

**CHAPTER CHA**  
**HOME RULE CHARTER**

**I Name and Boundaries**

- § 101. Name.**
- § 102. Boundaries.**
- § 103. Effective Date.**

**II Powers of the City**

- § 201. General Powers.**
- § 202. Construction.**
- § 203. Intergovernmental Relations.**
- § 204. Residual Powers in City Council.**
- § 205. Form of Government.**

**III City Council**

- § 301. Organization.**
- § 302. Additional Council Members by Referendum.**
- § 303. Qualifications for Office.**
- § 304. Election and Terms of Office.**
- § 305. Compensation.**
- § 306. Authority of Council.**
- § 307. Removal From Office.**

**IV Mayor**

- § 401. Compensation.**
- § 402. Term of Office.**
- § 403. Authority of Mayor.**
- § 404. Deputy Mayor.**

**V Treasurer**

- § 501. Appointment, Qualifications, and Compensation.**
- § 502. Duties.**
- § 503. Accounting.**
- § 504. Investment Policies.**
- § 505. Termination.**
- § 506. Manager as Treasurer.**

**VI City Manager**

- § 601. Appointment, Qualifications, and Compensation.**

- § 602. **Powers and Duties.**
- § 603. **Acting Manager.**
  
- VII City Solicitor**
- § 701. **Appointment and Compensation.**
- § 702. **Removal.**
- § 703. **Participation in Benefits.**
  
- VIII City Engineer**
- § 801. **Appointment and Duties.**
- § 802. **Real Estate Registry.**
  
- IX Tax Collection**
- § 901. **Election.**
- § 902. **Authority of Tax Collector.**
- § 903. **Compensation.**
- § 904. **Qualifications.**
- § 905. **Power to Abolish Office.**
  
- X Vacancies in Office**
- § 1001. **Vacancy Board.**
- § 1002. **Method of Filling Vacancies.**
- § 1003. **Term of Successor.**
- § 1004. **Qualifications.**
  
- XI Organization and Operation of Council**
- § 1101. **Oath of Office.**
- § 1102. **Judge of Qualifications.**
- § 1103. **Organizational Meeting.**
- § 1104. **Regular Meetings.**
- § 1105. **Special Meetings.**
- § 1106. **Notice.**
- § 1107. **Quorum.**
- § 1108. **Minutes.**
- § 1109. **Rules of Order.**
- § 1110. **Majority Action.**
- § 1111. **Citizens' Right to be Heard.**
  
- XII Adoption of Ordinances**
- § 1201. **General Requirements.**
- § 1202. **Publication.**

- § 1203. **Enactment and Effective Date.**
- § 1204. **Emergency Ordinances.**
- § 1205. **Penalty.**
- § 1206. **Codes of Technical Regulations.**
- § 1207. **Codification.**
  
- XIII Powers of Council**
- § 1301. **Specific Powers.**
- § 1302. **Action Requiring an Ordinance.**
  
- XIV City Finances**
- § 1401. **Fiscal Year.**
- § 1402. **Borrowing and Debt Limitations.**
- § 1403. **Limitations on Tax Levies.**
- § 1404. **Referendum to Increase Tax Limits.**
- § 1405. **Fidelity Bonds for Certain Officers.**
- § 1406. **Classification of Accounts.**
- § 1407. **Financial Projection.**
- § 1408. **Prohibition on Deficit Spending.**
- § 1409. **Audits.**
  
- XV Budget**
- § 1501. **Budget Form.**
- § 1502. **Budget Content.**
- § 1503. **Budget Message.**
- § 1504. **Balanced Budget.**
- § 1505. **Submission of Proposed Budget.**
- § 1506. **Preliminary Adoption.**
- § 1507. **Advertising and Public Hearing.**
- § 1508. **Final Adoption.**
- § 1509. **Levy of Taxes.**
- § 1510. **Revision of Budget.**
- § 1511. **Appropriations.**
- § 1512. **Emergency Appropriations.**
  
- XVI Contracts**
- § 1601. **Fiscal Requirements.**
- § 1602. **Bidding and Awarding Procedures.**
  
- XVII Municipal Claims**
- § 1701. **Assessments.**

- § 1702. **Special Improvements Districts.**
- § 1703. **Powers of Municipal Authorities.**
- § 1704. **Connection to Sanitary Sewer Improvements.**
  
- XVIII Eminent Domain**
- § 1801. **Grant of Power.**
- § 1802. **No Delegation of Power.**
  
- XIX Employee Rights**
- § 1901. **Personnel Code.**
- § 1902. **Civil Service Status.**
- § 1903. **Compensation.**
- § 1904. **Collective Bargaining.**
- § 1905. **Non-Uniformed Employee Pension Plan.**
- § 1906. **Non-Uniformed Pension Board.**
- § 1907. **Limitation on Benefits and Contributions.**
  
- XX Police Department**
- § 2001. **Creation of Police Force.**
- § 2002. **Civil Service Code.**
- § 2003. **Extra Policemen.**
- § 2004. **Supervision of Police Department.**
- § 2005. **Pension Fund.**
- § 2006. **Pension Benefits.**
  
- XXI Initiative and Referendum**
- § 2101. **Initiative and Recall.**
- § 2102. **Referendum.**
- § 2103. **Commencement of Proceedings; Petitioners' Committee; Affidavit.**
- § 2104. **Petition.**
- § 2105. **Procedure After Filing.**
- § 2106. **Referendum Petition; Suspension of Effect of Ordinance.**
- § 2107. **Action on Petition.**
- § 2108. **Results of Election.**
  
- XXII General Provisions**
- § 2201. **Prohibited Activities.**
- § 2202. **Definitions.**
- § 2203. **Separability.**

- XXIII Transition and Continuation**
- § 2301. **Rights and Liabilities of Existing Governments.**
- § 2302. **Continuation of Ordinances.**
- § 2303. **Transition Committee.**
- § 2304. **Adoption of Administrative Code.**
- XXIV Amendment**
- § 2401. **Procedure.**
- § 2402. **Charter Review.**
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## **I Name and Boundaries**

### **§ 101. Name. [Charter, 11/4/1992, § 101]**

The City of St. Marys was chartered by the Governor of Pennsylvania on June 18, 1992, as a City of the Third Class. As used in this Charter, the word "City" shall mean the City of St. Marys, Elk County, Pennsylvania.

### **§ 102. Boundaries. [Charter, 11/4/1992, § 102]**

The boundaries of the City shall be the actual boundaries chartered by the Commonwealth of Pennsylvania, as they may from time to time be lawfully changed.

### **§ 103. Effective Date. [Charter, 11/4/1992, § 103]**

This Charter shall become effective on the first Monday of January, 1994, and the municipal government of the City of St. Marys shall operate under the terms and provisions of this Charter from and after said date.

## **II Powers of the City**

### **§ 201. General Powers. [Charter, 11/4/1992, § 201]**

The City shall have all powers possible for a City to have under the Constitutions of the United States and of Pennsylvania and the laws of Pennsylvania as fully and completely as though they were specifically enumerated in this Charter.

### **§ 202. Construction. [Charter, 1/3/1994, § 202]**

This Charter shall be liberally construed in favor of the City in order to provide the City with the greatest possible power of self-government under the Pennsylvania Constitution. The designation of specific powers in this Charter shall not be

construed as limiting in any way the general powers of the City granted in this Article.

**§ 203. Intergovernmental Relations. [Charter, 1/3/1994, § 203]**

In the exercise of any of its powers or performance of any of its functions, the City may cooperate with and enter into agreements with any one or more states, political subdivisions or agencies thereof, or the United States of America or any agency thereof.

**§ 204. Residual Powers in City Council. [Charter, 11/4/1992, § 204]**

Unless otherwise specifically provided by law or this Charter, all powers of the City shall be vested in the City Council.

**§ 205. Form of Government. [Charter, 11/4/1992, § 205]**

The form of government set forth in this Charter shall be a Council-Manager form.

**III City Council**

**§ 301. Organization. [Charter 11/4/1992, § 301; as amended by Ord. 179, 1/5/2004]**

City Council shall consist of a Mayor and six Members to be elected at large by the registered voters of the City. The Mayor and other Council Members shall have equal voting rights. The Mayor shall be presiding officer of Council. Unless otherwise specified, the term "Council Member," as used in this Charter, shall refer to the Mayor as well as to the other six Members of Council.

**§ 302. Additional Council Members by Referendum. [Charter, 11/4/1992, § 302]**

The registered voters of the City shall have the power by initiative to provide for the election of two additional Council Members. The initiative petition must be signed by registered voters of the City equal in number to at least 5% of the total number of registered voters of the City at the last municipal election or the initiative petition may be filed pursuant to an ordinance adopted by City Council. The initiative petition shall be filed with the County Board of Elections not later than the 13th Tuesday prior to the next municipal or general election. The County Board of Elections shall place the question before the voters in the same manner as other questions are presented under the provisions of the Pennsylvania Election Code. The form of the question shall be as follows:

Q.	Shall two additional Council Members be elected to serve in this City	Yes	_____
		No	_____

If a majority of the registered voters approve the initiative, it shall be deemed effective upon certification of the election results, and the two additional offices of Council Members shall be filled in the manner provided in Article XX of this Charter. At the election for said offices provided under § 1003, one Council Member shall be elected for a four year term and the other elected for a two year term. Thereafter, the additional Council Members shall also serve for terms of four years.

**§ 303. Qualifications for Office. [Charter, 11/4/1992, § 303]**

Only registered voters of the City shall be eligible to hold the office of Council Member or Mayor. No Council Member shall be an officer or employee of the City or member of the City Civil Service Commission or hold any other elective public office.

**§ 304. Election and Terms of Office. [Charter, 11/4/1992, § 304]**

1. At the municipal election to be held in November, 1993, the registered voters of the City shall elect a Mayor and four Council Members. The Mayor and two Council Members shall be elected for four year terms, and shall serve until the first Monday of January, 1998. Two Council Members shall be elected for two year terms and shall serve until the first Monday of January, 1996. Thereafter, the Mayor and all Council Members shall be elected at municipal elections for four year terms.
2. No Council Member may serve for more than two terms consecutively.
3. The procedure for nomination and election of the Mayor and Council Members shall be as provided by the Election Code and the general laws of the Commonwealth of Pennsylvania for municipal officers.

**§ 305. Compensation. [Charter, 11/4/1992, § 305]**

1. Each Council Member shall receive compensation to be fixed by ordinance at any time, subject to the following limitations:
  - A. The maximum compensation shall be \$3,000 per year, subject to the adjustment permitted under this Article.
  - B. Council may, by ordinance, provide for the adjustment of the maximum compensation of Council Members above the limits provided in this Article, except that such adjustment shall not be more than 10% at any one time, nor shall such adjustment be made more than once every two years. No increase shall be effective until the first Monday in January after the next municipal election.
2. Council Members shall receive no other compensation, direct or indirect, for the performance of their duties. They shall not participate in any employee pension plans or insurance programs for the benefit of City employees or

other forms of fringe benefits; provided, however, that nothing in this Section shall preclude the City from providing errors and omissions insurance or liability insurance coverage for Council Members when on municipal business or in the performance of their official duties.

3. Council Members shall be entitled to reimbursement for their reasonable expenses incurred in the performance of their duties.

**§ 306. Authority of Council. [Charter, 11/4/1992]**

The authority granted by this Charter to City Council is vested in and shall be asserted by the Council as a whole. No individual Council Member shall have any authority under this Charter unless such authority is specifically delegated by the Charter or by the Council acting as a body.

**§ 307. Removal From Office. [Charter, 11/4/1992, § 307; as amended by Ord. 179, 1/5/2004]**

A Council Member may be removed from office in any of the following ways:

- A. Where a Council Member has failed or refused to perform the duties of his office for a continuous period of three months without good cause and such failure or refusal impedes Council in the performance of its duties, Council may, by majority vote of all Council Members, petition the Court of Common Pleas to remove any Council Member from office.
- B. The citizens of the City may remove any Council Member from office by initiative and referendum in the manner provided by the Pennsylvania Constitution.

**IV Mayor**

**§ 401. Compensation. [Charter, 11/4/1992, § 401]**

In addition to his compensation as Council Member, the Mayor shall receive extra compensation equal to 20% of his Council Member compensation.

**§ 402. Term of Office. [Charter, 11/4/1992, § 402]**

The Mayor shall serve for a term of four years and shall be elected in the manner set forth in § 303 of this Charter. The Mayor may not serve for more than two terms consecutively.

**§ 403. Authority of Mayor. [Charter, 11/4/1992, § 403]**

1. The Mayor shall be a Member and presiding officer of Council and shall serve as ceremonial head and official representative of the City. The Mayor shall execute on behalf of the City all official documents.

2. The Mayor shall exercise such emergency powers as Council may establish by ordinance to suppress mobs, riots and tumultuous assemblies or take over control in case of emergencies resulting from any natural or other disaster, unless another person shall have been designated to exercise that responsibility or Council, at the time of a specific emergency or disaster, shall determine that such emergency powers be exercised in another manner for the duration of the emergency or disaster.

**§ 404. Deputy Mayor. [Charter, 11/4/1992, § 404]**

At its organizational meeting, Council shall elect from 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 that office shall be filled by the Deputy Mayor until the vacancy is filled as provided under Article XX of this Charter.

**V Treasurer**

**§ 501. Appointment, Qualifications, and Compensation. [Charter, 11/4/1992, § 501]**

Council shall appoint from time to time a person to serve as Treasurer of the City. Such person shall have training and experience in accounting and the management of finances. Compensation of the Treasurer shall be fixed by Council.

**§ 502. Duties. [Charter, 11/4/1992, § 502]**

The Treasurer shall be responsible for collection and receipt of all moneys paid to the City from all sources, shall deposit said moneys in such financial institutions as the Council may from time to time direct, and shall pay out the moneys of the City upon order of Council.

**§ 503. Accounting. [Charter, 11/4/1992, § 503]**

The accounts of the Treasurer shall be kept in a manner that will clearly exhibit all the items of receipts and expenditures of the City, the sources from which the moneys are received, and the objects for which the moneys are disbursed. The Treasurer shall provide Council at least monthly with financial statements in such form as Council may direct.

**§ 504. Investment Policies. [Charter, 11/4/1992, § 504]**

The Treasurer shall make investments of City funds only in the manner permitted by Council; provided, that the Treasurer shall be limited to making investments in the manner generally provided for Cities of the Third Class under Pennsylvania Law.

**§ 505. Termination. [Charter, 11/4/1992, § 505]**

The Treasurer shall, upon the termination of his office, deliver to the City or his duly qualified successor all moneys, accounts, documents and effects in his possession belonging to the City.

**§ 506. Manager as Treasurer. [Charter, 11/4/1992, § 506]**

Council may direct that the Manager serve as Treasurer of the City.

**VI City Manager****§ 601. Appointment, Qualifications, and Compensation. [Charter, 11/4/1992, § 601]**

Council shall appoint a Manager, who shall serve at the will of Council, and shall fix the Manager's compensation. The Manager shall be a registered voter and shall be qualified, by reason of training or experience, to perform all of the duties assigned to the Manager under this Charter. The Manager need not be a resident of the City at the time of his appointment but may reside outside the City while in office only with the approval of Council.

**§ 602. Powers and Duties. [Charter, 11/4/1992, § 602]**

The Manager shall be the chief executive and administrative officer of the City and shall be responsible to Council for the administration of all City affairs placed in his charge under this Charter. The Manager shall have the following duties:

- A. Execute all laws and ordinances of the City.
- B. Appoint, suspend or remove all City employees, except as otherwise provided by applicable general law or this Charter, except that the Manager shall not appoint or remove any department head without the prior approval of Council.
- C. Negotiate all contracts for the City, make recommendations concerning the nature and location of municipal improvements, and execute all municipal improvements, all subject to approval of Council.
- D. Assure that all terms and conditions imposed in favor of the City or its inhabitants in any statute, public utility franchise or other contracts are faithfully kept and performed.
- E. Direct and supervise the administration of all departments, officers and agencies, except as otherwise provided by this Charter or by applicable general law.
- F. Attend all meetings of Council with the right to take part in the discussions, but without the right to vote.

- G. Make such recommendations to Council concerning policy formulation as the Manager deems desirable and keep Council and the public informed as to the conduct of municipal affairs.
- H. Prepare and submit the annual budget to Council, together with the budget message required by this Charter, and administer the budget approved by Council.
- I. Be responsible to Council for carrying out all policies established by it and for the proper administration of all affairs of the City within the jurisdiction of Council.
- J. Serve as City Secretary, and in such capacity the Manager shall keep a record of all proceedings of Council in a minute book, which shall be turned over to the City or to his successor in office. The Manager shall have custody of the minute book and all other records and documents of the City, which shall at all times be kept in the offices of the City. The Manager shall have a separate book in which all of the ordinances of the City are to be kept. The Manager shall have custody of the corporate seal of the City and shall attest to and certify all documents of the City as may be required by law. The Manager shall deliver to the City or his successor the corporate seal and all books, papers, records and other documents belonging to the City.
- K. Provide for the assessment of all personal property and occupations as may be required by the City in order to levy any tax on such personal property or occupations imposed by Council.
- L. 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.
- M. Perform such other duties as directed by Council.

**§ 603. Acting Manager. [Charter, 11/4/1992, § 603]**

The Manager may designate, in writing and with the approval of Council, an employee of the City to exercise the duties of Manager during temporary absence or disability, the Council may revoke such designation at any time for cause and appoint another employee of the City to serve until the Manager shall return or the disability shall cease.

**VII City Solicitor**

**§ 701. Appointment and Compensation. [Charter, 11/4/1992, § 701]**

Council shall appoint one person or a law firm, partnership, association or professional corporation to act as City Solicitor and shall fix the compensation therefor. The City Solicitor shall be submitted to practice before the Supreme Court of Pennsylvania.

**§ 702. Removal. [Charter, 11/4/1992, § 702]**

City Council may remove the City Solicitor at any time, with or without cause.

**§ 703. Participation in Benefits. [Charter, 11/4/1992, § 703]**

The City Solicitor shall not participate in employee or in any other forms of fringe benefits except that the City may provide errors and omissions insurance and liability insurance coverage for the City Solicitor when on municipal business or when in the performance of his official duties. The City Solicitor shall be entitled to reimbursement for reasonable expenses incurred in the performance of his duties.

**VIII City Engineer****§ 801. Appointment and Duties. [Charter, 11/4/1992, § 801]**

Council shall have the right, from time to time, to engage one or more qualified persons, firms or corporations to provide such engineering services as the City may require.

**§ 802. Real Estate Registry. [Charter, 11/4/1992, § 802]**

Council may, by ordinance, provide for the establishment of a real estate registry within the City.

**IX Tax Collection****§ 901. Election. [Charter, 11/4/1992, § 901]**

At the municipal election in November, 1993, the registered electors of the City shall elect a Tax Collector to serve for a term of four years from the first Monday of January next succeeding such election. The Tax Collector shall be elected for terms thereafter, unless the elected position of Tax Collector is eliminated pursuant to this Charter.

**§ 902. Authority of Tax Collector. [Charter, 11/4/1992, § 902]**

The Tax Collector shall collect all County, City, school, and other real estate and occupation and personal property taxes levied within the City, subject to applicable provisions of general law.

**§ 903. Compensation. [Charter, 11/4/1992, § 903]**

The initial compensation of the Tax Collector shall be determined in the manner provided in the Pennsylvania Local Tax Collection Law.

**§ 904. Qualifications. [Charter, 11/4/1992, § 904]**

The Tax Collector shall be a registered voter of the City throughout his term of office and for one year immediately preceding his term. The Tax Collector's office shall be open for business during such reasonable hours as Council shall determine.

**§ 905. Power to Abolish Office. [Charter, 11/4/1992, § 905]**

Council shall have the power, by ordinance, to abolish the office of elected Tax Collector; provided, that such ordinance shall be adopted no later than the earliest permitted date to circulate nomination petitions for the office and that such ordinances shall not take effect until the then current term of office of the Tax Collector has expired. Council shall thereafter have the power, by ordinance, to reestablish the office of elected Tax Collector.

**X Vacancies in Office****§ 1001. Vacancy Board. [Charter, 11/4/1992, § 1001]**

There is hereby created a Vacancy Board, consisting of the remaining Council Members and one registered elector of the City, who shall be appointed by Council at its organizational meeting or as soon thereafter as is practical and who shall act as chairman of the Vacancy Board.

**§ 1002. Method of Filling Vacancies. [Charter, 11/4/1992, § 1002]**

If a vacancy exists in Council or in the office of Mayor or Tax Collector, a majority of the remaining Council Members may appoint a successor to fill such vacancy. If Council fails to fill such vacancy within 30 days after the vacancy occurs, the vacancy shall be filled by the Vacancy Board within 60 days after the vacancy occurs. If the Vacancy Board shall fail or refuse to fill such vacancy within the time specified, the Court of Common Pleas shall fill such vacancy upon presentation of a petition signed by not less than 15 registered electors of the City. In case vacancies should exist on Council where the offices of a majority of the Council Members become vacant, the remaining Council Members shall fill such vacancies one at a time, giving each new appointee notice of the appointment as to enable the new appointee to meet and act with the then qualified Members of the Council in making further appointments; and, in each such case a majority of the Council Members then qualified shall be sufficient to make the next appointment.

**§ 1003. Term of Successor. [Charter, 11/4/1992, § 1003]**

In the case of all appointments under this Article, the successor so appointed shall hold the office until the first Monday in January after the first municipal election occurring more than 60 days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

**§ 1004. Qualifications. [Charter, 11/4/1992, § 1004]**

Any person appointed or elected to fill a vacancy shall possess the minimum qualifications for the office required under this Charter.

**XI Organization and Operation of Council****§ 1101. Oath of Office. [Charter, 11/4/1992, § 1101; as amended by Ord. 179, 1/5/2004]**

Prior to assuming office, the Mayor and Council Members shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. The oath of office shall be amended to contain in the oath that the City officials swear to uphold the provisions of the St. Marys Home Rule Charter. Such oath may be taken and signed before the Manager or any judge, district justice, or notary public of the Commonwealth of Pennsylvania. No person shall be permitted to enter into such office until the oath, in written form, is filed with the Secretary.

**§ 1102. Judge of Qualifications. [Charter, 11/4/1992, § 1102; as amended by Ord. 179, 1/5/2004]**

This Section shall be amended to be consistent with Pennsylvania law regarding the eligibility of City elected officials to hold office.

**§ 1103. Organizational Meeting. [Charter, 11/4/1992, § 1103]**

Council shall organize on the first Monday of January of each even-numbered year. If the first Monday is a legal holiday, the organizational meeting shall take place on the first day following. At the organizational meeting, Council shall appoint a Chairman of the Vacancy Board, establish a schedule of regular meetings of Council, and elect a Deputy Mayor. Council may transact any further business it deems necessary or appropriate at the organizational meeting.

**§ 1104. Regular Meetings. [Charter, 11/4/1992, § 1104]**

Council shall conduct regular meetings at least once a month at such times and places within the City as Council may prescribe. Council may adjourn to a stated time for general business or for special business.

**§ 1105. Special Meetings. [Charter, 11/4/1992, § 1105]**

Special meetings of Council shall be called by the Mayor or by the Manager, either on his own motion or upon written request of a majority of the Council Members. Notice of any special meeting shall contain a statement of the nature of the business to be considered; and such meeting shall consider only items for which purpose the meeting was called. Council may conduct an emergency meeting without public notice for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

**§ 1106. Notice. [Charter, 11/4/1992, § 1106]**

Notice of regular meetings of Council may be established by one publication annually. A schedule of regular meetings shall also be posted in the municipal building. Notice of special or rescheduled regular meetings of Council shall be given by the publication at least 24 hours prior to the start of such meetings. Publication shall be made at least once time in a newspaper of general circulation in the City.

**§ 1107. Quorum. [Charter, 11/4/1992, § 1107]**

A quorum shall consist of a majority of Council Members then validity holding office. If no quorum is present at a meeting or adjourned meeting, a majority of those who do not meet may agree upon another date for a meeting and may continue to so agree until a quorum is achieved. Once a quorum for a meeting is established, business may be continued at such meeting even though one or more Council Members may absent themselves during the course of the meeting.

**§ 1108. Minutes. [Charter, 11/4/1992, § 1108]**

The Manager, acting as Secretary, shall make and preserve the minutes and records of all proceedings of Council. The Manager may delegate the responsibility for taking notes at any meeting to any City employee. The minutes and records shall be open for public inspection during reasonable hours and copies shall be furnished to individuals in accordance with rules established by Council.

**§ 1109. Rules of Order. [Charter, 11/4/1992, § 1109]**

Council may adopt rules of procedure for its meetings, the conduct of its businesses, and the assignment of duties to its Members and committees of its Members. These rules of order shall be designed to assure full and equal participation in the deliberations of Council by all Council Members.

**§ 1110. Majority Action. [Charter, 11/4/1992, § 1110]**

Unless otherwise stated in this Chapter, the action of a majority of Council present and entitled to vote shall be binding upon and constitute the official action of Council. The Mayor or any Council Member may call for a roll call vote in adopting any ordinance, resolution or motion and the vote of each Council Member shall then be entered in the minutes of the meeting.

**§ 1111. Citizens' Right to be Heard. [Charter, 11/4/1992, § 1111]**

At all public meetings Council shall provide reasonable opportunity for interested citizens and taxpayers to address Council on matters of general or special concern. The right of citizens to be heard shall be an order of business at all public meetings, subject to such reasonable limitations as are adopted by Council.

**XII Adoption of Ordinances**

**§ 1201. General Requirements. [Charter, 11/4/1992, § 1201]**

1. Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance, except a general appropriation ordinance, shall contain more than one subject, which shall be clearly expressed in its title.
2. Procedure for Introduction. An ordinance may be introduced by any Council Member at any regular or special meeting of Council. Upon introduction of any ordinance, the Manager shall distribute a copy to each Council Member and shall keep a copy thereof on file in the Municipal Building for examination by the public. Each proposed ordinance shall be submitted to and approved by the City Solicitor as to form prior to its adoption, although the failure of the City Solicitor to object to the form of the ordinance shall not be grounds for its invalidation.

**§ 1202. Publication. [Charter, 11/4/1992, § 1201]**

Each proposed ordinance shall be published in a newspaper of general circulation within the City at least seven days but not more than 60 days prior to its enactment. The public notice of any proposed ordinance shall include either the full text thereof or the title and a brief summary prepared by the City Solicitor setting forth all of the provisions in reasonable detail and a reference to a place within the City where copies of the proposed ordinance may be examined during regular business hours.

**§ 1203. Enactment and Effective Date. [Charter, 11/4/1992, § 1203]**

The enactment of an ordinance shall require the affirmative vote of a majority of Council Members in office. Upon enactment, each ordinance shall be signed by the Mayor and the Secretary and the official seal of the City shall be affixed to the official copy. The official copy shall then be recorded in the ordinance book of the City. Unless otherwise specified in the ordinance or as required by applicable general law, the ordinance shall become effective seven days after enactment. Failure of the City officers to sign an ordinance or to affix the official seal shall not in any way invalidate an otherwise valid ordinance.

**§ 1204. Emergency Ordinances. [Charter, 11/4/1992, § 1204]**

To meet a public emergency affecting life, health, property, or the public peace, 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 any money. An emergency ordinance shall be introduced in the same form and manner as for ordinances generally, except that the publication of notice may be made at any time prior to its adoption or within 48 hours after its adoption. The emergency ordinance shall become effective upon adoption or at such later time as the ordinance may specify. Every emergency ordinance 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. The emergency ordinance shall be subject to such other provisions and limitations on ordinances as are set forth in this Charter.

**§ 1205. Penalty. [Charter, 11/4/1992, § 1205]**

The penalty for 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 be punishable as such.

**§ 1206. Codes of Technical Regulations. [Charter, 11/4/1992, § 1206]**

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:

- A. Copies of the technical code need not be included in the distribution to Council Members, though such technical code shall be available for examination and inspection by each Council Member.
- B. The City shall maintain in the municipal building at least three copies of the technical code for use and examination by interested citizens. Council shall make copies of the technical code available for distribution or for purchase at a reasonable cost or provide any interested citizens with the information necessary to obtain a copy.
- C. A copy of the technical code need not be attached to the ordinance book.

**§ 1207. Codification. [Charter, 11/4/1992, § 1207]**

Within three years after adoption of this Charter, Council shall provide for the preparation of a general codification of all City ordinances. This codification shall be known and cited official as the "St. Marys City Code" and shall be updated at least triennially.

### **XIII Powers of Council**

**§ 1301. Specific Powers. [Charter, 11/4/1992, § 1301]**

1. All legislative power of the City shall be vested in Council.
2. Council shall have the power to enact, amend or repeal all ordinances and resolutions consistent with this Charter and with the applicable general laws of the Commonwealth.
3. Council shall have the power to create all authorities, boards, commissions, committees, departments, offices, or agencies. Council shall also have the power to abolish all boards, commissions, committees, departments, offices or

- agencies. The creation and abolition of authorities shall be as set forth in the Pennsylvania Municipalities Authorities Act.
4. Council shall have the power to appoint all members of authorities, boards, commissions, and committees. Council shall also have the power to remove all members of boards, commissions and committees. The appointment and removal of members of authorities shall be as set forth in the Pennsylvania Municipalities Authorities Act.
  5. Council shall have the power to receive and accept all gifts or donations of real or personal property, or any interest therein, in the name of the City.
  6. Council, as a body or through a committee thereof, shall have the power to make inquiries and investigations into the affairs of the City government and into the conduct of any department, office or agency, or any other committees thereof.
  7. In the conduct of inquiries and investigations, Council shall have authority to compel the attendance of witnesses and the production of books, papers, or other evidence at any meeting of Council or of any committee thereof; and, for that purpose Council may issue subpoenas, signed by the Mayor or the chairperson of a committee, as the case may be, and may cause the same to be served in any part of the Commonwealth of Pennsylvania. The Mayor or committee chairperson, as the case may be, shall have the power to administer oaths to witnesses.
  8. Council shall have the power to hold public hearings on any matter. Notice of every such hearing shall be given in the manner determined by Council, and all interested persons shall have an opportunity to be heard.

**§ 1302. Action Requiring an Ordinance. [Charter, 11/4/1992, § 1302]**

In addition to any other actions required by applicable general law or by this Charter to be taken by ordinance, the following actions of Council shall be taken by ordinance only:

- A. Adoption or amendment of an administrative code, or the establishment, alteration or abolishment of any City department, office or agency.
- B. Adoption or amendment of any code establishing a personnel system for the City.
- C. Establishment of any rule or regulation providing for a fine or other penalty.
- D. Grant, renewal or extension of a franchise.
- E. Establishment, alteration or abolishment of rates charged for any utility or other services supplied by the City.
- F. Amendment or repeal of any ordinance previously adopted.

**XIV City Finances****§ 1401. Fiscal Year. [Charter, 11/4/1992, § 1401]**

The fiscal year of the City shall be the calendar year, beginning January 1, and ending December 31, of each year. Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition, if not prohibited by applicable general law.

**§ 1402. Borrowing and Debt Limitations. [Charter, 11/4/1992, § 1402]**

The incurrence of debt by the City shall continue to be limited in amounts and governed by the provisions of the Local Government Unit Debt Act and other applicable general law.

**§ 1403. Limitations on Tax Levies. [Charter, 11/4/1992, § 1403; as amended by Ord. 179, 1/5/2004]**

Council may levy and provide for the collection of the following taxes:

- A. An annual tax not exceeding 25 mills, for general revenue purposes. Upon due cause shown, Council may petition the court of common pleas for the right to levy an additional annual tax, not exceeding five mills. The court may order such greater rate only after such public notice as it may direct and after hearing.
- B. An annual tax sufficient to pay interest and principal on any indebtedness incurred pursuant to the Local Government Unit Debt Act or any subsequent act governing the incurrence of indebtedness by the City.
- C. An annual tax, not exceeding five mills, for the purpose of purchasing and maintaining fire apparatus; for the purpose of making appropriations to fire companies within the City; and for the purpose of providing a suitable place for the housing of fire apparatus.
- D. An annual tax, not exceeding two mills, for the purpose of establishing and maintaining fire hydrant and fire hydrants water service.
- E. An annual tax, not exceeding three mills, to establish and maintain a local library.
- F. An annual tax, not exceeding 1/2 mill, for the purpose of making appropriations to nonprofit community ambulance services and rescue squads.
- G. An annual tax, not exceeding six mills, for the purpose of erecting, operating and maintaining streetlights.

- H. An annual tax, not exceeding three mills, for the purpose of funding the creation, operation and maintenance of parks and recreation programs and facilities.
- I. (Reserved)
- J. Such taxes as the City is permitted to levy under the Local Tax Enabling Act. Except as otherwise provided by law, the above tax levies may be upon all real property and upon all occupations within the City made taxable for City purposes, as ascertained by the last adjusted valuation for County purposes.

**§ 1404. Referendum to Increase Tax Limits. [Charter, 11/4/1992, § 1404]**

Council may by ordinance propose a referendum to increase any one or more of the tax limits imposed by § 1403 of this Charter. The question shall be submitted to the voters of the City, and the County Board of Elections shall frame the question in accordance with the election laws of the Commonwealth of Pennsylvania for submission to the voters.

**§ 1405. Fidelity Bonds for Certain Officers. [Charter, 11/4/1992, § 1405]**

Before entering upon the duties of their respective offices, the Manager, the Treasurer, and the Tax Collector, as well as any other officer, agent, or employee of the City, as the Council may determine, shall execute and file with the City a corporate surety bond, conditioned for the honest and faithful performance of their respective duties, in such sums as shall be fixed by Council. All such bonds and sureties thereon, before being accepted by the City, shall be approved by the City Solicitor. The agency placing such bonds shall be determined by Council and the premium therefor shall be paid by the City. Such bonds may provide for one or more additional obligees in the event that the officer so bonded is acting in a dual or similar capacity with other political subdivisions or governmental entities.

**§ 1406. Classification of Accounts. [Charter, 11/4/1992, § 1406]**

Council may adopt in the Administrative Code a uniform classification of accounts and codes to be used and followed in all financial plans, budgets, and financial reports.

**§ 1407. Financial Projection. [Charter, 11/4/1992, § 1407]**

1. The Manager shall, at the time of submitting the proposed annual budget to Council, also submit tentative financial projections for a period of at least four additional years, such projections beyond the year budgeted to be advisory only for the purpose of long range planning. The projection shall deal with operations, capital programs, and a schedule for the amortization of all existing debts through a time period covering the latest final maturity of any issue, and the amortization schedule for any proposed new debt to finance capital improvements, showing both separately and inclusively for each item of debt all payments of principal and interest.

2. The Manager shall also at the same time submit to Council a proposed capital program incorporating a listing of the capital projects and the amounts required to be appropriated for each, covering a period of five years or more. The capital program shall set forth all proposed capital improvements, identified by project, year at which the capital program shall set forth all proposed capital improvements, identified by project, year at which the capital program is to be financed, the effect of any proposed capital expenditures on future operating expenses, and the effect of any proposed new indebtedness on the amortization schedule of existing debt and debt limits.

**§ 1408. Prohibition on Deficit Spending. [Charter, 11/4/1992, § 1408]**

The City shall not in any fiscal year spend more money than it has collected in revenues, plus any accumulated surplus.

**§ 1409. Audits. [Charter, 11/4/1992, § 1409]**

Council shall provide for an independent annual audit of all City accounts and may provide for 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. A summary of the annual audit, including any recommendations regarding changes in internal controls, shall be published at newspaper of general circulation in the City within 90 days after the close of the fiscal year. The audit shall be conducted in accordance with generally accepted auditing standards.

## **XV Budget**

**§ 1501. Budget Form. [Charter, 11/4/1992, § 1501]**

The operating budget shall be prepared and submitted to Council by the Manager in such form as Council shall require. The operating budget shall include, in addition to the major classifications and appropriations by which expenditures are to be allocated and controlled, a detailed analysis of the various items of revenue and expense.

**§ 1502. Budget Content. [Charter, 11/4/1992, § 1502]**

The operating budget shall show individually for each fund and in total, netting out inter-fund transfers, the anticipated revenues and expenditures of the City government. In addition to anticipated revenues and expenditures, the budget document shall include for each item the actual revenues and expenditures of at least the last completed year. The budget document shall also show the estimated balance of each fund at the close of the fiscal year currently ending and any surplus to be included in financing the proposed budget.

**§ 1503. Budget Message. [Charter, 11/4/1992, § 1503]**

The Manager shall include with the proposed budget a statement explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed fiscal policies for the fiscal year, any changes in policies and programs, and reasons for changes which affect the level of revenues and expenditures.

**§ 1504. Balanced Budget. [Charter, 11/4/1992, § 1504]**

The budget adopted by City Council shall be balanced so that appropriations shall not exceed the estimated revenues and available surplus. In making revenue estimates, the Manager shall show the amount anticipated from existing taxes and service charges at existing rates and separately any increase which will result from any proposed changes in rates.

**§ 1505. Submission of Proposed Budget. [Charter, 11/4/1992, § 1505]**

At least 60 days before the end of the fiscal year, the Manager shall prepare and submit to Council a proposed operating budget for the next fiscal year in the form described in the preceding Sections.

**§ 1506. Preliminary Adoption. [Charter, 11/4/1992, § 1506]**

At least 30 days prior to the end of the fiscal year, Council shall complete its review of the proposed budget, make such adjustments as it deems necessary, and adopt a preliminary budget.

**§ 1507. Advertising and Public Hearing. [Charter, 11/4/1992, § 1507]**

No later than 10 days following the adoption of the preliminary budget by Council, the Manager shall cause to be published in a newspaper of general circulation in the City a summary of the budget and a notice of the date, time, and place at which Council shall hold a public hearing on the proposed budget. The hearing shall be held at least seven days after advertisement and at least 10 days prior to the end of the fiscal year. The preliminary budget shall be available for public inspection at the municipal building and copies, including the financial projection required under § 1407, shall be available to the public at a reasonable fee set by Council.

**§ 1508. Final Adoption. [Charter, 11/4/1992, § 1508]**

After advertisement and public hearing, Council shall, before the beginning of the new fiscal year, adopt a final budget by a majority vote of all Council Members. If Council for any reason shall fail to adopt a budget before the start of the new fiscal year, the appropriations of the preceding year, pro-rated on a month to month basis, shall be considered to be adopted temporarily pending adoption of a final budget.

**§ 1509. Levy of Taxes. [Charter, 11/4/1992, § 1509]**

At the time of adopting the annual budget, Council shall simultaneously by ordinance levy sufficient taxes from authorized sources which, with other revenues and available receipts and balances, will provide for a balanced budget.

**§ 1510. Revision of Budget. [Charter, 11/4/1992, § 1510]**

When the fiscal year of the City is the calendar year, in any year following a municipal election Council may, within 45 days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with §§ 1507 and 1508, above, except that the final budget shall be adopted no later than February 15. A revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget previously adopted by Council.

**§ 1511. Appropriations. [Charter, 11/4/1992, § 1511]**

No contract or expenditure shall be made by the City which would exceed the appropriation provided in the budget. Council may at any time amend the operating budget, but changes in appropriations, either increases or decreases, shall be made only pursuant to action of Council authorizing such changes. Supplemental appropriations may be made by Council in the event that revenues are found and certified by the Manager to exceed estimates in the budget. If the Manager certifies that revenues will fall short of estimates in the budget, the Manager shall recommend reductions in appropriations to offset the deficiency in revenues and Council shall make necessary adjustments in appropriations to maintain a balanced budget. All appropriations shall lapse at the end of the fiscal year.

**§ 1512. Emergency Appropriations. [Charter, 11/4/1992, § 1512]**

In the event of a genuine emergency unanticipated at the time the budget was adopted, Council may make appropriations to meet the emergency. In the event that there are no available unappropriated revenues to meet the emergency, Council may authorize the issuance of unfunded debt in accordance with the Local Government Unit Debt Act. Operating expenses shall neither be appropriated nor paid out of loan funds except to meet genuine emergencies.

**XVI Contracts****§ 1601. Fiscal Requirements. [Charter, 11/4/1992, § 1601]**

The Manager may make contracts for all lawful purposes, subject to applicable general law or this Charter. No contract shall be made or obligation incurred unless there is a sufficient unencumbered balance in an appropriation and that sufficient moneys are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any officer authorizing any contract to be made in violation of this provision shall be subject to removal from office and liable to the City or its surety for any loss incurred as a result of such action.

**§ 1602. Bidding and Awarding Procedures. [Charter, 11/4/1992, § 1602]**

Council shall provide in the Administrative Code for the procedures for letting contracts, which procedures shall be consistent with applicable general State law and this charter and shall include the following minimum requirements:

- A. **Written Contracts.** All contracts of the City involving sums in excess of an amount specified by the Administrative Code shall be in writing. Authorization for contracts for the construction of public capital improvements shall be given by ordinance or resolution, and such contracts shall be signed by the Mayor and the Secretary. Any officer authorized to execute a written contract shall submit the form of the contract to the City Solicitor for approval before executing the contract.
- B. **Competitive Bidding.** Council shall establish a procedure for competitive bidding to include definitions of amount, exemptions from procedure, publication and notice requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers and exemptions, as it shall from time to time deem advisable and in accordance with applicable general State law and this Charter.
- C. **Lowest Bidder.** Where competitive bidding is required, no contract for materials, supplies, 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.
- D. **Piecemeal Evasion Prohibited.** No person shall evade the provisions of this Charter by purchasing or contracting for materials, supplies, or services piecemeal, which transactions would, in the exercise of reasonable discretion and prudence, be considered as one transaction amounting to more than the minimum amount requiring competitive bidding.
- E. **Limit on Terms.** A limit on the length of terms of contracts for the purchase of materials and supplies.
- F. **Disbursement.** The disbursement of City moneys only after all goods and services contracted for have been received or performed.
- G. **Checks.** Procedures for the signing and counter-signing of all checks, drafts, or other orders of payment.

**XVII Municipal Claims****§ 1701. Assessments. [Charter, 11/4/1992, § 1701]**

Except as otherwise provided in § 1702, below, the cost of installing and constructing municipal improvements, including street paving, curbing, streetlights, sanitary sewers, sidewalks, and stormwater sewers by the City may be collected from the owners of the real estate abutting on such improvements only upon the

petition of owners of property representing a majority in number of the feet front of the properties abutting upon the improvement. Assessments may be made by the front foot rule or by the benefit method, as Council may determine.

**§ 1702. Special Improvements Districts. [Charter, 11/4/1992, § 1702]**

Council shall have the power by ordinance to establish special improvement districts. In such districts, assessments for municipal improvements may be made without the necessity of a petition of the property owners. Special improvement districts may be established only where more than half of the properties within such district have been improved with dwellings or other buildings thereon.

**§ 1703. Powers of Municipal Authorities. [Charter, 11/4/1992, § 1703]**

Nothing in this Charter shall be construed to limit the power of municipal authorities operating within the boundaries of the City under the Municipalities Authorities Act.

**§ 1704. Connection to Sanitary Sewer Improvements. [Charter, 11/4/1992, § 1704]**

The City shall have the power to require all properties within the City which are accessible to and within 150 feet of any public sanitary sewer system to connect thereto, as well as the power to make such connections itself and against the property if the owner thereof fails to make such connection after reasonable notice.

**XVIII Eminent Domain**

**§ 1801. Grant of Power. [Charter, 11/4/1992, § 1801]**

In the exercise of its power, the City shall have the power and right of eminent domain, subject to such limitations as are set forth in this Charter or in applicable general law.

**§ 1802. No Delegation of Power. [Charter, 11/4/1992, § 1802]**

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

**XIX Employee Rights**

**§ 1901. Personnel Code. [Charter, 11/4/1992, § 1901]**

Council may adopt a personnel code to govern the relationships and rights among its officers and employees.

**§ 1902. Civil Service Status. [Charter, 11/4/1992, § 1902]**

Council may provide by ordinance for civil service status for non-uniformed employees.

**§ 1903. Compensation. [Charter, 11/4/1992, § 1903]**

The compensation of all employees of the City shall be set by Council.

**§ 1904. Collective Bargaining. [Charter, 11/4/1992, § 1904]**

Nothing in this Charter shall be construed to limit the right of City employees to bargain collectively.

**§ 1905. Non-Uniformed Employee Pension Plan. [Charter, 11/4/1992, § 1905]**

Council may create a pension plan for the City employees who are not members of the police force. Except as otherwise provided in this Charter, the benefits, terms and management of the pension fund shall be limited by the provisions of the Third Class City Code relating to employee pensions.

**§ 1906. Non-Uniformed Pension Board. [Charter, 11/4/1992, § 1906]**

There shall be created a Non-Uniformed Employee Pension Board, consisting of the Mayor, two other Council Members, the Manager and one non-uniformed employee chosen by the employees covered by the pension fund. The Non-Uniformed Pension Board shall administer the non-uniformed employee pension fund and shall make such reasonable rules as it deems necessary to manage the pension fund.

**§ 1907. Limitation on Benefits and Contributions. [Charter, 11/4/1992, § 1907]**

The non-uniformed pension fund shall not provide benefits in excess of those permitted by §§ 4342, 4343 and 4343.1 of the Third Class City Code. No City employee shall be required to make any contributions to the pension fund in excess of those permitted under the Third Class City Code.

**XX Police Department****§ 2001. Creation of Police Force. [Charter, 11/4/1992, § 2001]**

Council may, by ordinance, create a police force for the City and fix the number and grades of officer of the police force. Council shall also from time to time fix the compensation of the members of the police force. No member of the police force having been appointed or promoted in conformity with the civil service provisions of this Charter, or by civil service provisions in effect prior to adoption of this Charter, shall be demoted in rank, suspended or discharged from the police force except upon just cause shown, as required under the Civil Service Code adopted by Council under this Charter. No police officer shall, after his appointment and qualification, hold at the same time the office of constable in the City. Council shall prescribe all

necessary rules and regulations for the organization and government of the police force. Appointment of all police officers, except the Chief of Police, shall be made by the Manager, upon recommendation of the Chief of Police. Appointment of Chief of Police shall be made by Council with the recommendation of the Manager.

**§ 2002. Civil Service Code. [Charter, 11/4/1992, § 2002]**

Council shall by ordinance establish a Civil Service Code to govern the appointment, suspension, furlough and dismissal of members of the City police force. The Civil Service Code shall contain the following minimum provisions:

- A. Creation of a Civil Service Commission, consisting of three registered electors of the City, to govern the provisions of the Civil Service Code.
- B. Provisions for establishing an eligibility list for appointment.
- C. Provision that a police officer may not be demoted in rank, suspended or discharged without just cause.
- D. Procedures for hearings and appeals from actions of the Manager, Council and the Civil Service Commission relating to the appointment, suspension, furlough, demotion in rank, and discharge of members of the police force.

**§ 2003. Extra Policemen. [Charter, 11/4/1992, § 2003]**

The Manager, upon the recommendation of the Chief of Police, may appoint extra policemen necessary for the public safety or to preserve order to serve for such period as Council may designate, not exceeding 30 days; and, compensation for the extra policemen shall be fixed by Council.

**§ 2004. Supervision of Police Department. [Charter, 11/4/1992, § 2004]**

Members of the Police Department shall be under the supervision and control of the Chief of Police, who shall report to the Manager.

**§ 2005. Pension Fund. [Charter, 11/4/1992]**

Council shall provide for a police pension fund for all full-time members of the City police force. The police pension fund shall be governed by a Police Pension Committee, which shall consist of the Mayor, two other Council Members, the Manager, and one member of the police force.

**§ 2006. Pension Benefits. [Charter, 11/4/1992, § 2006]**

The police pension fund shall provide benefits to members of the police force not exceeding those provided under the Third Class City Code, and the respective rights and obligations of the City and of the members of the police force shall be as provided in the Third Class City Code, except as otherwise provided in this Charter.

**XXI Initiative and Referendum**

**§ 2101. Initiative and Recall. [Charter, 11/4/1992, § 2101]**

1. The registered voters of the City shall have the power to propose ordinances to Council and, if Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at any election, but 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.
2. The registered voters of the City shall have the power to recall the Mayor, individual Council Members, or the Tax Collector by following the initiative and referendum provisions under this Article.

**§ 2102. Referendum. [Charter, 11/4/1992, § 2102]**

The registered voters of the City shall have the power to require reconsideration by Council of any adopted ordinance and, if the Council fails to repeal any ordinance so reconsidered, to approve or reject it at any election, but such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

**§ 2103. Commencement of Proceedings; Petitioners' Committee; Affidavit. [Charter, 11/4/1992, § 2103]**

Any five registered voters may commence initiative or referendum proceedings by filing with the Secretary an affidavit stating that they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing the petition 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 recall proposal or citing the ordinance sought to be reconsidered. Within five days after the affidavit of the Petitioners' Committee has been filed, the Secretary shall issue the appropriate petition blanks to the Petitioners' Committee. Separate recall proposals shall be required for each elected officer proposed to be recalled.

**§ 2104. Petition. [Charter, 11/4/1992, § 2104]**

1. Number of Signatures. Initiative, recall, and referendum petitions must be signed by registered voters of the City equal in number to at least 20% of the total number of the registered voters of the City at the last municipal 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 include the address and occupation of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered or the recall proposal.

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 of 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 to be considered or of the recall proposal.
4. Time for Filing Referendum Petition. Referendum petitions must be filed not more than 30 days after adoption by Council of the ordinance sought to be reconsidered.
5. Time for Circulation and Filing Initiative Petition. Initiative and recall petitions must be circulated and signed within a period of 60 days between the date of the first signature and the date at which the petition papers are submitted to the Secretary.

**§ 2105. Procedure After Filing. [Charter, 11/4/1992, § 2105]**

1. Certification and Amendment. Not more than 10 days after the petition is filed, the Secretary shall complete a certificate as to its sufficiency, specifying if it is insufficient, and the particulars in which 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 file a notice to amend with the Secretary not more than two days after receiving a copy of the certificate and file a supplementary petition upon additional papers not more than 10 days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of the preceding Sections; and, not more than five days after it is filed, the 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 insufficient and the Petitioners' Committee does not elect to amend or request review by Council under subsection (2) of this Section within the time required, the Secretary shall promptly present the certificate to Council and the certificate shall then be a final determination as to the sufficiency of the petition.
2. 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, not more than two days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and Council's determination shall then be a final determination as to the sufficiency of the petition.

3. Court Review. A final determination as to the insufficiency of the petition shall be subject to review by the court of common pleas. A final determination of insufficiency, even if sustained upon court review, shall not prevent the filing of new petition for the same purpose.

**§ 2106. Referendum Petition; Suspension of Effect of Ordinance. [Charter, 11/4/1992, § 2106]**

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

- A. There is final determination of insufficiency of the petition.
- B. Council repeals the ordinance.
- C. If the referendum is defeated by the voters, upon certification of the election results.

**§ 2107. Action on Petition. [Charter, 11/4/1992, § 2107]**

1. Action by Council. When an initiative or referendum petition has been finally determined sufficient, Council shall promptly consider the proposed initiative ordinance in the manner provided in Article XII or reconsider the referred ordinance by voting its repeal. If Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 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. A petition for recall which is determined to be sufficient shall be placed on the ballot by the Secretary without further action of Council.
2. Submission to Voters. The question shall be placed on the ballot at the next primary, general, or municipal election occurring at least 60 days after final Council action. Copies of the proposed or referred ordinance or recall proposal shall be made available at the polls.

**§ 2108. Results of Election. [Charter, 11/4/1992, § 2108]**

1. Initiative. If a majority of the registered 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 and in the same manner as ordinances of the same kind adopted by 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.

2. Referendum. If a majority of the registered electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
3. Recall. If a majority of the registered electors voting on a recall proposal vote in its favor, then the office involved in the recall proposal shall be considered vacant upon certification of the election results.
4. Limitations. City Council shall take no action to repeal or significantly modify an ordinance adopted by initiative within a period of one year from the date of the election at which the ordinance was approved.

## **XXII General Provisions**

### **§ 2201. Prohibited Activities. [Charter, 11/4/1992, § 2201; as amended by Ord. 179, 1/5/2004]**

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 appointed City office because of race, sex, disability, political or religious opinions or affiliations.
2. No person who seeks appointment or promotion with respect to any City office or position shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with a test, appointment, proposed appointment, promotion or proposed promotion.
3. No person shall orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political purpose from any person holding any compensated appointed City position. City Council members, City Manager and Supervisors of the City employees shall be prohibited from soliciting City employees for contributions to any political party or for any political purpose.
4. No gift of real estate, or any interest in real estate, shall be accepted by the City without specific prior approval of Council.
5. 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. Violation of this subsection 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 Manager or the Council. Any subsequent change in the Pennsylvania

Public Official and Employee Ethics Law affecting personal and financial interest shall be deemed as a change to this subsection of this Charter.

6. Any person who by himself or with others willfully violates any of the provisions of this Section shall be guilty of an offense under this Charter and upon conviction thereof shall be subject to a penalty prescribed by Council. Any person convicted under this Section shall be ineligible for a period of five years thereafter from holding any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

**§ 2202. Definitions. [Charter, 11/4/1992, § 2202]**

Whenever the short title of the following laws are used in this Charter, it is intended that such laws have been applied as they have been or are from time to time amended. If any such law is finally repealed, then it is intended that the law passed to replace it shall be applied. If the law is repealed without replacement, then the law shall be applied in its form prior to final repeal.

- A. Home Rule Charter and Optional Plans Law, Act of April 13, 1972, P.L. No. 62.
- B. Election Code, Act of June 3, 1937, P.L. 1333.
- C. Local Government Unit Debt Act, Act of July 12, 1972, P.L. 781, No. 185.
- D. Municipalities Authorities Act, Act of May 2, 1945, P.L. 382.
- E. Third Class City Code, Act of June 23, 1931, P.L. 932.
- F. Public Official and Employee Ethics Law, Act of October 4, 1978, P.L. 883, No. 170.

**§ 2203. Separability. [Charter, 11/4/1992, § 2203]**

If any provision of this Charter is held to be invalid, the other provisions of this Charter shall not be affected thereby.

**XXIII Transition and Continuation**

**§ 2301. Rights and Liabilities of Existing Governments. [Charter, 11/4/1992, § 2301]**

The government of the Borough of St. Marys and the Township of Benzinger shall continue in full force and operation until the first Monday of January, 1994; and, the existing assets, claims, liabilities, contracts, and debts of the former municipalities shall thereupon be transferred to the City and be under the management and control thereof. All valid claims and demands of whatsoever nature, whether presently or in the future, existing against the said Township and Borough shall be enforceable against the City. The indebtedness, and the interest thereon, of the Township and Borough contracted prior to the first Monday of

January, 1994, shall be paid by the City, so that the taxes shall be uniform throughout the limits of the City. The City shall be substituted as a party in all suits pending by and against the prior municipalities.

**§ 2302. Continuation of Ordinances. [Charter, 11/4/1992, § 2302]**

All ordinances, resolutions, rules and regulations in force when this Charter takes effect and not in conflict herewith shall continue in force and effect until amended, repealed or superseded or expired by their own terms, and shall continue to apply within the territorial limits of the former Borough of St. Marys and Township of Benzinger respectively. City Council shall on or before the first Monday of January, 1995, repeal and replace all of the said existing ordinances and resolutions with ordinances and resolutions that shall be uniformly effective throughout the territorial limits of the City, except that the time for adopting a City Zoning Ordinance shall be extended to January 1, 1997.

**§ 2303. Transition Committee. [Charter, 11/4/1992, § 2303]**

The Township of Benzinger and the Borough of St. Marys have previously established a Transition Committee for the purpose of facilitating the transition of individual governments to a consolidated government. The Transition Committee shall have the power to prepare and recommend to Council for adoption a proposed 1994 budget, an Administrative Code, a Civil Service Code, and any other ordinances which may assist in the prompt and orderly transition to a new government.

**§ 2304. Adoption of Administrative Code. [Charter, 11/4/1992, § 2304]**

Council shall at its organizational meeting in January, 1994, or as soon thereafter as is reasonably practical, adopt an Administrative Code. Council may from time to time thereafter amend the Administrative Code as it deems necessary for the efficient operation of the City government.

**XXIV Amendment**

**§ 2401. Procedure. [Charter, 11/4/1992, § 2401]**

This Charter may be amended in the manner provided by the Home Rule Charter and Optional Plans Law.

**§ 2402. Charter Review. [Charter, 11/4/1992, § 2402]**

Council shall, not less than eight years nor more than 10 years after adoption of this Charter, cause to be put on the ballot at any election an appropriate question providing for the appointment of a Government Study Commission to review the existing Charter and make recommendations for changes thereto. This Section shall not otherwise prohibit the right of citizens to submit any question permitted under the Home Rule Charter and Optional Plans Law before then.

