

**CHAPTER CHA**  
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**I POWERS OF THE CITY****§ 101. POWERS OF THE CITY. [AdoptedxCharter, 5/21/1974, § 1.01; as amended by Ord. 18-83, 12/22/1983]**

The City shall have all powers possible for a municipal corporation to have under the Constitution and laws of the Commonwealth as fully and completely as though they were specifically enumerated in this Charter.

**§ 102. CONSTRUCTION. [AdoptedxCharter, 5/21/1974, § 1.02; as amended by Ord. 18-83, 12/22/1983]**

The powers of the City under this Charter shall be construed liberally 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 Charter.

**§ 103. INTERGOVERNMENTAL RELATIONS. [AdoptedxCharter, 5/21/1974, § 1.03; as amended by Ord. 18-83, 12/22/1983]**

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.

## II STRUCTURE OF GOVERNMENT

### **§ 201. FORM OF GOVERNMENT. [AdoptedxCharter, 5/21/1974, § 2.01]**

The form of government established by this Charter shall be known as the "Commissioner-Manager" form.

### **§ 202. BOARD OF CITY COMMISSIONERS; COMPOSITION, ELIGIBILITY, MANNER OF ELECTION AND TERMS OF OFFICE. [AdoptedxCharter, 5/21/1974, § 2.02; as amended by Ord. 18-83, 12/22/1983]**

1. Composition. The Board of City Commissioners shall consist of five members.
2. Eligibility. Only qualified voters of the City shall be eligible to hold the office of City Commissioner.
3. Manner of Election and Terms of Office. Except as otherwise provided in this Charter, City Commissioners shall be elected at large by the voters of the City in the following manner:
  - A. Terms of office shall be upon an alternating basis so that a majority of the City Commissioners shall be elected at each municipal election to take the place of the City Commissioners whose terms of office expire the following January. That City Commissioner who receives the least number of votes of those City Commissioners who are elected shall serve for a two-year term of office. All other City Commissioners shall serve a four-year term of office.
  - B. Terms of office shall commence on the first Monday of January following the respective municipal election.

### **§ 203. VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES. [AdoptedxCharter, 5/21/1974, § 2.03; as amended by Ord. 18-83, 12/22/1983]**

1. Vacancies. The office of City Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of office.
2. Forfeiture of Office. A City Commissioner shall forfeit his office if he:
  - A. Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law.
  - B. Violates any express prohibition of this Charter.
  - C. Is convicted of a felony or a crime involving moral turpitude.
  - D. Fails to attend three consecutive regular meetings of the Board without being excused by a majority of all City Commissioners, except

that City Commissioner seeking such excuse shall be ineligible to vote thereon.

3. Filling of Vacancies.

- A. A vacancy in the office of City Commissioner shall be filled for the remainder of the unexpired term of office by a qualified person selected by a majority vote of all remaining City Commissioners.
- B. For the purposes of this subsection, "qualified person" shall be defined as any person eligible to hold the office of City Commissioner who is a member of the same political party as was his predecessor in office at the time of said predecessor's in office appointment or last election; provided, that said predecessor in office was a member of either the Democratic or Republican political parties at the time of his appointment or last election. Should the predecessor in office not have been a member of either political party at the time of his appointment or last election, "qualified person" shall be defined as any person eligible to hold the office of City Commissioner. Despite the quorum provisions hereof, if at any time the membership of the Board of City Commissioners is reduced to less than three, the remaining City Commissioners may, by majority action, appoint additional qualified persons to the position of City Commissioner to raise the membership to five. If the Board of City Commissioners shall fail to fill a vacancy within 30 days of the creation of that vacancy, the Court of Common Pleas of Mercer County shall, upon application of any registered City voter, fill said vacancy in the same manner as set forth in this subsection. Upon the filling of such application, the Board of City Commissioners shall have no power to fill said vacancy.

**§ 204. JUDGE OF QUALIFICATIONS. [AdoptedxCharter, 5/21/1974, § 2.04; as amended by Ord. 18-83, 12/22/1983]**

The Board of City Commissioners 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 the 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 Board of City Commissioners under this Section shall be subject to review by the courts.

**§ 205. PROHIBITIONS. [AdoptedxCharter, 5/21/1974, § 2.05; as amended by Ord. 18-83, 12/22/1983]**

1. Holding Other Office. No City Commissioner shall hold any City employment or any other elected City, Commonwealth or Federal office during the term for which he was elected or appointed to the Board of City Commissioners; and no former City Commissioner shall hold any compensated City office or

employment until one year after the expiration of the term for which he was elected or appointed to the Board of City Commissioners.

2. Appointments and Removals. Neither the Board of City Commissioners nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint, promote or remove, but the Board of City Commissioners may, as a Board, express their views and fully and freely discuss with the Manager anything pertaining to the appointment, promotion or removal of such officer or employee.
3. Interference with Administration. Except for the purpose of inquiries and investigations as specified in § 307 of this Charter, the Board of City Commissioners or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Board of City Commissioners nor its members shall give orders to or in any manner direct any such officer or employee, either publicly or privately.
4. Influencing Decisions. Neither the Board of City Commissioners nor any of its members shall attempt to influence, in any manner whatsoever, the outcome of any case which is to be decided by any City commission, board or agency.

**§ 206. COMPENSATION AND EXPENSES. [AdoptedxCharter, 5/21/1974, § 2.06; as amended by Ord. 18-83, 12/22/1983]**

The Board of City Commissioners shall, by ordinance, establish their annual salary, but no ordinance increasing such salary shall become effective until the date each new term of office of City Commissioner commences; provided, that such commencement of office follows the adoption of such ordinance by at least nine months, Commissioners shall not receive reimbursement for any expenses incurred in the performance of their duties of office unless such expenses are reasonable, necessary, actually incurred and receipts are made available for public information and inspection.

**§ 207. ORGANIZATION, MEETINGS, PROCEDURE, QUORUM AND VOTING. [AdoptedxCharter, 5/21/1974, § 2.07; as amended by Ord. 18-83, 12/22/1983]**

1. Organization. The City Commissioners shall organize on the first Monday of January of each year. If the first Monday is a legal holiday, the meeting shall be held the first day following. At such meetings the Board shall, by majority vote, elect one of their number as President and one as Vice President, who shall hold office for a period of one year or so long as they continue to be City Commissioners, whichever event occurs first. The President, or in his absence, the Vice President shall preside at all meetings of the Board of City Commissioners and perform such other duties as are specified in this Charter or by ordinance.

2. Meetings.

- A. Regular meetings shall be held once a month upon a regularly scheduled basis. Special meetings shall be held from time to time as may be necessary in the following manner:
  - (1) Special meetings shall be called by the President of the Board of City Commissioners or by written request of any three City Commissioners filed with the City Secretary; and,
  - (2) Notice of all special meetings, together with an agenda, shall be advertised at least 24 hours in advance in a newspaper of general City circulation.
- B. All meetings shall be public; however, the Board of City Commissioners may recess or convene for the purpose of meeting in a closed or executive session, limited to its own membership and its advisor, provided general subject matter to be considered is expressed in the motion calling for such session or is made available in a notice which shall be publicly posted by the City Secretary at least six hours prior to such session and that final action thereon shall not be taken by the Board of City Commissioners until the matter is placed on the agenda for a regular or special meeting.

3. Rules of Procedure. The Board of City Commissioners shall determine its own rules of procedures and order of business and shall provide for keeping a journal of its proceedings which shall be a public record and open to public inspection.

4. Quorum and Voting. A majority of the members of the Board of City Commissioners shall constitute a quorum to do business, but a smaller number may convene and adjourn from time to time and may compel the attendance of absent members under penalty of \$25 fine for each unexcused absence, said fine being deducted from the member's salary. Ordinances, resolutions and motions shall be valid upon the affirmative vote of a majority of the City Commissioners present at any regular or special meeting. No Commissioner present at any meeting shall be excused from voting on ordinances, resolutions or motions except when a City Commissioner has a conflict of interest, in which event, said City Commissioner shall publicly state the conflict of interest, shall disqualify himself from voting, and shall not discuss, offer opinions or seek to influence in any manner whatsoever, either publicly or privately, the outcome of such ordinance, resolution or motion.

### III POWERS OF THE BOARD OF CITY COMMISSIONERS

#### **§ 301. GENERAL POWERS. [AdoptedxCharter, 5/21/1974, § 3.01; as amended by Ord. 18-83, 12/22/1983]**

All powers of the City shall be vested in the Board of City Commissioners, except as otherwise provided by this Charter, and the Board of City Commissioners shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law and by this Charter.

#### **§ 302. MANNER OF EXERCISING POWERS. [AdoptedxCharter, 5/21/1974, § 3.02; as amended by Ord. 18-83, 12/22/1983]**

1. In General. Except as otherwise provided in this Charter, all acts of the Board of City Commissioners shall be in the form of ordinances, resolutions or motions which shall be exercised in the manner set forth in this Article; provided, that no final action shall be taken thereon until all interested persons have had the opportunity to be heard; and, provided further, that no ordinance or resolution shall be effective until a certified copy is recorded in the Ordinance and Resolution Book of the City which shall at all times be available for public inspection.
2. Ordinance. In addition to other acts required by this Charter to be done by ordinance, those acts of the City shall be by ordinance which:
  - A. Adopt or amend any administrative code or establish, alter or abolish any City department, office or agency.
  - B. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
  - C. Levy taxes or assessments, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget.
  - D. Grant, renew or extend a franchise.
  - E. Regulate the rate charged for its services by a public utility.
  - F. Authorize the borrowing of money.
  - G. Convey or lease or authorize the conveyance or leasing of any City lands.
  - H. Adopt, with or without amendment, actions proposed under the initiative power.
  - I. Amend or repeal any ordinance previously adopted, including any action reconsidered under the referendum power.
  - J. Action that the Board of City Commissioners may deem appropriate to be in the form of an ordinance.

3. **Resolutions.** In addition to other acts required by the Charter to be done by resolution, those acts of the City shall be by resolution which:
  - A. Have the effect of law, but do not provide for any fine or penalty.
  - B. Provide for rules and regulations governing or pertaining to City departments or employees.
  - C. Provide for commendations of merit or achievement to any individual or organization.
4. **Motions.** Except as otherwise provided in this Charter, all acts of the Board of City Commissioners shall be by motion.

**§ 303. ORDINANCES IN GENERAL. [Adopted by Charter, 5/21/1974, § 3.03; as amended by Ord. 18-83, 12/22/1983]**

1. **Form.** Every proposed ordinance shall be introduced in writing 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 Hermitage hereby ordains. . . ." Any ordinance which repeals or amends an existing ordinance 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.
2. **Procedures.** An ordinance may be introduced by any member at any regular or special meeting of the Board of the City Commissioners. Upon introduction of any ordinance, the City Secretary shall distribute a copy to each City Commissioner and to the Manager, shall file a reasonable number of copies in the office of the City Secretary and such other public places as the Board of City Commissioners may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Board. The public hearing shall follow the publication by at least seven days, shall be held in connection with a regular or special meeting and may be adjourned from time to time. After the hearing, the Board of City Commissioners may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the Board of City Commissioners may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the City Secretary shall have it published again together with a notice of its adoption.
3. **Effective Date.** Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of seven days after adoption or any later date specified therein.

4. "Publish" Defined. As used in this Section, the term "publish" means to print in one or more newspapers of general circulation in the City:

- A. The ordinance or a brief summary thereof; and,
- B. The places where copies of its have been filed and the times when they are available for public inspection.

**§ 304. EMERGENCY ORDINANCES. [AdoptedxCharter, 5/21/1974, § 3.04; as amended by Ord. 18-83, 12/22/1983]**

To meet a public emergency affecting life, health, property or the public peace, the Board of City Commissioners may adopt one or more emergency ordinances, but such ordinance may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its service or authorize the borrowing of money except as provided in § 709(2). 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 does not exist 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 and nothing contained in § 207(2) relating to advance notice or § 303(2) relating to procedure shall limit the Board of City Commissioners' power to enact an emergency ordinance. After its adoption the ordinance shall be published and printed as prescribed for other ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 709(2) shall automatically stand repealed as of the 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.

**§ 305. RESOLUTIONS IN GENERAL. [AdoptedxCharter, 5/21/1974, § 3.05; as amended by Ord. 18-83, 12/22/1983]**

1. Form. Every proposed resolution shall be introduced in writing and in the form required for final adoption. No resolution shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Hermitage hereby resolves. . ." Any resolution which repeals or amends an existing resolution shall set out in full the resolution, 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.
2. Procedures. A resolution may be introduced by any member at any regular or special meeting of the Board of City Commissioners. Upon consideration of any resolution, the City Secretary shall distribute a copy to each City Commissioner and to the Manager. A resolution may be adopted with or without amendment or rejected at the meeting at which it is introduced; provided, the subject matter of said resolution is placed on the agenda if it is

to be presented and adopted at a regular or special meeting, or if it is to be adopted at a special meeting. Upon adoption of the resolution, the City Secretary shall file a reasonable number of copies in the office of the City Secretary and such other public places as the Board of City Commissioners may designate.

**§ 306. MOTIONS IN GENERAL. [AdoptedxCharter, 5/21/1974, § 3.06; as amended by Ord. 18-83, 12/22/1983]**

1. Form. Motions may be either oral or written.
2. Procedure. A motion may be introduced by any member at any regular or special meeting of the Board of City Commissioners; provided, that the subject matter of said motion is placed on the agenda if it is to be adopted at a special meeting.

**§ 307. INVESTIGATIONS. [AdoptedxCharter, 5/21/1974, § 3.07; as amended by Ord. 18-83, 12/22/1983]**

The Board of the City Commissioners may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Board of the City Commissioners shall be guilty of a summary offense.

#### IV CITY MANAGER

**§ 401. APPOINTMENT, QUALIFICATIONS, COMPENSATION. [AdoptedxCharter, 5/21/1974, § 4.01; as amended by Ord. 18-83, 12/22/1983]**

The Board of the City Commissioners shall by resolution appoint a City Manager for an indefinite term and fix his compensation. The Manager shall be appointed solely on the basis of his executive and administrative qualifications, either by training or education, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as herein outlined. He need not be a resident of the City or Commonwealth at the time of his appointment but may reside outside of the City while in office with the approval of the Board of City Commissioners.

**§ 402. REMOVAL. [AdoptedxCharter, 5/21/1974, § 4.02; as amended by Ord. 18-83, 12/22/1983]**

1. The Board of the City Commissioners may remove the Manager from office; however, such removal shall be in accordance with the following procedures:
  - A. The Board of the City Commissioners shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reason for removal. Such preliminary resolution shall

immediately suspend the Manager from duty. A copy of the resolution shall be delivered promptly to the Manager.

- B. Within five days after a copy of the resolution is delivered to the Manager, he may file with the Board of City Commissioners a written request for a public hearing. This hearing shall be conducted at a special meeting of the Board of City Commissioners held not earlier than five days nor later than 15 days after the request is filed. The Manager may file with the Board of City Commissioners a written reply not later than five days before the hearing.
- C. The Board of the City Commissioners may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

2. The Manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the Board of the City Commissioners in removing the Manager shall not be subject to review by any court or agency.

**§ 403. ACTING CITY MANAGER. [AdoptedxCharter, 5/21/1974, § 4.03; as amended by Ord. 18-83, 12/22/1983]**

By letter filed with the City Secretary, the Manager shall designate, subject to approval of the Board of City Commissioners, a qualified City administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the Board of City Commissioners may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or his disability shall cease.

**§ 404. POWERS AND DUTIES OF CITY MANAGER. [AdoptedxCharter, 5/21/1974, § 4.04; as amended by Ord. 18-83, 12/22/1983]**

The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Board of City Commissioners for the administration of all City affairs placed in his charge by or under this Charter. He shall have the following power and duties:

- A. He shall appoint and, when he deems it necessary for the good of the service, suspend or remove any City employees. 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.
- B. He shall direct and supervise the administration of all departments, offices and agencies of the City.

- C. He shall attend all meetings of the City Commissioners and shall have the right to take part in discussion but may not vote.
- D. He shall see that all laws, provisions of this Charter and acts of the Board of City Commissioners, subject to enforcement by him or by officers subject to his discretion and supervision, are faithfully executed.
- E. He shall prepare and submit the annual budget and capital program to the Board of City Commissioners.
- F. He shall submit to the Board of City Commissioners 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.
- G. He shall make such other reports as the Board of City Commissioners may require concerning the operations of the City departments, offices and agencies subject to his direction and supervision.
- H. He shall keep the Board of City Commissioners fully advised as to financial conditions and future needs of the City and make such recommendations to the Board of City Commissioners concerning the affairs of the City as he deems desirable.
- I. He shall perform such other duties as are specified in this Charter or may be required by the Board of City Commissioners.

## **V APPOINTMENTS BY BOARD OF CITY COMMISSIONERS**

### **§ 501. POWER TO APPOINT. [AdoptedxCharter, 5/21/1974, § 5.01; as amended by Ord. 18-83, 12/22/1983]**

Except as otherwise provided in this Charter, the Board of City Commissioners shall appoint a City Solicitor, a City Secretary, a City Auditor and the members of various commissions, boards or agencies which the Board of City Commissioners may from time to time establish.

### **§ 502. CITY SOLICITOR. [AdoptedxCharter, 5/21/1974, § 5.02; as amended by Ord. 18-83, 12/22/1983]**

- 1. Appointment, Qualifications, Compensation and Term of Office. On the first Monday of January following each municipal election, or as soon thereafter as practicable, the Board of City Commissioners shall appoint a City Solicitor, who shall be a member of the Bar of the Supreme Court of the Commonwealth of Pennsylvania. The Board of City Commissioners shall fix the compensation of the City Solicitor for his term of office. The term of office of the City Solicitor shall be for a period of two years beginning the first Monday in January following each municipal election, and continuing until his successor is duly appointed.

2. Duties. The City Solicitor shall give legal advice to the Board of City Commissioners, the City Manager, department heads, other officers of the City, and to all City departments, offices and agencies. He shall represent the City in all legal proceedings and shall perform such other legal services as may be required of him by the Board of City Commissioners, by the City Manager, by the Charter, by law or by ordinance.
3. Additional Legal Services. The Board of City Commissioners may procure such additional legal services as it may deem necessary to assist the City Solicitor or represent any City Department, commission or agency. Persons appointed to render such additional legal services shall be members of the Bar of the Supreme Court of the Commonwealth of Pennsylvania, shall serve a term of office as determined by the Board of the City Commissioners, not to exceed two years; and shall receive such reasonable compensation as determined by the Board of City Commissioners.

**§ 503. CITY SECRETARY. [Adopted Charter, 5/21/1974, § 5.03; as amended by Ord. 18-83, 12/22/1983]**

1. Appointment, Term of Office and Compensation. The Board of City Commissioners shall appoint a City Secretary for an indefinite term of office at such compensation as determined by the Board of City Commissioners.
2. Duties. The City Secretary shall perform the following duties:
  - A. He shall be the keeper of the City Seal and no action of the City shall be valid without his certification.
  - B. He shall give notice of all Board meetings to its members and to the public and keep a journal of all such meetings.
  - C. He shall perform such other duties as prescribed by ordinance, resolution, motion or this Charter.
3. Assistant City Secretary. The Board of City Commissioners may appoint an Assistant City Secretary, who shall, in the absence of the City Secretary, perform the duties and exercise the powers of the City Secretary. The compensation of the Assistant City Secretary shall be fixed by the Board of City Commissioners and he shall serve an indefinite term of office.

**§ 504. CITY AUDITOR. [Adopted Charter, 5/21/1974, § 5.04; as amended by Ord. 18-83, 12/22/1983]**

1. Appointment, Qualifications, Compensation and Term of Office. The Board of City Commissioners shall appoint as City Auditor a certified public accountant or firm of such accountants who has no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Board of City Commissioners shall fix the Township Auditor's

compensation for his term of office. The term of office shall be established by the Board of City Commissioners for a period not to exceed three years.

2. Duties. The City Auditor shall provide an annual audit of all City accounts and may provide for such more frequent audits as the Board of City Commissioners may deem necessary.

## VI ADMINISTRATIVE DEPARTMENTS

### **§ 601. GENERAL PROVISIONS. [AdoptedxCharter, 5/21/1974, § 6.01; as amended by Ord. 18-83, 12/22/1983]**

1. Creation of Departments. The Board of City Commissioners may establish departments, offices or agencies, in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other departments.
2. 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 consent of the Board of City Commissioners, 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.

### **§ 602. PERSONNEL SYSTEM. [AdoptedxCharter, 5/21/1974, § 6.02; as amended by Ord. 18-83, 12/22/1983]**

1. Merit Principle. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.
2. Personnel Director. The Manager, or such other person as designated by the Manager, shall serve as Personnel Director and shall administer the personnel system of the City.
3. Personnel Rules. The Personnel Director shall prepare personnel rules and regulations. The Board of City Commissioners may, by resolution, adopt them with or without amendment. These rules and regulations shall provide for:
  - A. 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.
  - B. A pay plan for all City positions.

- C. Methods for determining the merit and fitness of candidates for appointment or promotion.
- D. The policies and procedures regulating reduction in force and removal of employees.
- E. The hours of work, attendance regulations and provisions for sick and vacation leave.
- F. The policies and procedures governing persons holding provisional appointments.
- G. The policies and procedures governing relationships with employee organizations.
- H. Policies regarding in-service training programs.
- I. Other practices and procedures necessary to the administration of the City personnel system.

4. Personnel Board. The Board of City Commissioners shall establish a Personnel Board consisting of three members appointed by the Board of City Commissioners from among the qualified voters of the City for terms of office of three years. Members of the Personnel Board shall hold no other City office or employment and shall serve without compensation. The Personnel Director shall provide necessary staff assistance for the Personnel Board. The Personnel Board shall prepare rules necessary for hearing grievances of City employees and shall render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee.

## VII FINANCIAL PROCEDURES

### **§ 701. FISCAL YEAR. [AdoptedxCharter, 5/21/1974, § 7.01; as amended by Ord. 18-83, 12/22/1983]**

The fiscal year of the City shall begin on the January 1 of each year and end on the last day of December of that year. Such fiscal year shall also constitute the budget and accounting year, but need not constitute the tax year.

### **§ 702. SUBMISSION OF BUDGET. [AdoptedxCharter, 5/21/1974, § 7.02; as amended by Ord. 18-83, 12/22/1983]**

Annually, but no later than 45 days before the beginning of the fiscal year, the Manager shall submit to the Board of City Commissioners a budget for the ensuing fiscal year and an accompanying message.

**§ 703. BUDGET MESSAGE. [AdoptedxCharter, 5/21/1974, § 7.03; as amended by Ord. 18-83, 12/22/1983]**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work 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.

**§ 704. BUDGET. [AdoptedxCharter, 5/21/1974, § 7.04; as amended by Ord. 18-83, 12/22/1983]**

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Board of City Commissioners may require. The total proposed expenditures shall not exceed the total of estimated income. 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. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- A. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
- B. 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 expenditures.
- C. 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 utility giving detailed income and expenditure information shall be attached as appendices to the budget.

**§ 705. CAPITAL PROGRAM. [AdoptedxCharter, 5/21/1974, § 7.05; as amended by Ord. 18-83, 12/22/1983]**

1. Definition of "Capital." For the purpose of this Article, "capital" shall be defined as any project or equipment, including any extension or addition thereto or thereof, having a life expectancy in excess of, or to be financed over a period greater than, six years, or a value exceeding \$20,000.
2. Submission to Board of City Commissioners. The Manager shall propose and submit to the Board of City Commissioners a five year capital program at least three months prior to the final date for submission of the budget.

3. **Contents.** The capital program shall include:
  - A. A clear general summary of its contents.
  - B. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements.
  - C. Cost estimates, method of financing and recommended time schedules for each such improvement.
  - D. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
4. The above information shall be reviewed and may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. New project shall be added as their need becomes apparent.

**§ 706. ACTION ON BUDGET BY THE BOARD OF CITY COMMISSIONERS.**  
[AdoptedxCharter, 5/21/1974, § 7.06; as amended by Ord. 18-83, 12/22/1983]

1. **Notice and Hearing.** The Board of City Commissioners shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:
  - A. The time and place where copies of the message and budget are available for inspection by the public; and,
  - B. The time and place, not less than two weeks after such publication, for a public hearing on the budget.
2. **Amendment Before Adoption.** After the public hearing, the Board of City Commissioners 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.
3. **Adoption.** The Board of City Commissioners shall, by ordinance, adopt the budget on or before 25th day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts 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 Board of City Commissioners adopts a budget for the ensuing fiscal year. No City Commissioner shall receive any compensation or salary for that period of time for which no budget for the ensuing year was adopted. 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.

**§ 707. ACTION ON CAPITAL PROGRAM BY THE BOARD OF CITY COMMISSIONERS. [AdoptedxCharter, 5/21/1974, § 7.07; as amended by Ord. 18-83, 12/22/1983]**

1. Notice and Hearing. The Board of City Commissioners shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:
  - A. The times and places where copies of the capital program are available for inspection by the public; and,
  - B. The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
2. Adoption. The Board of City Commissioners shall, by ordinance, adopt the capital program with or without amendment after the public hearing and on or before the 25th day of the last month of the current fiscal year.

**§ 708. PUBLIC RECORDS. [AdoptedxCharter, 5/21/1974, § 7.08; as amended by Ord. 18-83, 12/22/1983]**

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.

**§ 709. AMENDMENTS AFTER ADOPTION. [AdoptedxCharter, 5/21/1974, § 7.09; as amended by Ord. 18-83, 12/22/1983]**

1. Amendment After Adoption. During the month of January following any municipal election, the Board of City Commissioners may amend the budget; provided, that the proposed amended budget or a general summary thereof is published in one or more newspapers of general circulation in the City together with a notice stating:
  - A. The time and places where copies of the proposed amended budget are available for inspection by the public; and,
  - B. The time and place, not less than five days after such publication, for a public hearing on the proposed amended budget.
2. 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 Board of City Commissioners may, by ordinance, make supplemental appropriations for the year up to the amount of such excess.
3. Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Board of City Commissioners may make

emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 304. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of City Commissioners 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 appropriations was made.

4. 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 Board of City Commissioners, 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 Board of City Commissioners 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.
5. 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 Board of City Commissioners may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
6. Limitations, Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriations 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.

**§ 710. LAPSE OF APPROPRIATIONS. [AdoptedxCharter, 5/21/1974, § 7.10; as amended by Ord. 18-83, 12/22/1983]**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to 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 has been made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

**§ 711. ADMINISTRATION OF BUDGET. [AdoptedxCharter, 5/21/1974, § 7.11; as amended by Ord. 18-83, 12/22/1983]**

1. 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 allotment 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 appropriations made pursuant to § 709.

2. **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.

**§ 712. LIMITATION OF TAX POWER. [Adopted by Charter, 5/21/1974, § 7.12; as amended by Ord. 18-83, 12/22/1983]**

The Board of City Commissioners shall have no power to impose taxes upon real estate at a rate greater than 25 mills.

## **VIII PLANNING AND ZONING**

**§ 801. PLANNING AND ZONING DIRECTOR. [Adopted by Charter, 5/21/1974, § 8.01; as amended by Ord. 18-83, 12/22/1983]**

There shall be a Planning and Zoning Department headed by a director who shall be appointed by the Manager as provided in § 601 of this Charter. The Planning and Zoning Director shall have the following responsibilities:

- A. To advise the Manager on any matter affecting the physical development of the City.
- B. To administer the zoning ordinance in accordance with its literal terms.
- C. To participate in the preparation and revision of the capital program provided for in § 705.
- D. To advise the City Planning Commission and City Zoning Board in the exercise of their responsibilities and in connection therewith to provide necessary staff assistance.

E. To perform such other planning and zoning duties as the City Manager may from time to time direct.

**§ 802. CITY PLANNING COMMISSION. [AdoptedxCharter, 5/21/1974, § 8.02; as amended by Ord. 18-83, 12/22/1983]**

1. Composition, Eligibility, Manner of Appointment and Terms of Office.

A. There shall be a City Planning Commission consisting of seven members who shall be appointed by the Board of City Commissioners from among the qualified voters of the City in the following manner:

- (1) Two members shall be appointed to serve an initial term of office of one year.
- (2) Two members shall be appointed to serve an initial term of office of two years.
- (3) Three members shall be appointed to serve an initial term of three years.

B. Thereafter, all terms of office shall be for a period of three years. All vacancies occurring in the City Planning Commission shall be filled by a qualified person appointed by the Board of City Commissioners for the remainder of the unexpired term of office. Except as otherwise provided in § 804 of this Article, members of the City Planning Commission shall hold no other City office or position.

2. Duties.

A. The City Planning Commission shall perform the following duties:

- (1) Make recommendations to the Board of City Commissioners on all matters affecting the physical development of the City and land usage in the City. Such matters shall include, but not be limited to, a comprehensive plan and official map, zoning, housing and building codes, and land use and development regulations.
- (2) Administer land use and development regulations.
- (3) Review all matters affecting the physical development of the City and land usage in the City every two years and make recommendations thereon.
- (4) Perform such other planning duties as the Board of City Commissioners may direct.

B. In the performance of its duties, the City Planning Commission shall have the power to obtain information and material from other City

departments as it relates to the work of the City Planning Commission; to make examination and surveys of any land located within the City; and with the consent of the Board of City Commissioners, to obtain assistance from County, Commonwealth or Federal governments or any of their agencies or from private sources.

**§ 803. ADOPTION AND EFFECT OF RECOMMENDATIONS OF PLANNING COMMISSION. [AdoptedxCharter, 5/21/1974, § 8.03; as amended by Ord. 18-83, 12/22/1983]**

1. Adoption. Upon receipt of any recommendation of the Planning Commission, the Board of City Commissioners shall reject or adopt it, with or without amendment.
2. Effect. The comprehensive plan shall serve as a guide to all future action of the Board of City Commissioners concerning the physical development of the City Commissioners concerning the physical development of the City and land usage in the City. Before acting on any matter affecting the physical development of the City and land usage in the City, the Board of City Commissioners shall refer such matter to the Planning Commission which shall make recommendations thereon. Upon the adoption of any matter affecting the physical development of the City of land usage in the City, the Board of City Commissioners shall report on the relationship between the action and the comprehensive plan, and in the event that the action does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with such report.

**§ 804. ZONING BOARD. [AdoptedxCharter, 5/21/1974, § 8.04; as amended by Ord. 18-83, 12/22/1983]**

1. Composition, Eligibility, Manner of Appointment and Terms of Office. There shall be a Zoning Board consisting of three members who shall be appointed by the Board of City Commissioners from among the qualified voters of the City. Terms of office shall be for three years and shall be so fixed that the term of office of one member shall expire each year. All vacancies occurring on the Zoning Board shall be filled by a qualified person appointed by the Board of City Commissioners for the remainder of the unexpired term of office. No member of the Zoning Board shall hold any other City office or position, except that one member of the Zoning Board may also serve as a member of the City Planning Commission.
2. Duties.
  - A. The Zoning Board shall hear all appeals from decisions of any City officer charged with enforcing the City Zoning Ordinance; and shall have the power to grant variances from and special exceptions to said Zoning Ordinance, and to interpret the language of said Zoning Ordinance; however, the Zoning Board shall have not the power to pass upon the validity of any provision of said Zoning Ordinance.

- B. The Zoning Board may grant a variance from the terms of the Zoning Ordinance as will not be contrary to the public health, safety, morals and general welfare, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship to the land, and so that the spirit of the ordinance shall be observed and substantial justice done.
- C. The Zoning Board may grant a special exception provided the Zoning Ordinance expressly allows said special exception, and provided further that the granting of the special exception does not adversely affect the public health, safety, morals or general welfare.
- D. In granting any variance or exception, the Zoning Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance. The Zoning Board shall have the power of subpoena and the power to administer oaths in the performance of its duties and shall have the power to prescribe its own rules of procedures.

## IX INITIATIVE AND REFERENDUM

### **§ 901. GENERAL AUTHORITY. [AdoptedxCharter, 5/21/1974, § 9.01; as amended by Ord. 18-83, 12/22/1983]**

- 1. Initiative. The qualified voters of the City shall have the power to petition the Board of City Commissioners to consider and take action on the subject matter of the petition; and, if the Board fails to so adopt the proposed action without any change in substance, the voters shall have the right to adopt or reject it at a City election; provided, that such power shall not extend to the budget or capital program or the levy of taxes.
- 2. Referendum. The qualified voters of the City shall have the power to require reconsideration by the Board of City Commissioners of any action previously adopted by the Board; and, if the Board fails to repeal the subject matter sought to be reconsidered, the voters shall have the right to approve or reject it at a City election; provided, that such power shall not extend to the budget or capital program, to any emergency ordinance, to the levy of taxes or to the salaries of any appointed City officers or employees.

### **§ 902. COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT. [AdoptedxCharter, 5/21/1974, § 9.02; as amended by Ord. 18-83, 12/22/1983]**

- 1. Any five qualified voters may commence initiative or referendum proceedings by filing with the City Secretary 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 action or citing the action sought to be reconsidered.

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

**§ 903. PETITIONS. [AdoptedxCharter, 5/21/1974, § 9.03; as amended by Ord. 18-83, 12/22/1983]**

1. Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least 10% of the total number of qualified voters registered to vote at the last City election.
2. 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 action proposed or sought to be reconsidered.
3. 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 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 action proposed or sought to be reconsidered.
4. Time for Filing Referendum Petitions. Referendum petitions must be filed within 60 days after adoption by the Board of City Commissioners of the action sought to be reconsidered.

**§ 904. PROCEDURE AFTER FILING. [AdoptedxCharter, 5/21/1974, § 9.04; as amended by Ord. 18-83, 12/22/1983]**

1. Certificate of City Secretary; Amendment. Within 20 days after the petition is filed, the City Secretary 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 registered 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 City Secretary within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (2) and (3) of § 903 and within five days after it is filed the City Secretary 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 registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request the Board of City Commissioners review under subsection (2) of this Section within the time required, the City Secretary shall promptly present his certificate to the Board of City Commissioners and the certificate shall then be a final determination as to the sufficiency of the petition.

2. Review by Board of City Commissioners. 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 days after receiving the copy of such certificate, file a request that it be reviewed by the Board of City Commissioners. The Board of City Commissioners shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Board of City Commissioners' determination shall then be a final determination as to the sufficiency of the petition.
3. Court Review; New Petition. A final determination as to the sufficiency 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.

**§ 905. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ACTION.** [AdoptedxCharter, 5/21/1974, § 9.05; as amended by Ord. 18-83, 12/22/1983]

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

- A. There is a final determination of insufficiency of the petition.
- B. The petitioners' committee withdraws the petition.
- C. The Board of City Commissioners repeals the action sought to be reconsidered.
- D. Thirty days have elapsed after a vote of the City on the action sought to be reconsidered.

**§ 906. ACTION ON PETITIONS.** [AdoptedxCharter, 5/21/1974, § 9.06; as amended by Ord. 18-83, 12/22/1983]

1. Action by Board of City Commissioners. When an initiative or referendum petition has been finally determined sufficient, the Board of City Commissioner shall promptly consider the proposed initiative action in the manner provided in Article III or reconsider the referred action by voting its repeal. If the Board of City Commissioners fails to adopt a proposed initiative action without any change in substance within 60 days or fails to

repeal the referred action within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred action to the voters of the City.

2. Submission to Voters. The vote of the City on a proposed or referred action shall be held not less than 30 days and not later than one year from date of the final vote thereon by the Board of City Commissioners. If no regular election is to be held within the period prescribed in this subsection, the Board of City Commissioners shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Board of City Commissioners may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred action shall be made available at the polls.
3. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the City by filing with the City Secretary a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**§ 907. RESULTS OF ELECTION. [AdoptedxCharter, 5/21/1974, § 9.07; as amended by Ord. 18-83, 12/22/1983]**

1. Initiative. If a majority of the qualified electors voting on a proposed initiative action 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 action of the same kind adopted by the Board of City Commissioners. If conflicting actions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
2. Referendum. If a majority of the qualified electors voting on a referred action vote against it, it shall be considered repealed upon certification of the election results.
3. Re-enactment or Repeal. The Board of City Commissioners shall take no action inconsistent with an initiative action or referred action as approved or repealed by the voters for a period two years after said approval or repeal.

**X CITY TREASURER**

**§ 1001. ELECTION, TERM OF OFFICE, QUALIFICATIONS, VACANCIES AND COMPENSATION. [AdoptedxCharter, 5/21/1974, § 10.01; as amended by Ord. 18-83, 12/22/1983]**

1. Election and Term of Office. The City Treasurer shall be elected at large by the voters of the City for a term of office of four years.

2. Qualifications. The City Treasurer shall be a registered voter of the City and shall be bondable in such amount as determined by the Board of City Commissioners.
3. Vacancies. The office of City Treasurer shall become vacant upon his death, resignation, removal from office in any manner authorized by law, forfeiture of office or lack of qualifications. Such vacancy shall be filled for the remainder of the unexpired term of office by a qualified person appointed by the Board of City Commissioners.
4. Compensation. The City Treasurer shall receive such compensation as may be fixed by the Board of City Commissioners.

**§ 1002. DUTIES. [AdoptedxCharter, 5/21/1974, § 10.02; as amended by Ord. 18-83, 12/22/1983]**

The City Treasurer shall be the tax collector for the City, shall have charge of all City monies from all sources, shall deposit the monies in such depositories as are designated by the Board of City Commissioners, and shall perform such other duties as the Board of City Commissioners may direct.

**XI GENERAL PROVISIONS**

**§ 1101. PERSONAL FINANCIAL INTEREST. [AdoptedxCharter, 5/21/1974, § 11.01; as amended by Ord. 18-83, 12/22/1983]**

Any City officer or employee who has a substantial financial interest; direct, 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 influencing or participating in his capacity as a City officer or employee 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. Violation of this Section with the knowledge expressed 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 Board of City Commissioners.

**§ 1102. PROHIBITIONS. [AdoptedxCharter, 5/21/1974, § 11.02; as amended by Ord. 18-83, 12/22/1983]**

1. Activities Prohibited.
  - A. 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.
  - B. 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.

- C. 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 his test, appointment, proposed appointment, promotion or proposed promotion.
- D. 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.
- E. 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 campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

2. **Penalties.** Any person who by himself or with others willfully violates any of the provisions of subsections (A) through (E) shall be guilty of a summary offense. Any person convicted under this Section shall be ineligible for a period of five 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.

**§ 1103. CRIMES AND OFFENSES. [AdoptedxCharter, 5/21/1974, § 11.03; as amended by Ord. 18-83, 12/22/1983]**

1. **In General.** Nothing contained in this Charter shall be construed as prohibiting the City from enforcing any action or inaction which would constitute a criminal offense had this Charter not been adopted.
2. **Summary Offense.** The Board of City Commissioners shall have the power to define summary offenses and provide for the enforcement thereof.

**§ 1104. CHARTER AMENDMENT. [AdoptedxCharter, 5/21/1974, § 11.04]**

Amendments to this Charter shall be in the manner prescribed by law.

**§ 1105. SEVERABILITY OF CHARTER PROVISIONS. [AdoptedxCharter, 5/21/1974, § 11.05]**

If any provision of this Charter is held invalid, for any reason whatsoever, the other provisions of the Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, for

any reason whatsoever, the application of this Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **XII TRANSITIONAL PROVISIONS**

### **§ 1201. OFFICERS AND EMPLOYEES. [Adopted Charter, 5/21/1974, § 12.01; as amended by Ord. 18-83, 12/22/1983]**

1. Rights and Privileges Preserved. Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights and privileges of persons who are City officers or employees at the time of its adoption.
2. Continuance of Office or Employment. Except as specifically provided by this Charter, if at any time this Charter takes full effect, a City 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 his term of office expires or until the taking effect of some specific provision under this Charter directing that he vacate the office or position.
3. Personnel System. An employee holding a City position at the time this Charter takes full effect, who was serving in that same or in a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in § 602.

### **§ 1202. DEPARTMENTS, OFFICES AND AGENCIES. [Adopted Charter, 5/21/1974, § 12.02; as amended by Ord. 18-83, 12/22/1983]**

1. Transfer of Powers. If a City department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the City department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the Board of City Commissioners.
2. Property and Records. All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the Board of City Commissioners in accordance with this Charter.

### **§ 1203. PENDING MATTERS. [Adopted Charter, 5/21/1974, § 12.03; as amended by Ord. 18-83, 12/22/1983]**

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in

each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

**§ 1204. STATE AND MUNICIPAL LAWS. [AdoptedxCharter, 5/21/1974, § 12.04; as amended by Ord. 18-83, 12/22/1983]**

All City ordinances, regulations and orders which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the Commonwealth of Pennsylvania permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

**§ 1205. SCHEDULE OF TRANSITION. [AdoptedxCharter, 5/21/1974, § 12.05]**

1. This Charter shall be presented to the voters of the Township for adoption or rejection at the General Primary Election to be held in May, 1974.
2. In the event that this Charter is adopted by the voters of the Township, the following schedule of transition shall apply:
  - A. Within 30 days following the adoption of this Charter, the Board of Township Commissioners shall appoint nine registered voters as a Commission to prepare and recommend to the Board of Township Commissioners an administrative code. The administrative code shall include the following:
    - (1) Provisions establishing Township departments.
    - (2) Provisions for entering into contracts including bidding procedures.
    - (3) Provisions for establishing special assessments provided that all assessments be based upon the basis of benefit.
    - (4) Provisions for borrowing money.
    - (5) Any other provisions which the Commission deems necessary.
  - B. All elected Township officers, other than Township Commissioners, shall serve their respective offices until their terms of office shall be filled in accordance with this Charter.
  - C. The first election of a majority of Township Commissioners shall take place at the municipal election to be held November, 1975. Those remaining Township Commissioners shall continue to serve out their term in office.

D. Except as otherwise provided by this Charter, this Charter shall become fully effective on the January 1, 1976. No action by the Board of Township Commissioners shall be valid after that date until an administrative code has been adopted, by ordinance; however, nothing contained in this Charter shall prevent adoption of an administrative code prior to that date.