

Re: **Amendment of Wilkes-Barre City Code Ordinance No. 7-19 (7)**

Attached is a copy of Ordinance 7-19 (7) as it currently reads and the proposed amendment. Please place this amended Ordinance on council's next agenda for first reading.

Thank you for your attention to this matter. Call with any question or comment.

TJH/ms

Attachment

cc: Frank Kratz
Butch Frati

Margaret Sharksnas

From: Frank Kratz
Sent: Monday, September 25, 2006 4:16 PM
To: Tim Henry
Cc: Margaret Sharksnas; JJ Murphy; Butch Frati; MayorTML
Subject: code change

Wilkes-Barre City code 7-19(7)

Permits to be issued to licensed electricians, plumbers or contractors; exceptions. All electrical, plumbing and general construction work performed under any permit shall be done by a licensed electrician, plumber or contractor, except, however, a person may perform any electrical, plumbing and general construction work on a structure of which he is the owner, provided he does not employ or engage, for compensation of any form, any person or persons to assist him and provided further that he has first secured the necessary permits from the office of building inspection. All such work performed by the owner of a structure must conform to the same requirements governing licensed electricians, plumbers or contractors.

The purpose of this exception is to allow a property owner to work on his own property and get assistance from family and friends. It is also meant to prevent a property owner from securing a building permit and then hiring an unlicensed contractor to perform the work.

This ordinance should be amended to read;

Permits to be issued to licensed electricians, plumbers or contractors; Exceptions. All electrical, plumbing and general construction work performed under any permit shall be done by a licensed electrician, plumber or contractor, except, however, a person may perform and electrical, plumbing and general construction work on a structure which he is the owner, (and provided that the structure he is working on is his primary residence,) and further provided that he does not employ or engage for compensation of any form any person or persons to assist him and provided further that he has first secured the necessary permits from the office of building inspection. All such work performed by the owner of a structure must conform to the same requirements governing licensed electricians, plumbers or contractors.

The purpose of this exception is to allow a property owner to work on his own property and get assistance from family and friends. It is also meant to prevent a property owner from securing a building permit and then hiring an unlicensed contractor to perform the work.

FILE OF COUNCIL

NO. 20 OF 2006

PRESENTED TO CITY COUNCIL October 12, 2006

AN ORDINANCE

AMENDING FILE OF COUNCIL NO. 6 OF 1978, AMENDING FILE OF COUNCIL NO. 16 OF 1971, ENTITLED "THE HOUSING CODE ORDINANCE OF THE CITY OF WILKES-BARRE", AS AMENDED.

Whereas, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre and amend file of Council No. 6 of 1978.

Now, Therefore Be It Ordained by the City council of the City of Wilkes-Barre and it is hereby ordained by the authority of the same that:

SECTION I. Article VI BUYER NOTIFICATION SECTION 604. CONTENTS OF HOUSING STATISTICAL REPORT (2) which originally read:

2. A Statement of zoning classification applicable to the subject dwelling(s).

IS AMENDED TO READ:

2. A Statement of Zoning and Flood Insurance Rate Map Classification applicable to the subject dwelling(s).

SECTION II. SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION III. REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed finally by the Council of the City of Wilkes-Barre on

This ordinance shall become effective ten (10) days after final passage by the Wilkes-Barre City Council.

ATTEST:

Jim Ryan, City Clerk

FILE OF COUNCIL

NO. 21 OF 2006

PRESENTED TO CITY COUNCIL OCTOBER 12, 2006

AN ORDINANCE

AN ORDINANCE AMENDING FILE OF COUNCIL NO. 63 OF 2004, AN ORDINANCE ESTABLISHING A TENANT AND RENTAL UNIT REGISTRATION REQUIREMENT WITHIN THE CITY OF WILKES-BARRE AND AMENDING THE LANDLORD ORDINANCE NUMBER 23 OF 2002, AS AMENDED.

Whereas, it is the desire and intention of City Council to pass legislation within the City of Wilkes-Barre and amend File of Council No. 63 of 2004.

Now, Therefore Be It Ordained by the City Council of the City of Wilkes-Barre and it is hereby ordained by the authority of the same that:

SECTION I. SECTION 7-222 (2) which originally read:

SECTION 7-222 CONTENTS OF HOUSING STATISTICAL REPORT

2. A Statement of Zoning classification applicable to the Subject Regulated Rental Unit(s).

IS AMENDED TO READ:

SECTION 7-222 CONTENTS OF HOUSING STATISTICAL REPORT

2. A Statement of Zoning and Flood Insurance Rate Map Classification applicable to the Subject Regulated Rental Unit(s).

SECTION II. SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION III. REPEALER.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Passed finally by the Council of the City of Wilkes-Barre on

_____.

This ordinance shall become effective ten (10) days after final passage by the Wilkes-Barre City Council.

Attest:

Jim Ryan, City Clerk

FILE OF COUNCIL

NO. ____ OF 2006

PRESENTED IN CITY COUNCIL _____

AN ORDINANCE

PROHIBITING THE USE OF FURNITURE DESIGNED FOR INTERIOR USE IN
EXTERIOR AREAS WHERE IT IS EXPOSED TO THE ELEMENTS AND
SUSCEPTIBLE TO POSING AN UNREASONABLE HEALTH AND SAFETY RISK.

FILE OF COUNCIL

NO. 23 OF 2006

PRESENTED IN CITY COUNCIL ON OCTOBER 26, 2006

AN ORDINANCE

OF THE CITY OF WILKES-BARRE, LUZERNE COUNTY, PENNSYLVANIA

ESTABLISHING SEX OFFENDER RESIDENCY RESTRICTIONS AND PENALTIES

FOR VIOLATIONS. (TITLE ONLY)