

CHAPTER 13. CITY OF MCKEESPORT HOME RULE CHARTER

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Source

The provisions of this Chapter 13 adopted November 6, 1974, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

Sec.	
13.1-101.	Name.
13.1-102.	Boundaries.

§ 13.1-101. Name.

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

§ 13.1-102. Boundaries.

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

ARTICLE II. POWERS OF THE CITY

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§ 13.2-201. Powers.

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

§ 13.2-202. Construction.

The powers of the City under this Charter shall be construed broadly in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this article. All possible powers of the City, except as limited in Section 13.2-201 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the City or may hereafter from time to time become available.

§ 13.2-203. Residual Powers in the Mayor and City Council.

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

§ 13.2-204. Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or other understanding, with the United States Government, or any agency thereof, the Commonwealth of Pennsylvania, or any agency thereof, and one or more municipalities or agencies thereof.

ARTICLE III. CITY COUNCIL

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- 13.3-311. Filling of Vacancies.
- 13.3-312. Oath of Office.
- 13.3-313. Organization of Council.

§ 13.3-301. Composition.

There shall be a City Council of seven (7) members elected at large by the qualified voters of the City.

§ 13.3-302. Terms.

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

§ 13.3-303. Election.

The regular election of councilmen shall be held on the general municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania commencing in the year 1975. At the first election under this Charter four (4) councilmen shall be elected. The three (3) elected officials, two councilmen and mayor, with unexpired terms shall serve as councilmen. In the year 1977 three (3) councilmen shall be elected. In subsequent elections councilmen shall be elected for four (4) year terms to fill expired terms.

§ 13.3-304. Intent.

It is the intent to provide for the election of councilmen in such a manner that all existing councilmen shall serve out the full term for which they were elected.

§ 13.3-305. Election Procedure.

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

§ 13.3-306. Salary.

Each councilman shall receive a salary at the rate of eighteen hundred dollars (\$1,800.00) per annum or such other sum as the Council may from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective for at least four years after the effective date of this Charter. No such increase in salary, however, shall become effective until the date of commencement of the terms of councilmen elected at the next regular election after such salary increase, provided that such election follows the adoption of such ordi-

nance by at least six months. Councilmen shall receive no other compensation, direct or indirect, for the performance of their duties; they shall receive no pensions, insurance or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties. In no case, shall a councilman's salary exceed ten (10%) per cent of the Mayor's salary.

§ 13.3-307. Qualifications of Councilmen.

A councilman shall be a qualified voter in the City as established by the general laws of the Commonwealth of Pennsylvania for municipal elections and shall be a resident of the City.

§ 13.3-308. Authority.

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

§ 13.3-309. Prohibitions.

A councilman shall not hold any other compensated City Office or City Employment.

§ 13.3-310. Vacancies.

The office of councilman shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of his office, or for death or for failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. A councilman shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law or is convicted of a felony or fails to attend at least three (3) consecutive regular meetings of the Council without being excused by the Council. In the case of failure of attendance, the Council shall declare such office vacant, after notification by certified mail, at least ten (10) days before the Council's intent to fill the vacant office by appointment.

§ 13.3-311. Filling of Vacancies.

If a vacancy shall occur in the office of councilman for any reason as set forth in this Charter, the remaining members of the Council shall fill such vacancy by appointing a person qualified under this Charter to hold such office for the unexpired term thereof. The Mayor shall vote in case of a tie. If the Council shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Council or of any five (5) citizens of

the City, fill the vacancy in such office by the appointment of a qualified resident of the City for the unexpired term of the office.

§ 13.3-312. Oath of Office.

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

§ 13.3-313. Organization of Council.

The City Council shall organize at 8:00 p.m. on the first Monday of January of each even numbered year, by electing one of their number as President and one of their number as Vice President, who shall hold such offices at the pleasure of Council. In addition, City Council shall appoint a City Clerk. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Council may transact any further business it deems necessary or appropriate at the organization meeting.

ARTICLE IV. OPERATION AND PROCEDURES OF CITY COUNCIL

Sec.	
13.4-401.	Meetings.
13.4-402.	Records.
13.4-403.	Public Meetings.
13.4-404.	Operating Rules.
13.4-405.	Quorum.
13.4-406.	Majority Action.
13.4-407.	Form of Action by Council.
13.4-408.	Citizens' Right to be Heard.

§ 13.4-401. Meetings.

It shall be the duty of the Council to meet statedly at least once a month. At the first meeting in January, Council shall establish the times for regular meetings and approve the schedule of meetings for the year. Council may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held. Special meetings may be called by the President of Council or upon written request of at least three (3) members of Council. Members shall have at least forty-eight (48) hours' notice of such special meetings. The notice shall state whether it is for general or special purposes, and if it is for special purposes, the

notice shall contain a statement of the nature of the business to be considered. Presence at a meeting constitutes waiver of notice.

§ 13.4-402. Records.

Council shall appoint by a majority vote of Council a City Clerk to make and preserve minutes and records of its proceedings. These records shall be open for public inspection during reasonable hours.

§ 13.4-403. Public Meetings.

All official meetings of the Council shall be open for public attendance. All official votes of the Council shall be taken openly.

§ 13.4-404. Operating Rules.

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

§ 13.4-405. Quorum.

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

§ 13.4-406. Majority Action.

Four (4) affirmative votes of council members shall constitute a majority action for approval of all resolutions and ordinances unless otherwise stated in this Charter.

§ 13.4-407. Form of Action by Council.

Official actions of Council may be taken by approval of an ordinance, of a resolution, or by motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of Council shall be by resolution or motion, unless otherwise required in this Charter, or in the ordinance establishing the rules of councilmanic procedure. All final action in approving ordinances or resolutions shall be by roll call vote, and the vote of each member of Council shall be entered in the minutes of the meeting.

§ 13.4-408. Citizens' Right to be Heard.

The Council shall provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. This opportunity may be afforded the public either at the regular monthly Council meeting or at another regular monthly meeting specially set for this purpose.

ARTICLE V. ORDINANCES AND RESOLUTIONS

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13.5-501.	Certain Specific Action Requiring an Ordinance.
13.5-502.	Enacting Clause.
13.5-503.	General Ordinance Requirements.
13.5-504.	Penalty.
13.5-505.	Publication and Effective Date of Ordinances.
13.5-506.	Recording of Ordinances and Resolutions.
13.5-507.	Ordinances Requiring Prior Public Notice.
13.5-508.	Submission of Ordinances and Resolutions to the Mayor.

§ 13.5-501. Certain Specific Action Requiring an Ordinance.

In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency.
- (2) Adopt or amend a code establishing a personnel system for the City.
- (3) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than one dollar (\$1.00) per violation.
- (4) Levy taxes.
- (5) Grant, renew or extend a franchise.
- (6) Establish, alter or abolish rates charges for any utility or other service supplied by the City.
- (7) Authorize the borrowing of money.
- (8) Convey or lease or authorize the conveyance or lease of any lands of the City.
- (9) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.
- (10) Establish wages, hours or fringe benefits of any employees of the City.
- (11) Create any commission, committee, board, authority or any other similar agency.

Cross References

This section cited in 302 Pa. Code § 13.16-1601 (relating to appointment powers).

§ 13.5-502. Enacting Clause.

The enacting clause of all ordinances shall be: "The City of McKeesport hereby ordains:".

§ 13.5-503. General Ordinance Requirements.

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the City Clerk who shall affix the official seal of

the City to the original copy of each ordinance. The verification shall consider the action of both the Council and Mayor in accordance with the Charter.

§ 13.5-504. Penalty.

The penalty for the violation of any ordinance shall not exceed five hundred dollars (\$500.00) for each violation or thirty (30) days' imprisonment. However, any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such. The limit of fines may be increased by the Charter to the extent of the maximum fine that may be levied by any non-Charter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

§ 13.5-505. Publication and Effective Date of Ordinances.

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

§ 13.5-506. Recording of Ordinances and Resolutions.

All ordinances and resolutions of the City shall be entered *verbatim* in permanent separate record books for ordinances and resolutions. No ordinance shall be considered in force until the same is recorded in the ordinance book. The ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the City Clerk and all entries made therein shall be at the direction of the City Clerk.

§ 13.5-507. Ordinances Requiring Prior Public Notice.

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

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

§ 13.5-508. Submission of Ordinances and Resolutions to the Mayor.

Within ninety six (96) hours after the adjournment of any Council meeting, the City Clerk shall present to the Mayor the record of the proceedings of the meeting and all ordinances and resolutions approved at the meeting. The Mayor, within seven days of receipt of an ordinance shall return it to the City Clerk with or without approval, or with his veto. If an ordinance is vetoed, the Mayor shall attach a written statement explaining the reasons for his veto. Ordinances vetoed by the Mayor shall be considered at the next regular or special meeting of the Council, and the Council may pass the ordinance over the veto by the affirmative vote of five of its members.

The Mayor's veto power shall extend to disapproving or reducing individual appropriation items in the budget, except appropriations for auditing or investigating any part of the executive branch.

ARTICLE VI. COUNCILMANIC INQUIRIES AND INVESTIGATIONS

- Sec.
- 13.6-601. Inquiries and Investigations.
- 13.6-602. Witnesses and Documents.
- 13.6-603. Oaths of Witnesses.
- 13.6-604. Witness Fees.

§ 13.6-601. Inquiries and Investigations.

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

§ 13.6-602. Witnesses and Documents.

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

§ 13.6-603. Oaths of Witnesses.

The President of Council or of any of its committees shall have the power to administer oaths to witnesses.

§ 13.6-604. Witness Fees.

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

ARTICLE VII. THE MAYOR

Sec.	
13.7-701.	The Mayor.
13.7-702.	Election and Term.
13.7-703.	Salary.
13.7-704.	Qualifications of the Mayor.
13.7-705.	Prohibitions.
13.7-706.	Vacancies.
13.7-707.	Filling of Vacancies.
13.7-708.	Oath of Office.
13.7-709.	Powers, Duties and Authority.
13.7-710.	Deputy Mayor.

§ 13.7-701. The Mayor.

The executive and administrative power of the City shall be exclusively vested in, and exercised by, a Mayor. The Mayor shall be recognized as the leader of the City government and shall preside as such on all ceremonial occasions. He shall have such authority and perform such duties as are assigned to him under this Charter and shall have such further authority as may from time to time be delegated to him by ordinance.

§ 13.7-702. Election and Term.

The Mayor shall be elected by the qualified electors of the City at large for a term of four (4) years, commencing at 8:00 p.m. on the first Monday of January following the year in which he is elected and ending at the commencement of the term for which his successor is elected, except that a Mayor appointed to fill a vacancy shall serve only for the balance of the unexpired term. The election of a Mayor shall be held on the general municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania for municipal elections.

§ 13.7-703. Salary.

The Mayor shall receive a salary at the rate of twenty-two thousand dollars (\$22,000.00) per annum, or such other sum as Council may from time to time ordain; provided however, that no ordinance increasing such salary shall become effective for at least four (4) years after the effective date of this Charter. Furthermore, no such increase in salary shall become effective until the date of commencement of the term of Mayor elected at the next regular election after such salary increase and provided that such election follows the adoption of such ordinance by at least six (6) months. However, he shall be considered a full time City employee and shall receive those benefits afforded other City employees. He shall be entitled to his actual expenses incurred in the performance of his duties.

§ 13.7-704. Qualifications of the Mayor.

The Mayor shall have been a resident of the City for at least one (1) year prior to the date of his election, and shall be a qualified voter when elected to office.

§ 13.7-705. Prohibitions.

The Mayor shall not hold any other compensated City Office or City employment during the term for which he is elected as Mayor.

§ 13.7-706. Vacancies.

The office of Mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of his office or for death or failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. The Mayor shall forfeit his office if he lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law or is convicted of a felony.

§ 13.8-707. Filling of Vacancies.

If a vacancy shall occur in the office of Mayor for any reason set forth in this Charter, it shall be filled in the same manner as vacancies are filled for the office of councilman.

§ 13.7-708. Oath of Office.

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

§ 13.7-709. Powers, Duties and Authority.

The Mayor shall have the following specific powers, duties and authority:

- (1) He shall have the right to attend meetings of the City Council and committees thereof and he shall have an equal right with councilmen to participate in their deliberations. He shall have no right to vote on any matter before the Council except as provided for in Section 13.3-311 of this Charter.
- (2) He shall have the power to veto ordinances as herein set forth.
- (3) He shall have the duty to preserve order in the City.

- (4) He shall have the duty to enforce the ordinances and regulations of the City.
- (5) He shall have the duty to sign such papers, contracts, obligations and documents that are properly presented to him, as may be required by law.
- (6) He shall report to the Council from time to time regarding the state of affairs of the City.
- (7) He shall have the authority to represent the City in deliberations with other governmental bodies.
- (8) He shall appoint, suspend or remove all City employees except as otherwise provided by law or by this Charter.
- (9) He may authorize any administrative officer to exercise the powers of the Mayor with respect to subordinate employees in that officer's department, office or agency.
- (10) He shall, either directly or through subordinate employees, supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by statute or by this Charter.
- (11) He shall cause to be prepared and shall submit to the Council the annual budget and the capital improvement program for the City.
- (12) He shall submit to the Council and shall 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.
- (13) He shall have the authority, subject to the final ratification of Council, to negotiate intergovernmental cooperation agreements.
- (14) He shall have the authority from time to time to appoint and dissolve voluntary committees of interested citizens to assist and advise him on issues and matters pertaining to his office.
- (15) Any emergency powers that the Council may establish by ordinance to suppress mobs, riots and tumultuous assemblies shall devolve upon the Mayor.
- (16) He shall have the power to veto any item of appropriation made by the Council in adopting or amending the budget or in authorizing any expenditure of funds. This power shall be subject to the same procedural requirements and the same right of Council to override vetoes.

§ 13.7-710. Deputy Mayor.

The Mayor shall have the option and authority to designate a Deputy Mayor to act during the period of his absence or disability. He shall be selected from among the heads of the City departments, and his designation shall be in writing filed with the City Clerk. The Deputy Mayor may exercise all of the powers and discharge all of the duties of the Mayor during such absence or disability, excepting the power of appointment to or discharge from office in the City government. He shall serve without additional compensation. The Mayor shall have the power to revoke any such designation so made at any time, without giving reason therefor, by filing the revocation with the City Clerk.

**ARTICLE VIII. ADMINISTRATIVE DEPARTMENTS, BOARDS
AND COMMISSIONS**

Sec.	
13.8-801.	General Provisions.
13.8-802.	Boards, Commissions, Authorities and Other City Agencies.
13.8-803.	Acting Director of Administrative Department.

§ 13.8-801. General Provisions.

All the regular continuing work of the City performed by full or part-time paid employees shall be assigned to and under the jurisdiction of an Administrative Department. The Administrative Department shall from time to time be established by ordinance. However, there shall be a Department of Administration, a Department of Law and a Department of Finance. The Departments of Law and Finance shall be under the jurisdiction of the City Attorney and the City Treasurer, respectively. The highest ranking employee of each department shall be designated the "Director," who shall be named by the Mayor, with the advice and consent of a majority of all the members of the Council. The Mayor may appoint one person to direct one or more Administrative Departments. The Mayor shall have the authority to suspend or dismiss the Director of any Administrative Department, with or without cause.

Cross References

This section cited in 302 Pa. Code § 13.16-1601 (relating to appointment powers).

§ 13.8-802. Boards, Commissions, Authorities and Other City Agencies.

The Council may from time to time establish, by ordinance, various boards, commissions, authorities and other City agencies to act in an advisory capacity or to perform special functions. In all instances when such boards, commissions, authorities and other City agencies are constituted in the name of the City or directed to act on behalf of the City, the members thereof shall be appointed by the Mayor, with the advice and consent of a majority of all the members of Council. Except as may otherwise be provided by Pennsylvania statute or by this Charter, the Mayor shall have authority to suspend or remove any member of such board, commission, authority and other City agency, acting in the name or on behalf of the City.

§ 13.8-803. Acting Director of Administrative Department.

The Mayor may designate an Acting Director of any Administrative Department for a period of thirty (30) days to act during the absence or disability of a Department Director. If the Acting Department Director is a City employee, he shall serve without additional compensation. The City Clerk shall be advised in writing of the Mayor's designation of an Acting Director.

ARTICLE IX. DEPARTMENT OF ADMINISTRATION

Sec.	
13.9-901.	Responsibility.
13.9-902.	Director.
13.9-903.	Duties and Functions.
13.9-904.	Removal.

§ 13.9-901. Responsibility.

The Department of Administration shall exercise and carry out those administrative functions not specifically assigned to other Administrative Departments as established by this Charter or by ordinance. In general, the Department shall perform duties assigned by the Mayor to ensure over-all coordination of all the City's administrative functions and activities.

§ 13.9-902. Director.

The Director of this Department shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to carrying out the duties of this Department.

§ 13.9-903. Duties and Functions.

The duties and functions of the Department of Administration shall be to:

- (1) Assist in the preparation of the Budget.
- (2) Administer a centralized personnel system.
- (3) Establish and maintain a centralized record system.
- (4) Administer and coordinate intergovernmental relationships.
- (5) Perform other duties as assigned by ordinance or the Mayor.

§ 13.9-904. Removal.

The Mayor may remove the Director at any time with or without cause.

ARTICLE X. DEPARTMENT OF LAW

Sec.	
13.10-1001.	Appointment.
13.10-1002.	Qualifications.
13.10-1003.	Powers and Duties of the City Attorney.
13.10-1004.	Access to Records.

§ 13.10-1001. Appointment.

The Mayor shall appoint the City Attorney subject to Article VIII to direct and administer the Department of Law.

§ 13.10-1002. Qualifications.

The City Attorney shall be a person duly qualified to practice law in the Commonwealth of Pennsylvania.

§ 13.10-1003. Powers and Duties of the City Attorney.

The City Attorney shall be the chief legal officer of the City. He shall have the following powers and duties:

(1) He shall furnish legal advice and opinions to the Mayor, to the Council, to the Chairman of any committee of Council, and to all officers, departments, boards, and commissions concerning any legal matter arising in connection with the exercise of their official powers or performance of their official duties.

(2) He shall supervise, direct and control all of the law work of the City.

(3) He shall, either directly or through subordinates, collect, by suit or otherwise, all debts, taxes and accounts due the City which shall be placed with him for collection by any officer, department, board or commission, and shall represent the City and every officer, department, board or commission in all litigation.

(4) He shall, either directly or through subordinates, prepare or approve all contracts, bonds and other instruments in writing in which the City is concerned, and shall approve all surety bonds required to be given for the protection of the City.

(5) At the direction of the Mayor, he shall, either directly or through subordinates, investigate any violation or alleged violation within the City or statutes of the Commonwealth of Pennsylvania or of the United States of America or of ordinances of the City or of the County, and shall take such steps and adopt such means as may be reasonably necessary or appropriate to enforce or cause the enforcement within the City of such statutes and ordinances.

(6) Upon the request of the Council or of the chairman of any committee of Council or of the Mayor, the City Attorney shall prepare or assist in preparing any ordinance or resolution for presentation before the Council.

(7) At the direction of the Mayor, he shall either directly or through subordinates, appear for and represent the City, or if appropriate, the residents of the City as a class, on matters before the various regulatory agencies of other governmental bodies.

§ 13.10-1004. Access to Records.

The City Attorney shall have the right of access at all times to the records of any officer, department, board or commission of the City.

ARTICLE XI. DEPARTMENT OF FINANCE

Sec.	
13.11-1101.	Appointment.
13.11-1102.	Qualifications.
13.11-1103.	Powers and Duties of the City Treasurer.

§ 13.11-1101. Appointment.

The Mayor shall appoint the City Treasurer subject to Article VIII to direct and administer the Department of Finance.

§ 13.11-1102. Qualifications.

The City Treasurer shall be a resident of the City, and shall be knowledgeable and experienced in financial matters.

§ 13.11-1103. Powers and Duties of the City Treasurer.

The City Treasurer shall be the chief fiscal officer of the City. He shall have the following powers and duties:

- (1) He shall receive, collect, account for, and deposit into the City treasury, all taxes, fees, funds, assessments or charges that are levied, established or received by the City for general or special purposes. Such deposits shall be made not later than the first business day following the day in which the funds are received.
- (2) He shall disburse City funds pursuant to authorizations for payment made by the Council as herein provided.
- (3) He shall arrange for temporary investments of City funds and shall make such investments as directed by ordinance.
- (4) He shall deposit the funds of the City in various depositories as designated by the Council. All such accounts shall be in the name of the City.
- (5) He shall maintain a centralized accounting system which shall accurately reflect the assets, liabilities, receipts and expenditures of the City.
- (6) He shall submit a summary statement of the City's fiscal affairs to the Mayor along with a tabulation of disbursements for presentation to the City Controller and Council.
- (7) He shall disburse funds in accordance with a procedure established by ordinance.

ARTICLE XII. CITY CLERK

Sec.	
13.12-1201.	Appointment, Qualifications and Removal.
13.12-1202.	Powers and Duties of the City Clerk.
13.12-1203.	Acting City Clerk.

§ 13.12-1201. Appointment, Qualifications and Removal.

The Council shall appoint a resident of the City as City Clerk for a two (2) year term at the organizational meeting of each even numbered year. The Council may suspend or remove the City Clerk at any time, with or without cause. The City Clerk shall serve for a two (2) year term or until a successor is appointed.

§ 13.12-1202. Powers and Duties of the City Clerk.

The City Clerk shall attend all meetings of the Council and shall keep full minutes of its proceedings. He shall transcribe the by-laws, rules and regulations, resolutions, and ordinances into appropriate books kept for those purposes. He shall preserve the records and documents of the City and shall have custody of the corporate seal. He shall attest the execution of all instruments and record all ordinances and resolutions. He shall file of record proof of service of all notices required by law or ordinance and his certificate thereof shall be good evidence of such notice. He shall deliver to his successor the seal and all of the books, papers, and other records and matters belonging to the City.

§ 13.12-1203. Acting City Clerk.

The Council may designate an Acting City Clerk to act during the period the City Clerk might be absent or disabled.

ARTICLE XIII. CITY CONTROLLER

Sec.	
13.13-1301.	City Controller.
13.13-1302.	Election and Term.
13.13-1303.	Intent.
13.13-1304.	Salary.
13.13-1305.	Qualifications.
13.13-1306.	Vacancies.
13.13-1307.	Filling of Vacancies.
13.13-1308.	Oath of Office.
13.13-1309.	Powers, Duties and Authority.
13.13-1310.	Acting City Controller.

§ 13.13-1301. City Controller.

The City Controller shall be responsible to review and investigate the current fiscal operation and affairs of the City. On behalf of the citizens of the City and the City Council he shall observe and report on all fiscal activities of the Mayor and his administration. It is the intent of this Charter to convey on the City Controller the responsibility of fiscal "Watchdog" for all current operations of the City government including its various boards, commissions, authorities, etc.

§ 13.13-1302. Election and Term.

The City Controller shall be elected by the qualified electors of the City at large for a term of four (4) years, commencing at 8:00 p.m. on the first Monday of January following the year in which he is elected and ending at the commencement of the term for which his successor is elected, except that a City Controller appointed to fill vacancy shall serve only for the balance of the unexpired term. The election of a City Controller shall be held on the general municipal election day as established by the laws of the Commonwealth of Pennsylvania, commencing in the year 1977. The procedure for nomination and election of the City Controller shall be as established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

§ 13.13-1303. Intent.

It is the intent to provide for the election of the City Controller in such a manner that the existing City Controller shall serve out the full term for which he was elected. However, the City Controller's powers, duties, and authority shall be in accordance with Section 13.13-1309 of this Article upon the effective date of this Charter.

§ 13.13-1304. Salary.

The City Controller shall receive a salary at the rate of thirty-six hundred dollars (\$3,600.00) per annum or such other sum as the Council shall from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective for at least four (4) years after the effective date of this Charter. No such increase in salary, however, shall become effective until the date of commencement of the term of City Controller elected at the next regular election after such salary increase, provided that such election follows the adoption of such ordinance by at least six months. The City Controller shall receive no pension, insurance or other forms of fringe benefits. He shall, however, be entitled to his actual expenses incurred in the performance of his duties. If directed by City Council in accordance with Section 13.13-1309(7), Council may allow additional compensation for performance of such special assignments.

§ 13.13-1305. Qualifications.

The City Controller shall be a qualified voter in the City as established by the general laws of the Commonwealth of Pennsylvania for municipal elections and shall be a resident of the City. He shall be learned and knowledgeable in financial matters.

§ 13.13-1306. Vacancies.

The office of City Controller shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, or forfei-

ture of his office or for death or failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. The City Controller shall forfeit his office if he lacks at any time during his term of office any qualifications for the office prescribed by the Charter or by law or is convicted of a felony.

§ 13.13-1307. Filling of Vacancies.

If a vacancy shall occur in the office of City Controller for any reason set forth in this Charter, it shall be filled in the same manner as vacancies are filled for the office of councilmen.

§ 13.13-1308. Oath of Office.

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

§ 13.13-1309. Powers, Duties and Authority.

The City Controller shall have the following specific powers, duties and authority:

- (1) He shall review payments made or to be made which are presented by the Mayor for Council's approval and shall report on their correctness and conformance to the adopted budget.
- (2) He shall present at least quarterly a report to City Council on the City's fiscal affairs.
- (3) He shall present special reports to City Council as might be required to assure appropriateness of the City's fiscal activities.
- (4) He shall ensure that all revenues of the City, not required for current expenditures, are properly invested.
- (5) He shall execute all contracts obligating the City, certifying that sufficient funds have been budgeted or are available for payment.
- (6) He shall certify, upon presentation of the proposed budget in accordance with Article XIV, the cash availability or deficit included and projected in the proposed budget.
- (7) He shall review or investigate any fiscal operation of the City including any board, commission, authority or agency utilizing City funds upon majority action of City Council.

§ 13.13-1310. Acting City Controller.

The Council may designate an Acting City Controller to act during the City Controller's absence or disability.

ARTICLE XIV. BUDGET AND FISCAL MATTERS

Sec.	
13.14-1401.	Fiscal Year.
13.14-1402.	Submission of Budget and Budget Messages.
13.14-1403.	Budget Message.
13.14-1404.	Budget.
13.14-1405.	Public Record.
13.14-1406.	Adoption of Budget.
13.14-1407.	Modification of Budget.
13.14-1408.	Appropriations.
13.14-1409.	Payment of Funds.
13.14-1410.	Independent Audit.
13.14-1411.	Fidelity Bonds.

§ 13.14-1401. Fiscal Year.

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

§ 13.14-1402. Submission of Budget and Budget Messages.

On or before the 15th day of November of each year, the Mayor shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

§ 13.14-1403. Budget Message.

The Mayor'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 Mayor deems desirable.

§ 13.14-1404. Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Council may require. In organizing the budget the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, without being limited to, the following:

- (1) It shall begin with a general summary of its contents.
- (2) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- (3) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(4) It shall show the number of proposed employees in every job classification.

(5) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.

(6) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

(7) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.

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

§ 13.14-1405. Public Record.

The annual budget shall be a public record and shall be available for public inspection after submission and prior to adoption, and after adoption, during regular business hours.

§ 13.14-1406. Adoption of Budget.

The annual budget shall be adopted by ordinance, subject to the approval or veto of the Mayor and the power of the City Council to over-ride the veto, as hereinbefore provided. Final adoption of the budget shall occur prior to the commencement of the budget year for which it is prepared, but only after it has been available for public inspection, after due notice, for at least ten (10) days.

§ 13.14-1407. Modification of Budget.

At the request of the Mayor and prior to November 15th, the Council may authorize or ratify modifications of the current adopted budget; provided, however, that where the aggregate of modifications results in an increase or decrease of a departmental appropriation by more than fifteen (15%) per cent of the originally adopted budget, such modifications shall be made only by ordinance and pursuant to procedure required for the adoption of the original budget. After November 15th all modifications of the current adopted budget must be by ordinance.

§ 13.14-1408. Appropriations.

Adoption of the budget and modifications thereof shall constitute appropriations for the expenditures set forth therein.

§ 13.14-1409. Payments of Funds.

No expenditure or payment of any funds of the City shall be made except upon approval of the Mayor or of the Director of an Administrative Department. Direc-

tives for payment as so approved shall be certified to the City Treasurer. All checks or drafts shall be signed by the City Treasurer and the City Controller.

Source

The provisions of this § 13.14-1409 amended May 17, 1983, effective May 17, 1983.

§ 13.14-1410. Independent Audit.

The Council shall provide for an independent annual audit of all City revenues and accounts by a Certified Public Accountant who has no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its elected or appointed officers. The Council may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the City shall be presented to the Council and published in a newspaper circulating generally in the City by April 1st of the year following the fiscal year audited.

§ 13.14-1411. Fidelity Bonds.

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

ARTICLE XV. CONTRACTS

- Sec.
- 13.15-1501. Bidding Procedure.
 - 13.15-1502. Competitive Bids.
 - 13.15-1503. Requirements.
 - 13.15-1504. Exceptions to Competitive Bidding.
 - 13.15-1505. Maximum Term of Certain Contracts.
 - 13.15-1506. Eminent Domain.
 - 13.15-1507. Officials with Personal Interest in Contracts.

§ 13.15-1501. Bidding Procedure.

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

§ 13.15-1502. Competitive Bids.

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

§ 13.15-1503. Requirements.

All contracts of the City involving sums in excess of two thousand five hundred dollars (\$2,500.00) shall be in writing and shall be executed on behalf of the City by the Mayor. The Mayor shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Mayor or the Director of any department may execute contracts on behalf of the City involving sums of less than two thousand five hundred dollars (\$2,500.00). Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any person required to execute a written contract may request the City Attorney to approve the same as to form.

§ 13.15-1504. Exceptions to Competitive Bidding.

Competitive bidding shall not be required under this Charter for:

- (1) Labor or services rendered by any City officer or employee.
- (2) Labor, material, supplies, or services furnished by one City Department to another City Department.
- (3) Contracts for labor, material, supplies, or services available from only one vendor.
- (4) Contracts for labor, material, supplies, or services aggregating less than two thousand five hundred dollars (\$2,500.00) for the item in the year supplied.
- (5) Contracts relating to the acquisition or use of real property.
- (6) Contracts for professional or unique services.
- (7) Contracts for insurance and surety company bonds.
- (8) Contracts for emergency repair of public works of the City.
- (9) Contracts with other governmental entities, authorities, agencies, or political sub-divisions.

§ 13.15-1505. Maximum Term of Certain Contracts.

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

§ 13.15-1506. Eminent Domain.

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

§ 13.15-1507. Officials with Personal Interest in Contracts.

No Mayor, Councilman, or any other City officer or employee, shall solicit, benefit by, or be financially interested, directly or indirectly, to any appreciable degree, in any contract for the purchase of property or services (except for the services for which he is specifically retained) to be paid from the City treasury.

ARTICLE XVI. PERSONNEL

Sec.

13.16-1601. Appointment Powers.

13.16-1602. Personnel Rules.

13.16-1603. Intent.

§ 13.16-1601. Appointment Powers.

The Mayor shall appoint the Director of each department provided for in this Charter and any additional administrative department created by ordinance in accordance with Article V, § 13.5-501 and Article VIII, § 13.8-801 with the advice and consent of Council. Upon submittal of a name by the Mayor, the Council shall take action on the appointment within thirty (30) days. If no action is taken by Council within thirty (30) days the appointment will be considered approved by Council. All other appointments and promotions of subordinate officers and employees with departments shall be made by the Mayor or a Department Director in accordance with the approved budget and personnel rules.

Source

The provisions of this § 13.16-1601 amended November 2, 1993. Immediately preceding text appears at serial page (70206).

§ 13.16-1602. Personnel Rules.

The Mayor shall prepare a uniform set of rules to govern all matters relating to a personnel system. Such rules shall be approved by Council and shall include, but not be limited to, the following:

- (1) The classification of all municipal positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances.
- (2) A pay plan for all municipal positions.
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion.

- (4) The policies and procedures regulating reduction in force and disciplinary action, including suspension and removal of employees.
- (5) The hours of work, and provisions for sick and vacation leave and holidays, and provisions for overtime compensation.
- (6) Grievance procedures, including procedures for the hearing of grievances.
- (7) Other practices and procedures necessary to the administration of the municipal personnel system.

§ 13.16-1603. Intent.

The intent of this Charter is to in no way diminish any rights or privileges of any present or former City employee.

ARTICLE XVII. INITIATIVE AND REFERENDUM

Sec.	
13.17-1701.	General Authority.
13.17-1702.	Commencement of Proceedings; Petitioners' Committee; Affidavit.
13.17-1703.	Petitions.
13.17-1704.	Procedure After Filing.
13.17-1705.	Referendum Petitions: Suspension of Effect of Ordinance.
13.17-1706.	Action on Petitions.
13.17-1707.	Results of Election.

§ 13.17-1701. General Authority.

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

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

§ 13.17-1702. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to

which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

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

§ 13.17-1703. Petitions.

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least fifteen per cent (15%) of the total number of qualified voters registered to vote at the last regular City election.

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

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

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

§ 13.17-1704. Procedure After Filing.

(a) *Certificate of Clerk; Amendment.* Within twenty days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by 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 Clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 13.17-1703, and within five days after it is filed the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by 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 Council review under subsection (b) within the time

required, the Clerk shall promptly present his certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.

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

(c) *Court Review: New Petition.* A final determination as to the 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.

§ 13.17-1705. Referendum Petitions: Suspension of Effect of Ordinance.

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

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

§ 13.17-1706. Action on Petitions.

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

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

(c) *Withdrawal of Petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal

signed by at least four (4) members of the petitioners' committee. Upon filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 13.17-1707. Results of Election.

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

ARTICLE XVIII. GENERAL PROVISIONS

Sec.	
13.18-1801.	Rights and Liabilities of the City.
13.18-1802.	Authority of Existing Elected Officers.
13.18-1803.	Continuation of Ordinances.
13.18-1804.	Personal Financial Interest.
13.18-1805.	Prohibitions.
13.18-1806.	Amendment.
13.18-1807.	Severability.
13.18-1808.	Effective Date.

§ 13.18-1801. Rights and Liabilities of the City.

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

§ 13.18-1802. Authority of Existing Elected Officers.

The councilmen in office at the time this Charter becomes effective shall remain in office for the full terms for which they were originally elected. However, they shall have the responsibilities, duties, and compensation, and authority only as set forth in and in pursuance of this Charter. All other elected officials of the City in office at the time this Charter becomes effective shall remain in office for the full term for which they were elected and they shall continue to perform the duties and receive the same compensation which they received prior to the adoption of this Charter. However, should any of such other offices become vacant for any reason, the vacancies shall not be filled, but the duties of the offices, shall, instead, pass to the persons designated in this Charter.

§ 13.18-1803. Continuation of Ordinances.

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

§ 13.18-1804. Personal Financial Interest.

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

§ 13.18-1805. Prohibitions.

(a) *Activities Prohibited.*

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

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

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

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

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

(b) *Penalties.* Any person who by himself or with others willfully violates any of the provisions of paragraphs (1) through (4) shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine or imprisonment, or both. Any person who by himself or with others willfully violates any of the provisions of paragraph (5) shall be guilty of an offense and upon conviction thereof shall be punishable by a fine. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position.

§ 13.18-1806. Amendment.

This Charter may be amended provided the procedure for approving any amendment is in accordance with provisions of appropriate acts of the General Assembly. All amendments or modifications of this Charter shall be presented to the electorate for approval.

§ 13.18-1807. Severability.

It is the intention of the electors of the City that if this Charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts hereof, the remaining provisions of the Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

§ 13.18-1808. Effective Date.

This Charter shall become effective and shall be deemed operative on the first Monday of January of the year 1976.

Editor's Note: Official copy lists Article XIX, Transition Provisions in Table of Contents. Body of document does not contain Article XIX, Transition Provisions.

[Next page is 15-1.]