

# HOME RULE CHARTER

OF THE CITY OF



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# CHAPTER 11. CITY OF FARRELL HOME RULE CHARTER

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## Source

The provisions of this Chapter 11 adopted November 5, 1974, unless otherwise noted.

# ARTICLE I. NAMES AND BOUNDARIES

Sec.

11.1-101. Name.

11.1-102. Boundaries.

11.1-103. Effective Date.

## § 11.1-101. Name.

The City of Farrell shall continue to be a municipal corporation under its present name, “City of Farrell”. As used in this charter, the word “City” shall mean the City of Farrell in Mercer County, Pennsylvania.

## § 11.1-102. Boundaries.

The boundaries of the City shall be the actual boundaries of the City at the time this charter takes effect and as they may be lawfully changed thereafter.

## § 11.1-103. Effective Date.

This charter shall become effective on the First Monday of January, 1976, and the municipal government shall operate under the terms and provisions hereof from and after the said effective date.

# ARTICLE II. POWERS OF THE CITY

Sec.

11.2-201. General Powers.

11.2-202. Construction.

11.2-203. Intergovernmental Relations.

11.2-204. Residual Powers in the City Council.

## § 11.2-201. General Powers.

The City has, and may exercise, any power, and may perform any function not denied by the Constitution of the United States, the Constitution of Pennsylvania, by the General Assembly, or by this charter at any time.

## § 11.2-202. Construction.

The powers of the City under this charter shall be construed broadly in favor of the City, and the specific mention of particular powers in this charter shall not be construed as limiting in any way

the general power stated in this article. All possible powers of the City, except as limited in Section 11.2-201 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the City or may hereafter from time to time become available.

**§ 11.2-203. Intergovernmental Relations.**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**§ 11.2-204. Residual Powers in the City Council.**

All powers of the City, including any such power which may hereafter be conferred on the City by amendment of the Constitution of the United States or of the Constitution of Pennsylvania or by act of the General Assembly or of this charter unless otherwise specifically set forth in this charter, shall be vested in the City Council. The Council shall be elected, shall organize, and shall function as provided in this charter.

## **ARTICLE III. CITY COUNCIL**

Sec.

- 11.3-301. Composition.
- 11.3-302. Eligibility.
- 11.3-303. Election and Terms.
- 11.3-304. Election Procedures.
- 11.3-305. Salary.
- 11.3-306. Authority.
- 11.3-307. Prohibitions.
- 11.3-308. Vacancies.
- 11.3-309. Filling of Vacancies.
- 11.3-310. Oath of Office.
- 11.3-311. Judge of Qualifications.
- 11.3-312. Organization of Council.

**§ 11.3-301. Composition.**

City Council shall consist of a Mayor and six (6) members to be elected by the qualified voters of the City at large. The Mayor and other council members shall have equal voting rights.

**§ 11.3-302. Eligibility.**

Only qualified voters of the City shall be eligible to hold the office of Mayor or Councilman.

### **§ 11.3-303. Election and Terms.**

The regular election of the Mayor and other members of the council shall be held on the general municipal Election Day as established from time to time by the laws of the Commonwealth of Pennsylvania commencing in the year 1975.

(\*For the purpose of manifesting transition in the municipal election of 1975, four (4) councilmen and a mayor shall be elected. The two (2) councilmen candidates receiving the greatest number of votes shall serve for terms of four (4) years, and the two (2) candidates receiving the next greatest number of votes shall serve for terms of two (2) years. These four, together with the mayor and the two (2) remaining councilmen, shall form the Council of the City of Farrell.)

Once transition is accomplished and commencing at the next municipal election, and every non-mayoral municipal election thereafter, four (4) councilmen shall be elected for the full four (4) year terms. In every mayoral municipal election thereafter, two (2) councilmen shall be elected for full four (4) year terms in order that the council shall be maintained at six (6) councilmen and a mayor.

The terms of the Mayor and all councilmen shall be four (4) years commencing at 8:00 p.m. on the First Monday of January following the year in which they are elected except that a Mayor or councilman appointed to fill a vacancy shall serve for the unexpired term thereof.

### **§ 11.3-304. Election Procedures.**

The procedure for nomination and election of a Mayor and councilmen shall be established by the general laws of the Commonwealth of Pennsylvania for municipal election.

### **§ 11.3-305. Salary.**

Each councilman shall receive a salary at the rate of Nine hundred and 00/100 (900.00) dollars per annum or such other sum as the council shall from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective for at least four (4) years after the effective date of this charter. No such increase in salary, however, shall become effective until the date of commencement of the terms of councilmen elected at the next regular election after such salary increase, provided that such election follows the adoption of such ordinance by at least (1) year. Councilmen shall receive no other compensation, direct or indirect, for the performance of their duties; “They shall not participate in employee pension plans or insurance programs for the benefit of municipal employees, or other forms of fringe benefits, except, however, nothing in this section shall preclude the right of a municipality to provide accident, and health insurance or liability insurance coverage for members of council when on municipal business or when in the performance of their official duties, limited to the duration of their term. They shall, however, be entitled to their reasonable, actual expenses incurred in the performance of their duties.



**§ 11.3-306. Authority.**

All council manic authority shall be asserted by the council manic body only. No individual councilman shall have any authority whatsoever under this charter unless such authority is specifically delegated by the charter or by the council acting as a body.

**§ 11.3-307. Prohibitions.**

(a) *Holding Other Office.* Except where authorized by law, neither the mayor nor any \*(For Transitional Election Only) councilman shall hold any other city office or city employment during the term for which he was elected. No former mayor or councilman shall hold any compensated appointive city office or city employment until one (1) year after the expiration of the term for which he was elected to office.

(b) *Appointments and Removals.* Neither the mayor nor any councilman shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his subordinates are empowered to appoint, but they may express their views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with Administration.* Except for the purpose of inquiries and investigations under Section 11.6-601, the mayor or the council shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager; they shall not give orders to any such officer or employee, either publicly or privately.

**§ 11.3-308. Vacancies.**

The office of mayor or councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this charter, or forfeiture of his office, or for death or for failure to assume such office after election thereto within forty five (45) days after the commencement of the term thereof. A mayor or councilman shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this charter or by law or is convicted of a felony or a crime involving moral turpitude or fails to attend at least three (3) consecutive regular meetings of the council without being excused by the council, or violates any express prohibition of this charter. In the case of failure of attendance, the council shall declare such office vacant at the next regular meeting.

**§ 11.3-309. Filling of Vacancies.**

If a vacancy shall occur in the office of councilman for any reason set forth in this charter, the remaining members of the council shall fill such vacancy by appointing a person qualified under this charter to hold such office for the unexpired term thereof. If the council shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within thirty two (32) days after the vacancy occurs, or is declared by council, then the Court of Common Pleas shall, upon petition of the council or of any five (5) citizens of the City, fill the vacancy in such office by the appointment of a qualified resident of the City until the next regular municipal election.

**§ 11.3-310. Oath of Office.**

The mayor and councilmen, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before the City Clerk, the Mayor, any judge, justice of the peace, or notary public of the Commonwealth of Pennsylvania and no person shall be permitted to assume such office until the oath, in written form, is filed with the City.

**§ 11.3-311. Judge of Qualifications.**

The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

**§ 11.3-312. Organization of Council.**

The City Council shall organize at 8:00 p.m. on the First Monday of January of each even numbered year. If the First Monday is a legal holiday, the meeting and organization shall take place the first day following. The council may transact any further business it deems necessary or appropriate at the reorganization meeting.

## **ARTICLE IV. OPERATION AND PROCEDURES OF CITY COUNCIL**

Sec.

- 11.4-401. Meetings.
- 11.4-402. Records.
- 11.4-403. Procedure.
- 11.4-404. Operating Rules.
- 11.4-405. Quorum.
- 11.4-406. Majority Action.
- 11.4-407. Form of Action by Council.
- 11.4-408. Citizens' Right to be Heard.

**§ 11.4-401. Meetings.**

It shall be the duty of the council to meet statedly at least once a month at such times and places as the council may prescribe by rule. Council may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held. Special meetings may be called by the mayor or upon written request of a least three (3) of the members thereof. Members shall have at least twenty four (24) hours notice in writing of such special meetings. The notice shall, in addition, be posted in the municipal building. Such notice shall contain a statement of the nature of the business to be considered. Such meeting shall consider only items for which purpose the meeting was called. Presence at a meeting constitutes waiver of notice.

**§ 11.4-402. Records.**

Council shall make and preserve minutes and records of its proceedings. These records shall be open for public inspection during reasonable hours.

**§ 11.4-403. Procedure.**

All meetings shall be public; however, the council may recess for the purpose of discussing in a closed or executive session, limited to its own membership, or any person(s) they would choose to invite in discussing any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the council until the matter is placed on the agenda.

**§ 11.4-404. Operating Rules.**

The council shall, by ordinance, adopt rules of procedure for its meetings, and its conduct of business, and its assignments to its members. Such rules shall be designed so as to assure full and equal participation in the deliberations of the council by all of its members.

**§ 11.4-405. Quorum.**

A majority of the members of council shall constitute a quorum. The council shall conduct no business except in the presence of a quorum.

**§ 11.4-406. Majority Action.**

The action of a majority of the council present and entitled to vote, unless otherwise stated in this charter, shall be binding upon and constitute the action of the council.

**§ 11.4-407. Form of Action by Council.**

Official actions of council may be taken by adoption of an ordinance, of a resolution, or by motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of council shall be by resolution or motion, unless otherwise required in this charter, or in the ordinance establishing the rules of council manic procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote and the vote of each member of council shall be entered in the minutes of the meeting.

**§ 11.4-408. Citizens’ Right to be Heard.**

The council shall provide reasonable opportunity for interested citizens and taxpayers to address the council on matters of general or special concern. This opportunity may be afforded the public either at the regular monthly council meeting or at another regular monthly meeting specially set for this purpose. Citizens’ right to be heard shall be the first order of business at all public meetings. Such right to be heard items shall be subject to regular council manic procedures for placing these items on the meeting agenda.

## **ARTICLE V. ORDINANCES AND RESOLUTIONS**

Sec.

- 11.5-501. Certain Specific Action Requiring an Ordinance.
- 11.5-502. General Ordinance Requirements.
- 11.5-503. Ordinance Enactment.
- 11.5-504. Publication and Effective Date of Ordinances.
- 11.5-505. Ordinances Requiring Prior Public Notice.
- 11.5-506. Emergency Ordinances.
- 11.5-507. Penalty.
- 11.5-508. Codes of Technical Regulations.
- 11.5-509. Authentication and Recording; Codification; Printing.

**§ 11.5-501. Certain Specific Action Requiring an Ordinance.**

In addition to any other actions required by law or by this charter to be taken by ordinance, those actions of the city council shall be by ordinance which:

- (1) Adopt or amend the annual budget and the capital program.
- (2) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency.
- (3) Adopt or amend a code establishing a personnel system for the city.

- (4) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than one (1.00) dollar per violation.
- (5) Levy taxes.
- (6) Grant, renew or extend a franchise.
- (7) Establish, alter or abolish rates charged for any utility or other service supplied by the city.
- (8) Authorize the borrowing of money.
- (9) Convey or lease or authorize the conveyance or lease of any lands of the city.
- (10) Adopt with or without amendment ordinances proposed under the initiative power; and
- (11) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.

**§ 11.5-502. General Ordinance Requirements.**

(a) *Form.* Every proposed ordinance introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The City of Farrell hereby ordains...”. Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate.

**§ 11.5-503. Ordinance Enactment.**

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting where final action thereon was taken. The official seal of the municipality shall be affixed to the original copy of each ordinance. However, failure on the part of the presiding officer to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.

**§ 11.5-504. Publication and Effective Date of Ordinances.**

After adoption, all ordinances shall be published one time in a newspaper circulating generally within the city. The full text of the ordinance need not be published; instead the title and a general summary of the substance of the ordinance will be sufficient to meet publication requirement. Publication shall occur within thirty (30) days of the enactment of the ordinance. The effective date of the ordinance shall be the publication date unless a later date is specified in the ordinance, or required by the laws of the Commonwealth of Pennsylvania.

**§ 11.5-505. Ordinances Requiring Prior Public Notice.**

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least ten (10) days' prior public notice thereof published in a newspaper circulating generally in the city:

- (1) Zoning Ordinance and amendments thereto.
- (2) Adoption of the zoning map and amendments thereto.
- (3) Subdivision regulations.
- (4) Land development and land use regulations.
- (5) New taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the re-enactment of taxes levied annually at the same rate.

**§ 11.5-506. Emergency Ordinances.**

To meet a public emergency affecting life, health, property or the public peace, the council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 11.12-1211b. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to Section 11.12-1211b shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**§ 11.5-507. Penalty.**

The penalty for the violation of any ordinance shall be that prescribed by council for each violation. Council may, in any ordinance, provide that for continuing violations each day that a violation exists may be regarded as a separate offense and punishable as such.

**§ 11.5-508. Codes of Technical Regulations.**

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of Section 11.5-502 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to Section 11.5-509.

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

**§ 11.5-509. Authentication and Recording; Codification; Printing.**

(a) *Authentication and Recording.* The city clerk shall authenticate by his signature and record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the council.

(b) *Codification.* Within three (3) years after adoption of this charter and at least every ten (10) years thereafter, the council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Pennsylvania, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Farrell City Code.

## **ARTICLE VI. COUNCILMANIC INQUIRIES AND INVESTIGATIONS**

Sec.

11.6-601. Inquiries.

11.6-602. Witnesses and Documents.

11.6-603. Oaths of Witnesses.

11.6-604. Witness Fees.

**§ 11.6-601. Inquiries and Investigations.**

The council shall have power, by resolution, to authorize inquiries and investigations to be conducted by the entire body or by any of its committees in aid of its legislative powers and functions.

**§ 11.6-602. Witnesses and Documents.**

The council may compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the council or any committee thereof, and for that purpose may issue subpoenas, signed by the mayor or the chairman of the committee, and cause the same to be served in any part of the Commonwealth of Pennsylvania.

**§ 11.6-603. Oaths and Witnesses.**

The mayor or the committee chairmen shall have the power to administer oaths to witnesses.

**§ 11.6-604. Witness Fees.**

No person residing outside the City and subpoenaed as aforesaid, shall be required to respond to the same until mileage and witness fees, equal to those then established by the Court of Common Pleas, shall have been first furnished to the witness.

## **ARTICLE VII. MAYOR**

Sec.

11.7-701. Eligibility.

11.7-702. Election Procedure.

11.7-703. Term of Office.

11.7-704. Salary.

11.7-705. Authority.

11.7-706. Deputy Mayor.

**§ 11.7-701. Eligibility.**

Only qualified voters of the City shall be eligible to hold the office of mayor.

**§ 11.7-702. Election Procedure.**

The procedure for nomination and election of mayor shall be established by the general laws of the Commonwealth of Pennsylvania for municipal elections.



**§ 11.7-703. Term of Office.**

The mayor shall be elected to a four (4) year term of office.

**§ 11.7-704. Salary.**

The mayor shall receive a salary at the rate of One thousand eight hundred and 00/100 (\$1,800.00) dollars per annum or such other sum as the council shall from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective for at least four (4) years after the effective date of this charter. No such increase in salary, however, shall become effective until the date of commencement of the term of mayor elected at the next regular election after such salary increase, provided that such election follows the adoption of such ordinance by at least one (1) year. The mayor shall receive no other compensation; direct or indirect, for the performance of his duties; he shall receive no pensions, insurance or other forms of fringe benefits. He shall, however, be entitled to his reasonable, actual expenses incurred in the performance of his duties.

**§ 11.7-705. Authority.**

The mayor shall have whatever authority specifically delegated to his office by this charter.

- (1) The mayor shall be the presiding officer of council.
- (2) The mayor shall make appointments to boards, commissions, and authorities with the advice and consent of council.
- (3) The mayor shall be the ceremonial head and official representative of the municipality.
- (4) Any emergency powers that council may establish by ordinance to suppress mobs, riots, and tumultuous assemblies, or to take over control in the case of emergency resulting from any natural or other disaster, shall devolve upon the mayor unless council, at the time of a specific emergency or disaster, shall determine that such emergency powers shall be exercised otherwise, for the duration of such emergency or disaster.

**§ 11.7-706. Deputy Mayor.**

“At its organizational meeting the council shall elect, from among its members, a deputy mayor. The deputy mayor shall exercise the powers and duties of the mayor during the absence or disability of the mayor. When the office of mayor shall become vacant for any of the reasons provided for under this charter, that office shall be filled by the deputy mayor for the unexpired term of the mayor. Upon assuming the office of mayor, the office of the council member so doing shall become vacant and shall be filled by appointment, and the appointee shall serve for the remainder of the term to which the predecessor was elected.”

# ARTICLE VIII. CITY MANAGER

Sec.

11.8-801. Appointment, Qualifications and Compensation.

11.8-802. Removal of Manager.

11.8-803. Residency.

11.8-804. Powers and Duties of the City Manager.

11.8-805. Procedural Limitations of Council.

11.8-806. Acting City Manager.

## **§ 11.8-801. Appointment, Qualifications and Compensation.**

The council shall appoint a city manager for an indefinite term and shall fix his compensation. The manager shall be chosen on the basis of the following qualifications:

- (1) He shall have served as a municipal manager or assistant manager for a minimum of three (3) years.
- (2) He shall hold a B.A. degree from an accredited college or university in public administration, business administration, civil engineering or related fields.

In the event that a suitably qualified candidate (as prescribed in 1 or 2 above) is not readily available, council may appoint an acting manager on a temporary basis (for a period of time not to exceed one hundred twenty (120) days from the effective date of this charter) while continuing to advertise in appropriate periodicals or journals for a qualified candidate. Council shall exert every effort to appoint a qualified manager as promptly and as expeditiously as possible.

## **§ 11.8-802. Removal of Manager.**

Council, by an affirmative vote of five (5) of its members may remove the manager at any time, with or without cause. Removal shall be effective no sooner than thirty (30) days following the passage of a removal resolution. During this time, the manager may request a public hearing to state his case.

## **§ 11.8-803. Residency.**

The manager need not be a resident of the City at the time of his appointment, but the manager must establish a permanent residence in the City within a period of time designated by council.

## **§ 11.8-804. Powers and Duties of the City Manager.**

The city manager shall be the chief executive and administrative officer of the City. He shall be responsible to the council for the administration of all City affairs placed in his charge. He shall have the following powers and duties:

- (1) He shall appoint, suspend or remove all City employees, except as otherwise provided by law or this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (2) He shall make a report to council regarding the treasurer's compliance with the responsibilities as provided in Article IX of the charter.
- (3) He shall direct and supervise the administration of all departments, officers and agencies, except as otherwise provided by this charter or by law.
- (4) He shall attend all council meetings and shall have the right to take part in discussions, but shall not vote.
- (5) He shall prepare and submit the annual budget and capital expenditure program to the council.
- (6) He shall submit to the council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (7) He shall make such other reports as the council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.
- (8) He shall have the duty to preserve order in the City.
- (9) He shall have the duty to enforce the ordinances and regulations of the City.
- (10) He shall have the duty to sign such papers, contracts, obligations and documents that are properly presented to him as may be required by law.
- (11) He shall have the authority, when so designated by council, to represent the City in deliberations with other governmental bodies or agencies.
- (12) He shall have the authority subject to the final ratification of council, to negotiate intergovernmental cooperation agreements, pursuant to Section 5 of Article IX of the Constitution of the Commonwealth of Pennsylvania.
- (13) He shall be the purchasing agent for the City.
- (14) The manager shall perform such other duties as are required by council.

**§ 11.8-805. Procedural Limitations of Council.**

Neither the council nor any of its committees or members shall direct or request the appointment of any person to or his removal from office or employment by the manager or any of his subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give orders to any subordinate of the manager either publicly or privately.

**§ 11.8-806. Acting City Manager.**

The manager may designate, in writing, an employee of the City to exercise the duties of manager during his temporary absence or disability, subject to approval of the council. During such absence or disability, the council may revoke such designation at any time for cause and appoint another officer of the municipality to serve until the manager shall return or his disability shall cease.

## **ARTICLE VIIIA. CITY CLERK**

Sec.

11.8-8A1. Appointment and Compensation.

11.8-8A2. Removal.

11.8-8A3. Powers and Duties of the City Clerk.

**§ 11.8-8A1. Appointment and Compensation.**

The council shall appoint a city clerk for an indefinite term and shall fix compensation.

**§ 11.8-8-2. Removal.**

The council may remove the city clerk at any time, with or without cause.

**§ 11.8-8-3. Powers and Duties of the City Clerk.**

The City Clerk Shall: (1) Attend all meetings of the council and shall keep full minutes of its proceedings. (2) Transcribe the bylaws, rules, regulations, resolutions, and ordinances into appropriate books kept for those purposes. (3) Preserve the records and documents of the City and shall have custody of the corporate seal. (4) Shall certify copies of any book, paper, record, bylaw, rule, regulations, resolution, ordinance, or other proceeding of the City under the seal of the City. (5) Shall attest the execution of all instruments and record all ordinances. (6) Shall file or record proof of service of all notices required by law or ordinance and his certificate thereof shall be good evidence of such notice. (7) Shall deliver to the successor the seal and all of the books, papers and other records and matters belonging to the City. (8) Perform such other duties as are required by the manager or council.

# ARTICLE IX. THE CITY TREASURER

Sec.

- 11.9-901. Election; Term of Office; Qualifications.
- 11.9-902. Bond; Insurance; Salary.
- 11.9-903. Receipt and Payment of Moneys; Daily Transmittal of Receipts; Duplicates.
- 11.9-904. Method of Keeping Accounts.
- 11.9-905. Moneys Appropriated Only to be Paid Out.
- 11.9-906. Depositories of City Funds.
- 11.9-907. Delivery of City Property in his Possession to Successor.
- 11.9-908. Assistants and Employees.
- 11.9-909. Vacancy and Filling Vacancy.
- 11.9-910. Oath of Office.

## **§ 11.9-901. Election; Term of Office; Qualifications.**

The city treasurer shall be elected for a term of four (4) years. Only qualified voters of the City shall be eligible to hold the office, and shall be knowledgeable in the field of accounting.

## **§ 11.9-902. Bond; Insurance; Salary.**

The city treasurer shall give lawful fidelity bond to the Commonwealth, with a surety company authorized by law to act as surety, to be approved by the city council, in such sum as it may by ordinance direct, conditioned for the accounting for and paying over all moneys received by him in his capacity as city treasurer and the safekeeping and payment over of all public moneys entrusted to his care, and that as tax collector of city, county, institution district, and school taxes he shall account for and pay over all moneys received by him as taxes, penalties and interest. The city treasurer shall in addition furnish adequate insurance protection against any and all losses of said funds through fire, burglary, larceny, theft, robbery or forgery. Such insurance shall be approved by the city council in such sum as it may by ordinance direct. The city treasurer and his surety shall be discharged from further liability on any bond as tax collector, as soon as all tax items contained in the duplicates delivered to him are either: (1) Collected and paid over, or (2) Certified to the city council for entry as liens in the office of the prothonotary or as claims in the tax claim bureau, as the case may be, or (3) Returned to the county treasurer or city treasurer for sale, or (4) In the case of taxes, not levied upon real estate, a record of those which remain uncollected is filed with the tax authority. The city treasurer shall be required to give, in addition to insurance as aforesaid, but one bond which shall include his duties as city treasurer and collector of city, county, institution district, and school taxes, and shall cover the full term of his office. Should any of the taxing districts be of the opinion at any time that the bond and insurance as aforesaid provided by the city treasurer is not sufficient in amount as to the surety and insurance thereon, the said taxing district may petition the court of quarter sessions having jurisdiction in the city to have the city treasurer furnish additional bond and additional bond and insurance, if any, as the said court may prescribe. The premium of the bond or bonds and insurance shall be paid by the city or shared *pro rata* by the taxing districts interested, as the case

may be, according to their respective tax interests. The treasurer shall not in any event be required to provide bond or bonds and insurance in an amount in excess of the taxes to be collected by him. The bond or bonds and insurance provided by the city treasurer shall or be for the use of the city and the taxing districts involved. He shall, as city treasurer, receive a fixed annual salary, to be provided by ordinance. His compensation as tax collector for the city, county, institution district and school district shall be as provided for in the local tax collection law.

**§ 11.9-903. Receipt and Payment of Moneys; Daily Transmittal of Receipts; Duplicates.**

The city treasurer shall demand and receive all moneys payable to the city from whatever source, and shall issue a receipt in every case to the person making such payment and shall countersign all checks or drafts duly signed by the city manager and countersigned by the mayor. All receipts for money received on behalf of the city by the treasurer shall be numbered serially and made in duplicate at least, and all such duplicates shall daily, not later than the next succeeding business day, be transmitted by the city treasurer to the city manager.

**§ 11.9-904. Method of Keeping Accounts.**

The accounts of the city treasurer shall be kept in such manner as to clearly exhibit all the items of receipts and expenditures of the city, and the sources from which the moneys are received and the objects for which the same are disbursed. He shall keep separate and distinct accounts of the receipts and expenditures of the city, the sinking fund, respectively and also of every special fund which may come into his hands.

**§ 11.9-905. Moneys Appropriated Only to be Paid Out.**

No money shall be paid out of the city treasury unless the same shall have been previously appropriated by council to the purpose for which it is to be drawn, which shall be explicitly mentioned in the warrant therefor.

**§ 11.9-906. Depositories of City Funds.**

The treasurer shall keep the public funds in such banks or financial depositories as council may direct, under such restrictions and safeguards as council may provide and shall verify his accounts whenever required, to the satisfaction of council.

No treasurer complying with the provisions of this section and any ordinance of the city, nor his surety or sureties shall be chargeable with losses of city funds caused by the insolvency or negligence of any such city depositories.

**§ 11.9-907. Delivery of City Property in His Possession to Successor.**

The city treasurer shall, upon the termination of his office, deliver to the city or to his duly qualified successor all moneys, accounts, property or effects in his possession belonging to the city.

**§ 11.9-908. Assistants and Employees.**

The city treasurer shall appoint and supervise all the assistants and employees of his office whose number and compensation shall be fixed by council, and who, in all other respects, shall be considered as employees of the City.

**§ 11.9-909. Vacancy and Filling Vacancy.**

If the office of city treasurer should be vacated for any reason, the council shall fill such vacancy by appointing a person qualified to hold such office for the unexpired term thereof. If the council shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within thirty two (32) days after the vacancy occurs, or is declared by council, then the Court of Common Pleas shall, upon petition of the council or of any five (5) citizens of the City, fill the vacancy in such office by the appointment of a qualified resident of the City for the unexpired term of the office.

**§ 11.9-910. Oath of Office.**

The city treasurer, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before the City Clerk, the Mayor, any judge, justice of the peace, or notary public of the Commonwealth of Pennsylvania and no person shall be permitted to assume such office until the oath, in written form, is filed with the City.

## **ARTICLE X. CITY ATTORNEY**

Sec.

11.10-1001. Appointment, Qualifications and Compensation.

11.10-1002. Removal.

11.10-1003. Powers and Duties of the City Attorney.

11.10-1004. Access to Records.

**§ 11.10-1001. Appointment, Qualifications and Compensation.**

The council shall appoint a city attorney for an indefinite term and shall fix his compensation. He shall be an official of the City and shall be appointed either on a full time basis or a part time basis or on a retainer basis, where he shall serve the City as needed and required. The city attorney shall be admitted to practice before the Supreme Court of Pennsylvania.

**§ 11.10-1002. Removal.**

The council may remove the city attorney at any time, with or without cause.

**§ 11.10-1003. Powers and Duties of the City Attorney.**

The city attorney shall be the chief legal officer of the City. He shall have the following powers and duties;

- (1) He shall furnish legal advice to the council, to the manager, and to all boards and commissions concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and, except as otherwise expressly provided by the council, shall supervise, direct and control all of the law work of the City. In the event of legal conflict between council and council created boards or commissions, council shall provide funds for legal counsel to that board or commission.
- (2) The city attorney shall collect, or cause to be collected, by suit or otherwise, all debts, taxes and accounts due the City which shall be placed with him for collection by any officer, department, board or commission, and shall represent the City and every officer, department, board or commission in all litigation.
- (3) He shall prepare or approve all contracts, bonds and other instruments in writing in which the City is concerned, and shall approve all surety bonds required to be given for the protection of the City.
- (4) At the direction of the council, he shall investigate any violation or alleged violation within the City of statutes of the Commonwealth of Pennsylvania or of the United States of America or of ordinances of the City or the County, and shall take such steps and adopt such means as may be reasonably necessary or appropriate to enforce or cause the enforcement within the City of such statutes and ordinances.
- (5) Upon the request of the council or of the chairman of any committee of council or of the manager, the city attorney shall prepare any ordinance or resolution for presentation before the council.
- (6) At the direction of the council, he shall appear for and represent the City, or, if appropriate, the residents of the City as a class, on matters before the various regulatory agencies of other governmental bodies.

**§ 11.10-1004. Access to Records.**

The city attorney shall have the right of access at all times to the records of any officer, department, board or commission of the City, as necessary in the performance of the duties of the city attorney.



# ARTICLE XI. ADMINISTRATIVE DEPARTMENTS

Sec.

11.11-1101. Administrative Code.

11.11-1102. General Provisions.

11.11-1103. Personnel System.

## § 11.11-1101. Administrative Code.

The council shall establish, by ordinance, an administrative code for the City. Said code shall be adopted within six (6) months of the effective date of this charter.

## § 11.11-1102. General Provisions.

(a) *Creation of Departments.* The Council may establish boards, commissions, authorities, city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all boards, commissions, authorities, departments, offices and agencies, except that no function assigned by this charter to a particular board, commission, authority, department, office or agency may be discontinued or, unless this charter specifically so provides assigned to any other.

(b) *Direction by Manager.* All departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

## § 11.11-1103. Personnel System.

(a) The council shall establish, by ordinance, a personnel system for the City. The system so established shall be based upon merit principles and other recommendations submitted by the city manager.

1. *Merit Principle.* Current positions and future appointments and promotions of city officers and employees shall be held and/or made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The merit principle shall further extend to providing equal opportunity for employment and for advancement of employees without regard to political affiliation, race, color, national origin, sex or religious creed.

(b) *The Personnel Rules.*

1. The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. A pay plan for all city positions;
3. Methods for determining the merit and fitness of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force and disciplinary action including suspension and removal of employees;
5. The hours of work and provisions for sick and vacation leave and holidays, and provisions for overtime and compensation;
6. The policies and procedures governing persons holding provisional appointments;
7. The policies and procedures governing relationships with employee organizations;
8. Policies regarding in service training programs;
9. Grievance procedures, including procedures for the hearing of grievances by the manager;
10. Other practices and procedures necessary to the administration of the city personnel system.
11. All employees shall participate in a yearly personnel evaluation.

(c) *Conflicts.* No personnel procedures or policy established under the provisions of this charter shall be in conflict with acts of the state legislature providing for collective bargaining and administration.

## **ARTICLE XII. FINANCIAL PROCEDURES**

Sec.

- 11.12-1201. Fiscal Year.
- 11.12-1202. Financial Ordinances.
- 11.12-1203. Independent Audit.
- 11.12-1204. Submission of Budget and Budget Message.
- 11.12-1205. Budget Message.
- 11.12-1206. Budget.

- 11.12-1207. Capital Program.
- 11.12-1208. Council Action on Budget.
- 11.12-1209. Council Action on Capital Program.
- 11.12-1210. Public Records.
- 11.12-1211. Amendments After Adoption.
- 11.12-1212. Lapse of Appropriations.
- 11.12-1213. Administration of Budget.
- 11.12-1214. Fidelity Bonds.
- 11.12-1215. Payment of Funds.

**§ 11.12-1201. Fiscal Year.**

The fiscal year of the city shall begin on the first day of January and end on the last day of December of each year.

**§ 11.12-1202. Financial Ordinances.**

The council shall establish by ordinance an annual budget and capital program.

**§ 11.12-1203. Independent Audit.**

The council shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years.

**§ 11.12-1204. Submission of Budget and Budget Message.**

On or before the first day of October of each year the manager shall submit to the council a proposed budget for the ensuing fiscal year and an accompanying message.

**§ 11.12-1205. Budget Message.**

The manager's message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the City's debt position and include such other material as the manager deems desirable.

**§ 11.12-1206. Budget.**

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget, the manager shall utilize the most

feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following;

1. It shall begin with a general summary of its contents.
2. It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
3. It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
4. It shall show the number of proposed employees in every job classification.
5. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.
6. It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.
7. It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.
8. It shall indicate anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

### **§ 11.12-1207. Capital Program.**

The manager shall prepare and submit to the council a five (5) year capital program at least three (3) months prior to the final date for submission of the budget. The capital program shall include:

1. A clear general summary of its contents.
2. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
3. Cost estimates, method of financing and recommended time schedules for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **§ 11.12-1208. Council Action on Budget.**

*A. Notice and Hearing.* Prior to adoption, the council shall publish one time in a newspaper of general circulation in the City a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

*B. Amendments Before Adoption.* The council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

*C. Adoption.* The council shall adopt the budget on or before the thirty first (31st) day of the twelfth (12th) month of the fiscal year currently ending. If it fails to adopt the budget, the amount appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

### **§ 11.12-1209. Council Action on Capital Program.**

*A. Notice and Hearing.* Prior to adoption the council shall publish one (1) time in a newspaper of general circulation in the City a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public, and
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.

*B. Adoption:* The council by ordinance shall adopt the capital program with or without amendment after the public hearing and on or before the thirty first (31st) day of the twelfth (12th) month of the current fiscal year.

## **§ 11.12-1210. Public Records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

## **§ 11.12-1211. Amendments After Adoption.**

*A. Supplemental Appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

*B. Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 11.5-503. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

*C. Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

*D. Transfer of Appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

*E. Limitations; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

## **§ 11.12-1212. Lapse of Appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished, or abandoned if three (3) years pass without any disbursement from or

encumbrance of the appropriation, with the understanding that said appropriation remain for use in the capital program.

### **§ 11.12-1213. Administration of Budget.**

*A. Work Programs and Allotments.* At such time as the manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 11.12-1211.

*B. Payments and Obligations Prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the City for any amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

### **§ 11.12-1214. Fidelity Bonds.**

Before entering upon the duties of their respective offices or positions, the city manager as well as any other officer, agent or employee of the City, as the council may determine, shall execute and file with the City corporate surety bonds, conditioned for the honest and faithful performance of their respective duties, in such sums as shall be fixed by the council. All such bonds and sureties thereon, before being accepted by the City, shall be approved by the city attorney. The agency placing such bonds shall be determined by the council and the premium therefore shall be paid by the City. Such bonds may provide for one or more additional obliges in the event that the officer bonded is acting in a dual or similar capacity with other political subdivisions or governmental or quasi-governmental entities.

### **§ 11.12-1215. Payment of Funds.**

No payment of any funds of the City shall be made unless provided for in the budget and specifically approved by the council; provided, however, that payroll and utility expenditures may be made at the direction of the manager where based upon a prior ordinance or contract. All checks or drafts of the City shall be signed by the manager and shall be countersigned by the city treasurer.

# ARTICLE XIII. CONTRACTS

Sec.

- 11.13-1301. Requirements.
- 11.13-1302. Competitive Bids.
- 11.13-1303. Bidding Procedure.
- 11.13-1304. Exceptions to Competitive Bidding.
- 11.13-1305. Maximum Term of Certain Contracts.
- 11.13-1306. Personal Financial Interest.

## **§ 11.13-1301. Requirements.**

All contracts of the City involving sums in excess of ten thousand (10,000.00) dollars shall be in writing and shall be executed on behalf of the City by the mayor or, in his absence, the city clerk. The mayor shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the manager shall execute contracts on behalf of the City involving sums of less than ten thousand (10,000.00) dollars made pursuant to budget or other prior authorization. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any officer required to execute a written contract may request the city attorney to approve the same as to form.

## **§ 11.13-1302. Competitive Bids.**

Except as otherwise provided in this charter, no contract for supplies, material, labor, franchise, or other valuable consideration, to be furnished to or by the City, shall be authorized on behalf of the City, except with the lowest responsible bidder after competitive bidding.

## **§ 11.13-1303. Bidding Procedure.**

The council shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver and exceptions as it shall from time to time deem advisable.

## **§ 11.13-1304. Exceptions to Competitive Bidding.**

Competitive bidding shall not be required under this charter for:

1. Labor or services rendered by any City officer or employee.
2. Labor, material, supplies, or services furnished by one city department to another city department.
3. Contracts for labor, material, supplies, or services available from only one vendor.



4. Contracts for labor, material, supplies, or services aggregating less than ten thousand (10,000.00) dollars for the item in the year supplied.
5. Contracts relating to the acquisition or use of real property.
6. Contracts for professional or unique services.
7. Contracts for insurance and surety company bonds.
8. Contracts for emergency repair of public works of the City.
9. Contracts with other governmental entities, authorities, agencies, or political subdivisions.

**§ 11.13-1305. Maximum Term of Certain Contracts.**

The term of contracts for the purchase of supplies shall not exceed two (2) years.

**§ 11.13-1306. Personal Financial Interest.**

Any city officer or employee who has a substantial financial interest direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the city manager or the city council.

## **ARTICLE XIV. RECALL**

Sec.

- 11.14-1401. Officers Subject to Recall.
- 11.14-1402. Recall Procedure.
- 11.14-1403. Notice to Incumbent.
- 11.14-1404. Recall Elections.
- 11.14-1405. Disqualification for Office.
- 11.14-1406. Limitations.

**§ 11.14-1401. Officers Subject to Recall.**

Any person holding an elective office of the City, whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this article.

### **§ 11.14-1402. Recall Procedure.**

A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty (30%) percent of the registered electors of the City at large. Every recall petition shall name the office and officer against whom it is directed.

Each elector signing a recall petition shall add to his signature his occupation, his residence, his election district, and the date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are registered electors of the City, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing to the board of elections having jurisdiction over elections in the City. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the board of elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the board of elections shall have authority to pass upon the validity of the petition and the validity and number of signatures required thereon. The decision of the board of elections shall be subject to immediate review on appeal to the Court of Common Pleas.

### **§ 11.14-1403. Notice to Incumbent.**

As soon as the board having jurisdiction over elections in the City has accepted a recall petition for filing and determined its validity and sufficiency, the chairman of the board shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice, the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

### **§ 11.14-1404. Recall Elections.**

If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after notice of the filing of such petition shall have been given to him, the board having jurisdiction over elections in the City shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the ten (10) days have expired, the recall question shall be placed before the electors at such an election. Otherwise a special recall election shall be fixed by such board for a date not earlier than thirty (30) days nor later than ninety (90) days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

The following questions shall be presented to each elector in a recall election:

“Shall (name of officer) be recalled and removed from the office of (name of office)?”

The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote “Yes” or “No” on the question.

If a majority of the registered electors who vote on the question at a recall election shall vote “Yes” the incumbent shall be deemed recalled and removed from office, but if a majority of such registered electors shall vote “No”, he shall remain in office.

Should the result of such election be affirmative, the date of the removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of election are certified by the board having jurisdiction thereon unless such date is further postponed by order of court.

**§ 11.14-1405. Disqualification for Office.**

No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to him has been filed, shall be eligible for election or appointment to any office of the City within two (2) years after his removal or resignation.

**§ 11.14-1406. Limitations.**

No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of his office or within nine months after an unsuccessful recall election against him, but an officer who has been re-elected for a successive term shall be subject to recall also during the first year of such term.

## **ARTICLE XV. GENERAL PROVISIONS**

Sec.

11.15-1501. Eminent Domain.

11.15-1502. Prohibitions.

11.15-1503. Charter Amendment.

11.15-1504. Separability.

**§ 11.15-1501. Eminent Domain.**

The City shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

**§ 11.15-1502. Prohibitions.**

(a) *Activities Prohibited.*

1. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.

2. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with this test, appointment, proposed appointment, promotion or proposed promotion.

4. No person shall orally, by letter, or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive city position.

5. No person who holds any compensated appointive city position shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

(b) *Penalties.* Any person who by himself or with others willfully violates any of the provisions of paragraphs 1 through 5 shall be guilty of an offense under this charter and upon conviction thereof shall be subject to a penalty that shall be prescribed by council. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any city office or position and, if an officer or employee of the city, shall immediately forfeit his office or position.

### **§ 11.15-1503. Charter Amendment.**

(a) *Proposal of Amendment.* Amendments to this charter may be framed and proposed:

1. In the manner provided by law, or
2. As provided, where applicable, by this charter, or
3. By the voters of the City, or

3 (A) By a Charter Review Commission consisting of nine (9) members who shall be qualified voters of the City. Commencing with the 2026 primary election and continuing every ten (10) years thereafter, ballots shall contain no less than nine (9) qualified citizens who qualified by petition of no less than ten (10) signatures. The nine (9) candidates receiving the greatest number of votes will serve on the Charter Review Commission. No members of City Council shall be eligible to serve on the Charter Review Commission. In all respects, the procedure for

the nomination and election of Charter Review Commission members shall be pursuant to the general laws of the Commonwealth of Pennsylvania for the municipal offices without a primary election which provisions shall take precedent. Recommendations of the Charter Review Commission shall be made to City Council which will review the recommendations and will submit its proposed amendments to the voters of the City at an election, or

4. By report of a charter commission created by ordinance. Proposal of an amendment by the voters of the city shall be by petition containing the full text of the proposed amendment and shall be governed by the same procedures and requirements prescribed in Article XVII for initiative petitions until such time as a final determination as to the sufficiency of the petition is made, except that there shall be no limitation as to subject matter and that the petition must be signed by qualified voters of the city equal in number to at least twenty (20%) per cent of the total number of qualified electors registered to vote at the last regular city election. The petitioners' committee may withdraw the petition at any time before the fifteenth (15th) day immediately preceding the day scheduled for the city vote on the amendment.

(b) *Election.* Upon delivery to the city election authorities of the report of a charter commission or a petition finally determined sufficient, proposing an amendment pursuant to subsection (a), the election authorities shall submit the proposed amendment to the voters of the City at an election. Such election shall be announced by a notice containing the complete text of the proposed amendment and published in one or more newspapers of general circulation in the city at least thirty (30) days prior to the date of the election. The election shall be held not less than sixty (60) and not more than one hundred twenty (120) days after the report or the final determination of sufficiency of the petition proposing the amendment. If no regular election is to be held within that period, the council shall provide for a special election on the proposed amendment; otherwise, the holding of a special election shall be within the discretion of the council. The form of ballot shall be as specified by the election board.

(c) *Adoption of Amendment.* If a majority of the qualified voters of the city voting upon a proposed charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, thirty (30) days after its adoption by the voters.

#### **§ 11.15-1504. Separability.**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

# ARTICLE XVI. TRANSITION AND CONTINUATION

Sec.

- 11.16-1601. Rights and Liabilities of the City.
- 11.16-1602. Elected Officers.
- 11.16-1603. Appointive Administrative Officers and Employees.
- 11.16-1604. Continuation of Ordinances.

## **§ 11.16-1601. Rights and Liabilities of the City.**

The City shall continue to own, possess, and control all rights and property of every kind and nature, owned, possessed or controlled by it when this charter takes effect, and shall be subject to all its debts, obligations, liabilities and duties.

## **§ 11.16-1602. Elected Officers.**

Officers of the municipality elected by vote of the electors or appointed to fill a vacancy in such elected office, shall hold such office until their respective terms shall expire, but their powers and duties shall be those prescribed in this charter or those to be exercised pursuant to this charter. Vacancies thereafter occurring in any such office, if such office shall be provided for in this charter, shall be filled in the manner and for the time provided for by this charter. Vacancies thereafter occurring in any office that is not provided for as an elective office by this charter shall not be filled.

## **§ 11.16-1603. Appointive Administrative Officers and Employees.**

(a) Except as specifically provided by this charter, if at the time this charter takes effect, a municipal administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he shall continue in such office or position until the taking of effect of abolition of such office or position.

(b) An appointed officer or employee holding a city position at the time this charter takes full effect, who was serving in the same or a comparable position at the time of its adoption, shall be subject to the personnel system provided for in Section 11.11-1103.

## **§ 11.16-1604. Continuation of Ordinances.**

All ordinances, resolutions, rules, and regulations, or portions thereof, in force when this charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded, or expired by their own terms. All ordinances and resolutions in continued effect as of the effective date of this charter shall be construed as if enacted under this charter, but as of the date of their original enactment.

# ARTICLE XVII. INITIATIVE AND REFERENDUM

Sec.

- 11.17-1701. General Authority.
- 11.17-1702. Commencement of Proceedings; Petitioners' Committee; Affidavit.
- 11.17-1703. Petitions.
- 11.17-1704. Procedure After Filing.
- 11.17-1705. Referendum Petitions; Suspension of Effect of Ordinance.
- 11.17-1706. Action on Petitions.
- 11.17-1707. Results of Election.

## § 11.17-1701. General Authority.

(a) *Initiative.* The qualified voters of the City shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The qualified voters of the City shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

## § 11.17-1702. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

### **§ 11.17-1703. Petitions.**

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least ten (10%) per cent of the total number of voters to vote at the last regular city election.

(b) *Form and Content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

### **§ 11.17-1704. Procedure After Filing.**

(a) *Certificate of Clerk; Amendment.* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by register mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 11.17-1703, and within five (5) days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by register mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council Review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.



(c) *Court Review; New Petition.* A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

### **§ 11.17-1705. Referendum Petitions; Suspension of Effect of Ordinance.**

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

1. There is a final determination of insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The council repeals the ordinance, or
4. Thirty (30) days have elapsed after a vote of the City on the ordinance.

### **§ 11.17-1706. Action on Petitions.**

(a) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article V or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) *Submission to Voters.* The vote of the City on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of Petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day at the request of four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force of effect and all proceedings thereon shall be terminated.

### **§ 11.17-1707. Results of Election.**

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the

council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum*. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

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