

**CHAPTER 15. CITY OF CLAIRTON HOME RULE CHARTER**

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**Source**

The provisions of Chapter 15 adopted April 26, 1988, effective January 1, 1990, unless otherwise noted.

**ARTICLE I. NAME AND BOUNDARIES**

- Sec.  
 15.1-101. Name.  
 15.1-102. Boundaries.

**§ 15.1-101. Name.**

The City of Clairton shall hereafter be a HOME RULE CHARTER MUNICIPALITY under the name of “Clairton”. As used in this Charter the word “Municipality” shall mean the Municipality of Clairton in Allegheny County, Pennsylvania.

**§ 15.1-102. Boundaries.**

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

**ARTICLE II. POWERS OF THE MUNICIPALITY**

Sec.

15.2-201. Powers.

15.2-202. Construction.

15.2-203. Residual Powers in the Municipal Council.

15.2-204. Eminent Domain.

**§ 15.2-201. Powers.**

The Municipality of Clairton shall have full and complete powers of local self government, and may exercise, any power, and may perform any function not denied by the Constitution of the United States of America, by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time.

**Notes of Decisions***Powers*

Because the right of the mayor to appoint redevelopment authority members is governed by § 5 of the Urban Redevelopment Law, the municipality could not empower council to make those appointments. *Serapiglia v. Clairton City*, 809 A.2d 1079 (Pa. Cmwlth. 2002).

**Cross References**

This section cited in 302 Pa. Code § 15.2-202 (relating to construction).

**§ 15.2-202. Construction.**

The powers of the Municipality under this Charter shall be construed liberally in favor of the Municipality, so as 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 Municipality, except as limited in § 15.2-201 above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the Municipality or may hereafter from time to time become available. This Charter shall be construed so as to provide inherent powers in the Municipality to carry into effect all the purposes and provisions of this Charter.

**§ 15.2-203. Residual Powers in the Municipal Council.**

All powers of the Municipality, including any such power which may hereafter be conferred on the Municipality by amendment of the Constitution of the United States of America, 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 Municipal Council. The Council shall be composed of the Mayor and four Councilmen who shall be elected, shall organize, and shall function as provided in this Charter.

**§ 15.2-204. Eminent Domain.**

The Municipality is hereby authorized and empowered to enter upon, appropriate, take, use, occupy injure or destroy, private lands, property or material, wherever situate, for any legal and valid Municipal purpose. All such action shall be provided for by ordinance and just compensation shall be made and secured as provided by Eminent Domain Law.

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

**ARTICLE III. MUNICIPAL COUNCIL**

Sec.

15.3-301. Composition.

15.3-302. Terms.

15.3-303. Qualifications of Councilmen.

15.3-304. Election of Members of Council.

15.3-305. Election Procedure.

15.3-306. Salary.

15.3-307. Authority.

15.3-308. Organization of Council and Mayor.

**§ 15.3-301. Composition.**

The Municipality shall be divided into four wards. The boundaries of these wards are defined in Table 1 at the end of this section. There shall be a Municipal Council of four (4) Council Members and a Mayor. The Council Members are to be elected by the registered electors of the Ward the member is to represent.

**§ 15.3-302. Terms.**

The terms of all Members of Council shall be for four (4) years, commencing on the first Monday of January following the year in which they were elected.

**§ 15.3-303. Qualifications of Councilmen.**

The Councilmen shall be at least twenty-one years of age. They shall have been residents of the Ward they represent throughout one year before their election and shall reside therein throughout their term of service.

**§ 15.3-304. Election of Members of Council.**

At the Municipal election to be held in the year 1989 there shall be elected two (2) Members of Council to serve for a term of four (4) years; the aforesaid two (2) Members of Council to be elected one from each of Wards Two (2) and Three (3), those Wards not represented by Members of Council whose terms expire on the first Monday of January 1991.

At the Municipal election to be held in the year 1991, there shall be elected two (2) Members of Council to serve for a term of four (4) years; the aforesaid two

(2) Members of Council to be elected one from each of Wards One (1) and Four (4), Wards which did not elect Councilmen in the year 1989.

Thereafter, Members of Council shall continue to be elected at each Municipal election for terms of four (4) years and from the Wards represented by members whose terms expire in the January next succeeding.

**§ 15.3-305. Election Procedure.**

The procedure for nomination and election of Members of Council shall be established by the general laws of the Commonwealth of Pennsylvania for Municipal elections.

**§ 15.3-306. Salary.**

Each member of Council shall receive for their services compensation as received by Council Members of the City of Clairton on the day before the effective date of this Charter, or such other sum as set by Council by ordinance from time to time. The compensation to be received by a Councilman shall not be increased or decreased during the term for which any Member of Council was elected or appointed. No such increase or decrease shall be accomplished by ordinance adopted less than six (6) months prior to election of any member of Council affected thereby.

Members of Council 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. When, however, Council shall in a public meeting direct certain activities to be performed, Members of Council shall be entitled to actual and necessary documented expenses incurred in the performance of these functions and activities.

**§ 15.3-307. Authority.**

No individual Member of Council shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by Council acting as a body.

**§ 15.3-308. Organization of Council and Mayor.**

Council and the Mayor shall organize on the first Monday of January at 7:30 PM of each even-numbered year. If the first Monday of January is a legal holiday, the meeting shall be held the following day. However, nothing in this Charter shall be construed to prohibit Council from reorganizing if it so chooses. The Mayor shall be the president of the Council and a member thereof, and shall have the same rights and duties as pertain to Councilman.<sup>+</sup>

The Council shall elect one of their number as Deputy Mayor, who shall hold office until a successor is elected and qualified.\*

The Mayor, or if absent, the Deputy Mayor, shall preside at all meetings of Council and perform such other duties as are specified in this Charter or as may

be prescribed by ordinance. In the absence of the Mayor and Deputy Mayor, Council, by ordinance shall determine further succession.

The organization meeting may be considered as a regular meeting for the transaction of business.

\* The Deputy Mayor shall exercise the powers and duties of the Mayor during the Mayor's temporary absence or disability.

+ The Mayor shall appoint all Councilmanic Committees.

#### TABLE I

The Municipality shall be divided into four (4) Wards, as follows:

*Ward 1* shall have the same boundaries as the existing Ward 1 in the City of Clairton and containing the number of qualified electors as are registered to vote in Districts One, Two and Three of that Ward. That number being approximately one thousand, three hundred and thirty.\*

*Ward 2* shall be the area bounded by Wabash Avenue to the North, Railroad and State Street to the East; on the West by Shaw Avenue, the East side of Third Street and South to Halcomb and the East side of Miller Avenue to the South City Line. This area contains qualified electors who were registered to vote in the City of Clairton Ward 2, Districts One, Five, Seven and Two—all or in part and approximately one thousand four hundred and fifty-one.\*

*Ward 3* is the area bounded by Halcomb Avenue in the North, on the East by the West side of Miller Avenue, South to the City Line; on the South by the City Line, West to and including all of Woodland Terrace; on the West by Woodland Avenue and Seventh Street. This area contains qualified electors who were registered to vote in Ward 2, City of Clairton, Districts Eight, Six, Ten and Four—all or in part and approximate one thousand four hundred and fifty-seven.\*

*Ward 4* is the area bounded in the West and North by the City Line, on the East by the West side of Third Street and West side of Woodland Avenue; on the South by Elm Alley, Jefferson and McKinley Drives. This area contains qualified electors who were registered to vote in the City of Clairton, Ward 2, Districts Two, Three, Four and Nine—All or in part and approximate one thousand four hundred and forty-eight.\*

The Wards as heretofore established shall remain as heretofore, until altered or divided in such manner as the Court of Quarter Sessions shall direct.

The petition and procedure for striking territory from one Ward and attaching to another shall be the same as stated in Sections 402, thru 408 of the Third Class City Code, Act of June 28, 1951, P. L. 662.

\* As compiled from the latest Allegheny County Department of Elections Street List for 1987.

*TABLE II*

Maps of the Four Wards of the City of Clairton.

Each Ward shall be divided into three districts. Every attempt shall be made to equalize the number of qualified electors and maintain geographic unity.

Each of the four (4) Wards has been divided into three (3) voting districts. The County Board of Elections, who has the final word on this matter, is requested to accept the recommendations as set forth in this Charter.

- Ward 1— District 1— Present District 1 with additional New Jersey Avenue and Pennsylvania Avenue—Registered electors - 412.
- District 2— Present District 2 with the deletion of New Jersey Avenue and Pennsylvania Avenue—Registered electors - 457.
- District 3— Present District 3—Registered electors - 461.
- Ward 2— District 1— Present District 1, with addition of Shaw Avenue, Crest Street, Chambers Street, Francis Street and Maple Avenue. Registered electors - 465.
- District 2— Present District 7, with deletion of Crest Street, Chambers Street, Francis Street and Maple Avenue. Additions of Halcomb Avenue, Mitchell Avenue, Wylie Avenue, St. Clair Avenue, Reed Street and Third Street. Registered electors - 471.
- District 3— Present District 5 with deletions of Halcomb Avenue, Mitchell Avenue, Reed Street, Wylie Avenue, St. Clair Avenue and Third Street. Registered electors - 515.
- Ward 3— District 1— Present District 10 with the addition of Mitchell Avenue (4), Miller Avenue (4), Sixth Street (4). Deletion of Van Kirk Street and Rose Avenue. Registered electors - 494.
- District 2— Present District 6 with the addition of Van Kirk Street and Rose Avenue. Registered electors - 481.
- District 3— Present District 8 with the addition of Halcomb Avenue (4). Registered electors - 482.
- Ward 4— District 1— Present District 2, with deletion of Mitchell Avenue and Shaw Avenue. Addition of Caldwell Street, Wilson Avenue, Ridge Avenue and Fifth Street. Registered electors - 485.

- District 2— Present District 3, with the deletion of Caldwell Street, Ridge Avenue, Wilson Avenue and Fifth Street. Addition of Eighth Street, Fifth Street, Waddell Avenue, St. Clair Avenue and Ninth Street. Registered electors - 503.
- District 3— Present District 9 with the addition of Marovich Avenue and Worthington Avenue. Registered electors - 460.

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

- Sec.  
15.4-401. Meetings.  
15.4-402. Records.  
15.4-403. Public Meetings.  
15.4-404. Operating Rules.  
15.4-405. Quorum.  
15.4-406. Form of Action by Council.  
15.4-407. Citizens' Right to be Heard.

##### **§ 15.4-401. Meetings.**

The Council shall hold public meetings at least once in each month and at such other times as may be fixed by Ordinance. Special meetings may be called by the Mayor, and shall be called by the Mayor upon written request of at least two of the Members of Council. Members shall have at least twenty-four (24) hours notice of such special meetings. The notice shall state whether it is for general or special purposes. If it is for special purposes, the notice shall contain a statement of the nature of the business to be considered. Notice and Agenda of all meetings shall be posted at the Municipal Building twenty-four (24) hours prior to a meeting.

##### **§ 15.4-402. Records.**

Council shall make and preserve minutes of all business and committee meetings of Council. All records, documents and papers of the Municipality shall be available to the public in accordance with the provisions of general law.

##### **§ 15.4-403. Public Meetings.**

All business meetings and committee meetings of any public agency shall be governed by the Sunshine Law, Act 84 of 1986.

**§ 15.4-404. Operating Rules.**

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

**§ 15.4-405. Quorum.**

Three (3) members of Council shall constitute a quorum. No business shall be conducted or votes taken except in the presence of a quorum.

**§ 15.4-406. Form of Action By Council.**

Official action of Council shall be taken by adoption of an ordinance, or a resolution, or a 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. However, no administrative action shall be void or adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll-call vote duly recorded in the minutes of the meeting.

**§ 15.4-407. Citizens' Right to be Heard.**

An opportunity to address Municipal Public Agencies shall be afforded the public at all business meetings, at a time designated in the agenda. The Agencies may adopt reasonable rules and regulations governing the conduct of their members and the public during participation in the meeting.

**ARTICLE V. ORDINANCES AND RESOLUTIONS**

Sec.

- 15.5-501. Certain Specific Action Requiring An Ordinance.
- 15.5-502. General Ordinance Requirements.
- 15.5-503. Penalty.
- 15.5-504. Publication and Effective Date of Ordinances.
- 15.5-505. Recording of Ordinances and Regulations.
- 15.5-506. Ordinances Requiring Prior Public Notice.

**§ 15.5-501. Certain Specific Action Requiring An Ordinance.**

In addition to any other actions required by law or by this Charter to be taken by ordinance, the Municipal Council shall take the following actions by ordinance:

- (a) Adopt or amend an administrative code or establish, alter or abolish any municipal department, office or agency.
- (b) Adopt or amend a code establishing a personnel system for the Municipality.



- (c) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (d) Levy taxes.
- (e) Grant, renew or extend a franchise.
- (f) Establish, alter or abolish rates charged for any utility or other service supplied by the Municipality.
- (g) Authorize the borrowing of money.
- (h) Convey or lease or authorize the conveyance or lease of any lands of the Municipality.
- (i) Establish wages, hours and fringe benefits of employees.
- (j) Three affirmative votes of Council shall be necessary to pass any ordinance or resolution.

**§ 15.5-502. General Ordinance Requirements.**

Every enacted ordinance shall be dated and signed by the Mayor or other member of Council present at the meeting where the action was taken. The official seal of the Municipality shall be affixed to the original copy of each ordinance by the Manager or a designate who shall also attest to the signature of the other signatory.

**§ 15.5-503. Penalty.**

The penalties for violations of any ordinance shall be contained in that ordinance, and shall be in accordance with this Charter and consistent with the laws of the Commonwealth of Pennsylvania Third-Class City Code.

**§ 15.5-504. Publication and Effective Date of Ordinances.**

All ordinances shall be published one time in a newspaper circulating generally within the Municipality, after adoption. This newspaper shall be designated by the Municipal Council at its organizational meeting and shall be the official media for all local agencies. The full text of the ordinance need not be published; instead, the title and a general summary of the substance of the ordinance will be sufficient to meet publication requirement.

Except as otherwise provided in this Charter or by an applicable law of the General Assembly, ordinances shall be effective on the tenth day after publication, or at any later date specified therein. Each ordinance that is voted upon must be prominently posted in the Municipal Building ten (10) days before the next Council meeting.

**§ 15.5-505. Recording of Ordinances and Regulations.**

All ordinances and resolutions of the Municipality shall be entered verbatim in permanent separate record books for ordinances and resolutions. Ordinances and resolutions shall be recorded in the proper book within fifteen (15) days after enactment. These books shall be open and available for public inspection at rea-

sonable hours; they shall be in the custody and control of the Manager or a designate and all entrees made therein shall be at the direction of the Manager.

**§ 15.5-506. 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 Municipality:

- (a) Zoning ordinance and amendments thereto.
- (b) Adoption of the zoning map and amendments thereto.
- (c) Subdivision regulations.
- (d) Land development and land use regulations.
- (e) 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.
- (f) Salaries of elected officials.
- (g) Changes in Ward boundaries.
- (h) Amendments to the budget.
- (i) Or as otherwise provided in this Charter.

**ARTICLE VI. THE MAYOR**

Sec.

- 15.6-601. The Mayor.  
15.6-602. Election and Term.  
15.6-603. Salary.  
15.6-604. Powers and Duties.

**§ 15.6-601. The Mayor.**

The Mayor shall be recognized as the leader of the Municipal government and shall be the presiding officer of the Council. He shall appoint all Councilmanic committees and shall have such authority and shall perform such duties as are assigned under this Charter. It shall be the duty of the Mayor to be vigilant and active in causing the ordinances of the Municipality and the laws of the Commonwealth relating to the government of the Municipality, to be executed and enforced.

**§ 15.6-602. Election and Term.**

The Mayor shall be elected at large by the voters of the Municipality for a term of four (4) years, at the Municipal election to be held in 1989 and every four (4) years thereafter.

**§ 15.6-603. Salary.**

The Mayor shall receive the same compensation as received by the Mayor of the City of Clairton on the day before the effective date of this Charter, or such other sum as set by Council by ordinance from time to time. Such compensation shall not be increased or decreased during the term for which the Mayor was elected or appointed. No such increase or decrease shall be accomplished by ordinance adopted less than six (6) months prior to election of the Mayor affected thereby. The Mayor shall receive no other compensation, direct or indirect, for the performance of duties and shall receive no pensions, insurance or other forms of fringe benefits. The Mayor shall, however, be entitled to actual necessary documented expenses incurred in the performance of the duties of the office and presented to Council in public session.

The budget shall include a reasonable appropriation for the Mayor's expenses.

**§ 15.6-604. Powers and Duties.**

In addition to powers and duties otherwise provided for herein, the Mayor shall exercise the powers and perform the duties as follows:

- (a) Be recognized as the official head of the Municipality for all ceremonial purposes.
- (b) Preserve the public peace, safety, health and welfare in times of emergency.
- (c) Execute or authenticate such instruments as required by this Charter, Council, or other law.
- (d) Be a voting member of all Council committees.
- (e) Study the operations of the municipal government and report to Council on the state of the Municipality with recommendations for measures deemed to improve municipal affairs.
- (f) Have the authority to appoint and dissolve voluntary committees of interested citizens to assist and advise the Mayor on issues and matters pertaining to the Mayor's office.
- (g) Prepare and deliver an annual "State of the Municipality" report to the citizens of Clairton.
- (h) Exercise such additional powers and perform such additional duties as shall be mutually agreed upon by the Mayor and the Council, and which are not inconsistent with the provisions of this Charter.

**ARTICLE VII. MUNICIPAL MANAGER**

Sec.

- 15.7-701. Appointment, Qualifications and Compensation.
- 15.7-702. Powers and Duties of the Municipal Manager.
- 15.7-703. Procedural Limitations on Council.
- 15.7-704. Removal.

15.7-705. Acting Municipal Manager.

15.7-706. Vacancy.

**§ 15.7-701. Appointment, Qualifications and Compensation.**

The Council shall appoint a Municipal Manager for an indefinite term and shall fix the compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications and shall have had at least (3) years experience in governmental administration. The Manager need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

**§ 15.7-702. Powers and Duties of the Municipal Manager.**

The Municipal Manager shall be responsible to the Council for the administration of all municipal affairs placed in the Manager's charge. The Manager's powers and duties shall include, but are not limited to, the following:

The Manager shall:

- (a) Appoint, suspend or remove all Municipal employees, except as otherwise provided by law or this Charter and report any such action at the next business meeting of Council.
- (b) Appoint all administrative unit heads with the advice and consent of Council.
- (c) Collect and receive, account for and deposit into the Municipal treasury, all taxes not collected by the Tax Collector; fees, assessments or charges that are levied or established by the Municipality for general or special purposes, except as otherwise provided by this Charter, ordinance, or general law. Such deposits shall be made not later than the first business day following the day in which they are received.
- (d) Cause appropriate records to be made, preserved and certified, as required by law or other action of Council. The Manager shall attest to the execution of all instruments and record all ordinances and shall have custody of the municipal corporate seal.
- (e) Direct and supervise all administrative units, offices and agencies, except as otherwise provided by this Charter or by law.
- (f) Attend all Council meetings and shall have the right to take part in discussions, but shall not vote.
- (g) Prepare and submit an annual budget and capital expenditure program to Council.
- (h) Submit to the Council and Mayor and make available to the public a complete report on the finances and administrative activities of the Municipality as of the end of each fiscal year.
- (i) Make such other reports as the Council or Mayor may require concerning the operations of municipal departments, offices and agencies subject to the Manager's direction and supervision.

(j) Have the duty to sign such papers, contracts, obligations and documents that are properly presented as may be required by law.

(k) Keep Council and the Mayor fully advised of the financial condition and future needs of the Municipality and make such recommendations to the Council and the Mayor concerning the affairs of the Municipality as he deems desirable.

(l) Administer and enforce all laws and ordinances of the Municipality and be responsible for the proper administration of all affairs of the Municipality.

(m) Insure that no payment is made or obligations incurred against any appropriation except in accordance with the designated budget appropriations.

(n) Insure that there is a sufficient unencumbered balance in the appropriate budget appropriation to meet any obligation when it becomes due or payable.

(o) Insure that when any municipal obligation, debt or expense becomes due and payable that sufficient funds will be available in the treasury to pay same.

(p) Insure that all payments and obligations incurred by the Municipality are in accordance with law, municipal contract and the provisions of this Charter.

(q) Require each department, office, board, commission or other municipal agency to certify from time to time that materials, supplies or equipment have been duly received and accepted as specified and that services contracted for have been duly rendered. The Manager shall report on this subject twice yearly, or more frequently as Council shall direct.

#### **§ 15.7-703. Procedural Limitations on Council.**

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

#### **§ 15.7-704. Removal.**

The Council may, by three (3) affirmative votes, remove the Manager at any time, with or without cause. Any such removal shall constitute a vacancy in the office of Municipal Manager. The Manager may, within fifteen (15) days of the date of removal, request a public hearing before the Council. Such hearing shall be held before the expiration of a thirty (30) day period.

The Manager shall continue to receive the existing salary during the thirty (30) day period. The action of the Council in removing the Manager shall not be subject to review by any court or agency.

**§ 15.7-705. Acting Municipal Manager.**

Council may designate an employee of the Municipality to exercise the duties of Manager during the Manager's temporary absence, disability or removal.

**§ 15.7-706. Vacancy.**

Upon a vacancy in the office of Manager, Council shall appoint an Acting Manager to exercise the powers and perform the duties of the office.

**ARTICLE VIII. MUNICIPAL ATTORNEY**

Sec.

15.8-801. Legal Counsel.

15.8-802. Powers and Duties.

15.8-803. Access to Records.

15.8-804. Control of Legal Matters.

**§ 15.8-801. Legal Counsel.**

Council shall appoint a Municipal Attorney for an indefinite period of time and shall fix the salary. The Municipal Attorney shall be an attorney at law admitted to practice in the courts of this Commonwealth.

**§ 15.8-802. Powers and Duties.**

The Municipal Attorney shall:

- (a) Serve as Chief Legal Officer of the Municipality.
- (b) Represent the Municipality in all legal matters.
- (c) Furnish legal advice to Council, the Mayor and the Manager on matters of municipal business.
- (d) Represent all Boards and Commissions except those requiring special legal counsel.

**§ 15.8-803. Access to Records.**

The Municipal Attorney shall have the right of access to the records of any officer, department, board or commission of the Municipality as necessary in the performance of the duties of the Municipal Attorney.

**§ 15.8-804. Control of Legal Matters.**

The legal matters of the Municipality shall be under the control of the Municipal Attorney, and no department or officer of the Municipality, except as herein otherwise provided, shall employ an additional counsel without the prior written consent of Council. In the absence of the Attorney, the law firm of which he is a member or associate may perform any of the duties or functions of the Attorney.

**ARTICLE IX. ADMINISTRATIVE UNITS**

Sec.

15.9-901. General.

15.9-902. Delegation of Functions.

**§ 15.9-901. General.**

The work of the Municipality performed by paid employees shall be assigned to and under the jurisdiction of an Administrative Unit. All functions and services provided by the Municipality shall be administered by the Municipal Manager. Whenever necessary, Council shall establish specific Administrative Units by ordinance to perform these functions, which shall include among others:

(a) Planning, land development, sub-division and zoning within the Municipality, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, 1968, and for suitable codes for building, housing and fire prevention, with enforcement by qualified personnel.

(b) The laying out, construction, reconstruction and maintenance of municipal streets, storm sewers, sanitary sewers, buildings, parks, sidewalks and such other municipal facilities as are deemed necessary for the public welfare.

(c) The collection and disposal of solid waste where required by ordinance.

(d) Recreational, library and other cultural services to the residents of the Municipality.

(e) The collection and analysis of data on the social problems and needs of the municipality and identification of programs, funding and resources appropriate for assisting in the solution of these problems and provision for social service referral information to the citizens.

(f) Police and Fire Protection, and other emergency services. The Municipality may utilize the services of Volunteer Fire Departments.

(g) Traffic planning and control.

**§ 15.9-902. Delegation of Functions.**

Any function or service provided by the Municipality may by ordinance be delegated to another governmental or non-governmental unit or may be performed in cooperation with other municipalities, political subdivisions or any governmental unit under duly executed agreements.

**ARTICLE X. SCHOOL DIRECTORS**

Sec.

15.10-1001. Composition.

15.10-1002. Terms.

15.10-1003. Qualifications of School Directors.

15.10-1004. Election of School Directors.

15.10-1005. Election Procedure.

**§ 15.10-1001. Composition.**

In each school district of the third class (Clairton City School District—hereafter to be named Clairton Municipal School District) there shall be a board of nine (9) school directors. Following the adoption of the Home Rule Charter, these Directors are to be elected by the registered electors of the Ward the member is to represent.

**§ 15.10-1002. Terms.**

All elected members shall serve for a term of four (4) years. The term of office shall begin on the first Monday of December following their election. They shall continue in office until their successors assume the office. The procedure for the filling of vacancies is set forth in Section 315 of the Public School Code of 1949.

**§ 15.10-1003. Qualifications of School Directors.**

School Directors shall have been residents of the Ward they represent throughout one (1) year before their election, and shall reside therein throughout their term of office. The School Director elected at large shall have been a resident of the Municipality for one year before his election and must reside therein during the term of office.

**§ 15.10-1004. Election of School Directors.**

At the Municipal election to be held in the year 1989, there shall be elected four (4) School Directors to serve for a term of four (4) years. The aforesaid four (4) Directors to be elected one from each Ward. Thereafter, every four (4) years, four (4) School Directors shall be elected for terms of four (4) years—one from each Ward.

At the Municipal election to be held in the year 1991, there shall be elected five (5) School Directors to serve for a term of four (4) years. Four (4) Directors are to be elected, one (1) from each Ward, and one (1) Director shall be elected at large. Thereafter, every four (4) years, five (5) School Directors shall be elected for terms of four (4) years, one from each of the four Wards and one at large.

**§ 15.10-1005. Election Procedure.**

The procedure for nomination and election of School Directors shall be established by the General Laws of the Commonwealth of Pennsylvania for Municipal Elections.



**ARTICLE XI. BUDGET AND FISCAL MATTERS**

Sec.

- 15.11-1101. Fiscal Year.
- 15.11-1102. Submission of Budget and Budget Messages.
- 15.11-1103. Budget Message.
- 15.11-1104. Budget.
- 15.11-1105. Public Record.
- 15.11-1106. Publication.
- 15.11-1107. Amendment of Budget.
- 15.11-1108. Adoption of Budget.
- 15.11-1109. Payment of Funds.
- 15.11-1110. Capital Program.
- 15.11-1111. Independent Audit.
- 15.11-1112. Fidelity Bonds.

**§ 15.11-1101. Fiscal Year.**

The fiscal year of the Municipality shall begin on the first day of January and end on the last day of December of each year, unless changed by Council or by law.

**§ 15.11-1102. Submission of Budget and Budget Messages.**

At least forty-five (45) days prior to the beginning of each fiscal year, the Manager shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

**§ 15.11-1103. Budget Message.**

The Manager's message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the Municipality 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 Municipality's debt position, and include such other material as the Manager deems desirable.

**§ 15.11-1104. Budget.**

The budget shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget, the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- (a) A general summary of its contents.
- (b) In detail, all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

- (c) All proposed expenditures, including debt service, for the ensuing fiscal year.
- (d) The number of proposed employees in every job classification.
- (e) Comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.
- (f) 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.
- (g) 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.

**§ 15.11-1105. Public Record.**

The annual budget message, proposed budget and adopted 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.

**§ 15.11-1106. Publication.**

- (a) The Council shall publish within a period of eight (8) days of receipt from the Municipal Manager, in one or more newspapers of general circulation in the Municipality, a general summary of the budget and a notice that the proposed budget is available for public view, also stating:
  - (1) The times and places where copies of the budget and the message are available to the public, and
  - (2) The times and places of the required public hearings on the budget and such other public hearings as the Council may decide to hold.
- (b) *Public Hearings:* The Council shall hold a minimum of two (2) public hearings on the budget at which time residents of the Municipality may express their views on the proposed budget. The first such hearing shall be not less than fourteen (14) days nor more than twenty-one (21) days after the date of publication. The second public hearing shall be not less than seven (7) days nor more than fourteen (14) days after the first hearing.

**§ 15.11-1107. Amendment of Budget.**

The Council may amend the budget by ordinance during the fiscal year for which the budget was adopted; provided, however, that such amendment shall not result in expenditures exceeding the estimated income determined as of the time of the amendment.

**§ 15.11-1108. Adoption of Budget.**

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

**§ 15.11-1109. Payment of Funds.**

No payment of any funds of the Municipality shall be made unless provided for in the budget and specifically approved by the Council; provided, however, that payroll and utility expenditures may be made at the direction of the Manager where based upon a prior ordinance or contract. All checks or drafts of the Municipality shall be signed by the Manager and shall be counter-signed by the Mayor. Disbursements of payroll checks or drafts containing imprinted signatures of the proper municipal officials or bank officials shall be permitted in connection with use of data processing equipment when contracted for with banking institutions; and machine imprinted signatures of the proper municipal officials may be used for disbursement of municipal checks or drafts provided such imprinting machines are designed for operation only by authorized personnel.

**§ 15.11-1110. Capital Program.**

It is the intent of this Charter that the Council adopt long range plans and objectives to provide for the orderly growth of the Municipality. Plans and objectives shall be prepared for public review in the form of the Annual Capital Program Report. Such other capital expenditures for equipment with a useful life of less than two (2) years shall be part of the operating budget.

(a) *Submission to Council:* The Manager shall prepare and submit to the Council, a five-year (5) capital program at least three (3) months prior to the final date for submission of the budget.

(b) *Contents:* The capital program shall include:

- (1) A clear general summary of its contents.
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
- (3) Projects which will result in major additions or changes to the Municipality, such as Recreation and Sanitation facilities or Roadways, shall be included in the program.

(4) Such other capital expenditures for equipment with a useful life of more than two (2) years.

(5) Cost estimates, methods of financing and recommended time schedules for each such improvement.

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

(7) The estimated annual amortization costs.

(c) *Publication and Council Action on Capital Program:*

(1) *Publication.* The Council shall publish the proposed Capital Program immediately upon its receipt from the Manager.

(2) *Public Hearings.* The Council shall hold a minimum of one (1) public hearing on the proposed capital program, at which time residents of the Municipality may express their views on the proposed capital program. The public hearing shall be not less than twenty-one (21) days nor more than thirty (30) days after the date of publication.

(3) *Method of Publication and Notice of Hearings.* The Council shall publish in one or more newspapers of general circulation in the Municipality, a general summary of the Capital Program, and a notice stating:

a. The times and places where copies of a summary of the Capital Program are available to the public, and

b. The times and places where a complete copy of the Capital Program along with accompanying maps, charts, reports, and other data are available for inspection by the public, and

c. The time and place of the required public hearing on the Capital Program and such other public hearings as the Council may decide to hold.

(4) *Adoption.* The Council, by resolution, shall adopt the Capital Program with or without amendment, after the public hearing and on or before the last day of the ninth (9th) month of the current fiscal year.

(5) The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition. Council shall annually issue a public report on the status of the Capital Program, to be given prior to the adoption of the annual budget.

### § 15.11-1111. Independent Audit.

*Appointment and Term.* The Council shall appoint an independent auditor who shall be a certified public accountant or firm of certified public accountants, who shall have no personal interest, direct or indirect, in the fiscal affairs of the Municipality or any of its officers.

The Auditor shall be appointed for a term not to exceed three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of the fiscal year.

*Powers and Duties of the Auditors.*

(a) The Auditors shall audit, settle, and adjust the accounts of all Municipal officers and other officers and persons receiving and disbursing or authorizing the disbursement of the monies of the Municipality during the preceding fiscal year.

(b) The Auditors shall complete their audit settlement and adjustment and file copies thereof with the Municipal Manager, the Department of Community Affairs, the Pennsylvania Department of Transportation and the Clerk of Courts not later than ninety (90) days after the end of the fiscal year. Said report shall also show a complete statement of the financial conditions of the Municipality, with the character and value thereof, and the date of maturity of the respective forms of funded debt thereof.

(c) The amount of any balance or shortage, or of any expenditure of a kind or made in a manner prohibited or unauthorized by law, which causes financial loss to the Municipality, shall be a surcharge against any officer against whom such balance or shortage shall appear, or who by vote, act, or neglect has permitted or approved such expenditure.

(d) The Auditors shall also audit and report to Council on the accounts of every officer of the Municipality following the death, resignation or removal of such officer. Such audit shall be performed within thirty (30) days of the vacancy.

(e) The Auditors shall within ten (10) days after completion of their audit, publish by advertisement in at least one (1) newspaper of general circulation in the Municipality, a concise financial statement of municipal fiscal matters such as to comply with the provisions of all Acts of the General Assembly relative thereto.

(f) It shall be lawful for the Municipality or any taxpayer thereof, on its behalf, or any officer whose account is settled or audited, to appeal from the settlement or audit, as shown on the auditor's report, to the Court of Common Pleas of the County, not later than sixty (60) days from date of publication referred to in the preceding paragraph.

Whenever an appeal has been taken as aforesaid, any taxpayer of the Municipality may intervene in such appeal to prosecute the same on behalf of the Municipality or defend it against the appeal of the person charged with any sum.

(g) Any balance, in any report of the Auditors, against any officer of the Municipality, shall constitute a surcharge and, unless appeal is taken as heretofore provided, the Auditors shall cause same to be entered in the office of the Prothonotary as a judgment against such officer in favor of the Municipality.

(h) Judgments entered by the Auditors or the Court, after hearing an appeal, may be enforced by appropriate proceedings, by the party prevailing.

#### **§ 15.11-1112. Fidelity Bonds.**

Before entering upon the duties of their respective offices or positions, the Municipal Manager and the Tax Collector, as well as any other officer, agent or employee of the Municipality as Council may determine, shall execute and file

with the Municipality corporate surety bonds in such sums as shall be fixed by the Council. Each bond shall be joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in the Commonwealth of Pennsylvania and duly licensed by the Insurance Commissioner of said Commonwealth.

Each bond shall be conditioned upon the faithful discharge by the officer, the clerks, assistants and appointees of all trusts confided in them by virtue of their office, upon the faithful execution of all duties required of them by virtue of their office, upon the just and faithful accounting or payment over, according to law, of all monies and all balances thereof paid to, received or held by virtue of the office and upon the delivery to the successor or successors in office of all books, papers, documents or other official things held in right of the office. All such bonds and sureties thereon, before being accepted by the Municipality, shall be approved by the Municipal Attorney. The placing of such bonds shall be determined by Council and the premium therefor shall be paid by the Municipality. 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 subdivisions or governmental or quasi-governmental entities.

## **ARTICLE XII. CITY TREASURER, TAX COLLECTOR, FINANCIAL OFFICER**

Sec.

- 15.12-1201. Elimination of the Office of Elected Treasurer.
- 15.12-1202. Financial Officer.
- 15.12-1203. Qualifications.
- 15.12-1204. Appointment and Removal.
- 15.12-1205. Duties and Responsibilities.

### **§ 15.12-1201. Elimination of the Office of Elected Treasurer.**

The Council that is organized the first Monday of January 1990, shall by ordinance eliminate the office of the elected Treasurer. This ordinance shall be adopted at least seven (7) days prior to the first day for circulating petitions for nomination at the Primary Election involving the office of Treasurer and shall be made effective at the expiration of the term of the incumbent Treasurer. The ordinance shall require that taxes thereafter be collected by the Financial Officer.

### **§ 15.12-1202. Financial Officer.**

The Financial Officer shall be appointed by, and report to, the Municipal Manager. The Financial Officer shall devote full time to the office. He shall hold no elective or appointive office, nor hold any other Municipal office or Municipal employment in which he receives salary, compensation or emolument.

**§ 15.12-1203. Qualifications.**

The Financial Officer shall possess knowledge and/or skills in financial affairs. The Financial Officer need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

**§ 15.12-1204. Appointment and Removal.**

The Financial Officer shall be appointed for an indefinite period of time and may be removed from office with or without cause by Council.

**§ 15.12-1205. Duties and Responsibilities.**

The Financial Officer shall:

A. Collect or cause to be collected, all property taxes, wage taxes and other general taxes, current and delinquent, which Council may levy. Receive all Municipal monies from these tax sources, deposit accumulated amounts in the General Fund of the Municipality, not later than the first business day following the day in which they are received, and keep separate accounts of each category of tax source received. These accounts shall be open to the inspection of the proper officials at all times.

B. Receive and collect from the authorities empowered to levy taxes upon persons and property within the Municipality, the respective duplicates of taxes assessed in accordance with the laws of the Commonwealth. All duplicates shall be open to proper inspection of the taxpayers and the auditing and examining officer of the Municipality, County or School District.

C. Prepare and certify tax liens in accordance with Sections 2537 and 2538 of the Third Class City Code. Sales of real estate for delinquent taxes shall be regulated by the Third Class City Code, Sections 2541 through 2562. Wherever any of the above Sections of the Third Class City Code confer powers or duties upon the City Treasurer, such powers shall be exercised by and such duties performed by the Financial Officer.

**ARTICLE XIII. CONTRACTS**

Sec.

- 15.13-1301. Competitive Bids.
- 15.13-1302. Bidding Procedure.
- 15.13-1303. Exceptions to Competitive Bidding.
- 15.13-1304. Purchase Orders.
- 15.13-1305. Real Property Appraisals.
- 15.13-1306. Maximum Term of Certain Contracts.
- 15.13-1307. Unenforceable Contracts.

**§ 15.13-1301. 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 Municipality, shall be authorized on behalf of the Municipality except with the lowest responsible bidder after competitive bidding.

**§ 15.13-1302. Bidding Procedure.**

(a) The Municipality 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.

(b) All contracts or purchases in excess of Four Thousand Dollars (\$4000.00) except those hereinafter mentioned, shall be made only with the lowest responsible bidder after due publication. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service. The limit of Four Thousand Dollars (\$4000.00) may be increased by Council to the extent of the maximum permitted to any non-charter Municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

**§ 15.13-1303. Exceptions to Competitive Bidding.**

(a) Labor or services rendered by any municipal officer or employee in payment for services.

(b) Contracts for labor, material, supplies or services available from only one vendor.

(c) Contracts for labor, material, supplies or services aggregating less than two Thousand Five Hundred Dollars (\$2500.00) for the item in the fiscal year supplied.

(d) Contracts relating to the acquisition or use of real property.

(e) Contracts for insurance and professional or unique services. However, no such contracts shall be let except after publication of notice and requesting proposals for same.

(f) Contracts for emergency repair of public works of the Municipality.

(g) Contracts with other governmental entities, authorities, agencies, or political subdivisions.

**§ 15.13-1304. Purchase Orders.**

All purchase orders of the Municipality involving sums in excess of Five Hundred Dollars (\$500.00) shall be executed by the Manager. All other purchase orders shall be entered into in accordance with procedures established by the Manager.



**§ 15.13-1305. Real Property Appraisals.**

Real property shall not be purchased until appraisals from two (2) certified real estate appraisers have been received.

**§ 15.13-1306. Maximum Term of Certain Contracts.**

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

**§ 15.13-1307. Unenforceable Contracts.**

No Contract shall be enforceable against the Municipality unless the person who signs on behalf of the Municipality has expressed authority in writing by the Council.

**ARTICLE XIV. THE FIRE BUREAU**

Sec.

15.14-1401. Fire Marshal.

**§ 15.14-1401. Fire Marshal.**

The Municipality may, by ordinance, provide for the creation of the office of Fire Marshal, who shall be appointed by the Manager with the approval and Consent of Council. The powers and responsibilities of the Fire Marshal shall be in accordance with the provisions and procedure of Sections 2104 and 2105 of the Third Class City Code.

**ARTICLE XV. POLICE**

Sec.

15.15-1501. Appointment, Promotion and Reduction of Force.

15.15-1502. Authority.

15.15-1503. Administrative Head, Appointment, Qualifications and Tenure.

15.15-1504. Special Police.

15.15-1505. Auxiliary Police.

**§ 15.15-1501. Appointment, Promotion and Reduction of Force.**

Every position for permanent employment on the Police force except that of Police Administrator shall be filled by the Manager from the list of eligibles in accordance with the provisions and procedures of this Charter and the civil service provisions of the Municipality established before and after the effective date of the Charter.

Wherever Section 4406 of the Third Class City Code confer powers or duties upon Council, such powers shall be exercised by and such duties performed by the Manager.

**§ 15.15-1502. Authority.**

Police employed by the Municipality shall be ex-officio Constables of the Commonwealth and shall have all the powers and prerogatives conferred on Police Officers by Acts of General Assembly, including those applicable to Cities, Boroughs and Townships of the Commonwealth.

Police, when acting as Constables, shall have the authority to serve and execute all criminal process for the violation of municipal ordinances which may be issued, and the fees and costs collected in such capacity shall be paid into the Municipal Treasury.

**§ 15.15-1503. Administrative Head, Appointment, Qualifications and Tenure.**

The administrative head of the police force shall be appointed by the Manager with the advice and consent of Council.

The person appointed shall have administrative experience and a background of employment in the field of law enforcement and public safety.

The Police Administrator shall be appointed for an indefinite period and can be removed from office by a majority vote of Council.

The Police Administrator shall not participate in the conduct of any political or election campaign other than to exercise his own right of suffrage.

**§ 15.15-1504. Special Police.**

The Mayor may appoint special police with full police powers and jurisdiction for the duration of an emergency in which the safety and welfare of the Municipality and the public is endangered.

**§ 15.15-1505. Auxiliary Police.**

Auxiliary Police may be appointed by the Mayor as provided by general law.

**ARTICLE XVI. PERSONNEL**

Sec.

15.16-1601. General.

15.16-1602. Principles and Objectives Governing the Personnel System; Duty of the Manager.

15.16-1603. Implementation of Personnel Policies, Rules and Regulations.

15.16-1604. Compatibility with Legislative Enactments.

15.16-1605. Political Activity Restrictions.

15.16-1606. Non-Municipality Employment.

15.16-1607. Causes for Suspension, Removal, Demotion or Reduction in Rank.

15.16-1608. The Career Service.

**Cross References**

This article cited in 302 Pa. Code § 15.24-2409 (relating to rights and privileges of employees).

**§ 15.16-1601. General.**

It is the intent of this Charter that the personnel system of the Municipality be built upon the best experience in the field of personnel management. The personnel system should recognize that employees are worthy and responsible enough to have their concerns fully heard and taken into account and should be such as to encourage employees to identify positively with the purposes of the organization and be motivated to give their best efforts in support of those purposes. The policies governing this system will seek to accommodate the views, interests and rights of the community as well as the municipal officers and employees.

**§ 15.16-1602. Principles and Objectives Governing the Personnel System; Duty of the Manager.**

The Manager shall develop policies, procedures and regulations for the personnel system of the Municipality, which shall include but not be limited to the following principles and objectives:

- (a) Providing equal opportunity for employment and for advancement of employees without regard to political affiliation, race, color, national origin, sex or religious creed and complying fully with all applicable state and federal regulations in this area.
- (b) Recruiting and selecting employees on the basis of their respective abilities, knowledge and skills, through open and competitive means.
- (c) Promoting employees on the basis of demonstrated performance and potential for greater responsibility.
- (d) Providing fair and competitive compensation and benefits for all employees, which shall be set forth in the form of a pay and benefit plan covering all positions in the Career Service.
- (e) Training and developing employees to assure continuing high quality performance.
- (f) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
- (g) Providing opportunity for employee growth and advancement through competent and capable leadership.
- (h) Assuring that employees are protected against coercion for partisan political purposes and, in return, that employees are restricted in their political activity as set forth in this Article.
- (i) A classification and position description system.
- (j) Rules and regulations governing reduction in manpower, discipline, discharges, resignations, leaves of absence, and off-hour employment of municipal employees by other agencies.

(k) Rules and regulations governing the resolution of claims of unfair or unjust treatment other than those resulting from suspension, dismissal, demotion, or reduction in rank.

**§ 15.16-1603. Implementation of Personnel Policies, Rules and Regulations.**

Personnel policies, rules and regulations, and any amendments thereto, along with the establishment of other practices and procedures necessary to the administration of the municipal personnel system, when developed by the Manager, shall be submitted to Council which shall adopt them with, or without, amendment. Prior to such adoption, the Council shall provide Municipal employees with the opportunity to review and comment upon such proposed policies, rules or regulations. The Council may delegate to the Manager the responsibility for establishing procedures for such review and comment.

**§ 15.16-1604. Compatibility with Legislative Enactments.**

No personnel procedures or policies established under the provisions of this Charter shall be in conflict with Acts of the General Assembly providing for collective bargaining and arbitration.

**§ 15.16-1605. Political Activity Restrictions.**

(a) No municipal employee shall be an officer of a political party, or be an elected committee person, or hold political office during employment.

(b) No employee or official shall solicit any assessments, contributions, or services, for any political party or candidate from any municipal employee.

(c) Nothing herein contained shall affect the right of the employee to hold membership in and support a political party, to vote, to express publicly or privately opinions on all political subjects and candidates, to maintain political neutrality and to actively participate in political meetings. Any such activity shall be conducted as private citizens and during non-working hours.

**§ 15.16-1606. Non-Municipality Employment.**

(a) All Career Service employees and all heads of administrative units shall disclose in writing to the Manager any non-Municipality employment.

(b) Non-Municipality employment of the Manager or of heads of administrative units shall require approval of Council given at a public meeting.

(c) Falsification of, or failure to submit, the disclosure report shall be grounds for disciplinary action.

**§ 15.16-1607. Causes for Suspension, Removal, Demotion or Reduction in Rank.**

(a) Except as otherwise provided in this Charter, no person in the Municipal Career Service shall be suspended, removed, demoted or reduced in rank, except for the following reasons:

- (1) Physical or mental disability affecting the ability of an employee to continue in the performance of the duties of the position.
- (2) Neglect or violation of any official duty or assignment.
- (3) Conviction of a misdemeanor or felony.
- (4) Inefficiency, neglect, intemperance, immorality, insubordination, willful disobedience of orders, or conduct unbecoming an employee.
- (5) Intoxication while on duty.
- (6) Engaging in political activity prohibited under this Article.

(b) Any employee in the Career service who is suspended, removed, demoted or reduced in rank for any of the above causes shall be informed by written notice specifying the charges within five (5) days. Any such employee shall have the right to appeal to the Personnel Board within ten (10) days. This sub-section shall not apply to any employees having grievance procedures in collective bargaining contracts.

(c) If, for reasons of economy, or other reasons, it shall be deemed necessary by the municipal government to reduce the number or rank of paid employees, such reductions shall not be subject to the provisions of this section, but shall be accomplished in accordance with rules and regulations promulgated by the Manager and approved by Council.

**Cross References**

This section cited in 302 Pa. Code § 15.17-1709 (relating to Rules and Procedures Governing Appeals to the Personnel Board).

**§ 15.16-1608. The Career Service.**

The Career Service shall be a permanent service to which the provisions of this Article shall apply and shall comprise all positions in the municipal service now existing or hereafter established, except the following:

- (a) Members of Council and other elected positions.
- (b) Members of Boards, Commissions, Authorities and heads of administrative units.
- (c) Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of Council or the Manager.
- (d) Persons employed as professional consultants or who are employed on a retainer basis.
- (e) Persons whose positions are defined by Act of the General Assembly to be of a confidential nature.
- (f) Part-time or occasional employees.

**ARTICLE XVII. THE PERSONNEL BOARD**

Sec.

- 15.17-1701. Jurisdiction.
- 15.17-1702. Composition.
- 15.17-1703. Terms: Limitation on Terms.
- 15.17-1704. Offices Incompatible with Membership on the Personnel Board.
- 15.17-1705. Organization of the Board: Quorum.
- 15.17-1706. Clerical Assistance, Legal Counsel, Supplies.
- 15.17-1707. Minutes and Records.
- 15.17-1708. Powers and Duties of the Board.
- 15.17-1709. Rules and Procedures Governing Appeals to the Personnel Board.
- 15.17-1710. Decision.

**Cross References**

This article cited in 302 Pa. Code § 15.24-2409 (relating to rights and privileges of employees).

**§ 15.17-1701. Jurisdiction.**

The Personnel Board shall have jurisdiction in all cases involving Career Service employees who have been suspended, removed, reduced in rank, or demoted except Career Service employees represented by bargaining units which have executed contracts with the Municipality which provide for grievance procedures dealing with suspension, removal, reduction in rank or demotion. Where such grievance procedures exist, it is the intent of this Charter to exclude appeal to the Personnel Board.

**§ 15.17-1702. Composition.**

Council, shall, within ninety (90) days after the first organizational meeting, appoint from the registered electors of the Municipality a Personnel Board composed of five (5) members.

**§ 15.17-1703. Terms: Limitation on Terms.**

In making appointments to the first Board under the provisions of this Charter, Council shall designate two (2) members to serve for a term of three (3) years, two (2) for a term of two (2) years, and one (1) for a term of one (1) year. Thereafter, all appointments shall be made for terms of three (3) years. Members of the Personnel Board may be removed with or without cause.

No individual shall be eligible to serve on the Personnel Board for more than two (2) full three year terms. After the expiration of two (2) years, such individual shall be eligible for another appointment to the Board.

Any vacancy occurring on the Personnel Board for any reason whatsoever, shall be filled by Council for the unexpired term, within the period of thirty (30) days after such vacancy occurs.

**§ 15.17-1704. Offices Incompatible with Membership on the Personnel Board.**

No member of the Personnel Board shall, at the same time, be a municipal employee or hold an elective or appointive office under the United States Government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth. No member of the Board shall be a member of any local, county, state, or national committee of a political party. Nor shall any member of the Personnel Board be an officer or employee of any bargaining agency representing employees of the Municipality.

The first sentence of this section shall not be construed to apply to members of the teaching profession or to employees of any school district.

**§ 15.17-1705. Organization of the Board: Quorum.**

The Personnel Board first appointed shall organize within ten (10) days of its appointment and shall elect one (1) of its members as Chairman and one (1) as Secretary. The Board shall thereafter meet and organize on the first Monday of January of each even-numbered year. The Secretary of the Board shall give each member twenty-four (24) hours notice of every meeting of the Board. Three (3) members of the Board shall constitute a quorum and no action of the Board shall be valid unless it shall have the concurrence of at least a majority of the members present.

**§ 15.17-1706. Clerical Assistance, Legal Counsel, Supplies.**

The Municipality shall furnish to the Board, on its requisition, such clerical assistance and supplies as may be necessary for the work of the Board. The Municipality shall provide a suitable and convenient room for the use of the Board. The Manager and Council shall provide special legal counsel upon request of the Board in complex cases.

**§ 15.17-1707. Minutes and Records.**

The Board shall keep minutes of the proceedings and records of other official actions. Such records shall be kept and preserved in accordance with general law. A stenographic record of all testimony taken at Board hearings shall be filed with, and preserved by, the Board, which record shall be sealed and, in the event the charges are dismissed, not be available for public inspection.

**§ 15.17-1708. Powers and Duties of the Board.**

It shall be the function and duty of the Personnel Board to grant a hearing to an employee who has been suspended, removed, reduced in rank, or demoted upon the request of such employee. The Board shall hear and render a decision on every appeal properly brought before it. All parties shall have the right of fur-

ther appeal as provided in the "Local Agency Law" Act of 1968, December 2, P. L. 1133, as now or hereafter amended, supplemented, re-enacted or supplied.

**§ 15.17-1709. Rules and Procedures Governing Appeals to the Personnel Board.**

The first Personnel Board established under this Charter shall, within ninety (90) days of its organization, set forth in writing the rules and procedures which shall govern appeals as permitted herein. Such rules and procedures shall comply with § 15.16-1607(b) and shall otherwise comply with the provisions of the "Local Agency Law."

The rules of the Board shall further provide that no order of suspension made by the Board shall be for a period longer than one (1) year, and that the Board may sustain the charges or reduce the length of suspension or dismiss the charges.

All hearings of appeal involving Career Service employees shall be closed to the public unless otherwise requested by the employee taking the appeal.

The rules and procedures established by the Board, and any revisions or amendments thereto, shall, before adoption by the Board, be approved by Council, after review by Council and the Manager.

The personnel procedures or policies established under the provisions of this Charter shall not be in conflict with Acts of the General Assembly providing for collective bargaining and arbitration.

**§ 15.17-1710. Decision.**

The Board shall render its decision within thirty (30) days of the receipt of the transcript.

In the event the appellant is cleared of all charges, then the appellant shall be reinstated to the position with full pay for the period during which the appellant was suspended, removed, reduced in rank or demoted.

Upon such acquittal and after the expiration of all time for appeal, all references to the charge, hearing and decision shall be maintained as confidential records of the Municipality.

**ARTICLE XVIII. CITY CONTROLLER**

Sec.

15.18-1801. Elimination of Office of Elected City Controller.

**§ 15.18-1801. Elimination of Office of Elected City Controller.**

Under the provisions of this Charter, the powers, duties and responsibilities of the City Controller will be performed by the Municipal Manager and/or the Auditor appointed under this Charter. The City Council, shall by ordinance, eliminate the office of the elected City Controller. This ordinance shall be adopted at least seven (7) days prior to the first day for circulating petitions for



nomination at the Primary election involving the office of City Controller and shall be made effective at the expiration of the term of the incumbent City Controller.

#### ARTICLE XIX. SUCCESSION

Sec.

15.19-1901. Rights and Liabilities of the Municipality.

15.19-1902. Authority of Existing Elected Officers.

##### § 15.19-1901. Rights and Liabilities of the Municipality.

The Municipality 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.

##### § 15.19-1902. Authority of Existing Elected Officers.

The Mayor, Members of Council, City Treasurer and the City Controller in office at the time this Charter becomes effective, shall remain in office for the full terms for which they were originally elected, and shall perform the duties and exercise the powers set forth in this Charter, unless they resign or leave office.

#### ARTICLE XX. BOARDS, COMMISSIONS AND AUTHORITIES

Sec.

15.20-2001. Authorization and Appointment of Members.

15.20-2002. Qualifications of Members and Term Restrictions.

15.20-2003. Terms.

15.20-2004. Vacancy.

15.20-2005. Citizen Participation.

15.20-2006. Planning Commission.

15.20-2007. Zoning Hearing Board.

15.20-2008. Library Board.

15.20-2009. Recreation and Parks Advisory Board.

15.20-2010. Human Needs and Resources Advisory Board.

##### § 15.20-2001. Authorization and Appointment of Members.

In addition to the Boards and Commissions established by this Charter, the Council may from time to time establish, by ordinance, various other Boards and Commissions to act in advisory capacity or to perform special functions. The members thereof shall be appointed by the Council unless otherwise specified in this Charter. Individual members of Council and the Mayor may make nominations for appointments to Boards, Commissions and Authorities.

**Notes of Decisions***Preemption*

Section 5 of the Urban Development Law vests with the mayor the authority to appoint members to the redevelopment authority, thereby effectively preempting that section of the home rule charter that attempted to provide city council with that power. *Serapiglia v. Clairton City*, 809 A.2d 1079 (Pa. Cmwlth. 2002).

**§ 15.20-2002. Qualifications of Members and Term Restrictions.**

(a) All persons appointed to any Board, Commission or Authority shall be residents of the Municipality and remain such during their term of office.

(b) Persons appointed to serve on Boards, Commissions and Authorities after the effective date of this Charter shall not serve more than two (2) consecutive terms. Filling an unexpired term shall not be considered in calculating terms for this purpose.

(c) No elected official shall serve on any Board, Commission or Authority except in an ex-officio non-voting capacity.

(d) No person shall serve concurrently on more than one municipal Board, Commission or Authority except in an ex-officio capacity or as otherwise provided in this Charter.

**§ 15.20-2003. Terms.**

Except as otherwise provided in this Charter, or general law, the term of office for members of all Boards, Commissions and Authorities shall not exceed four (4) years.

**§ 15.20-2004. Vacancy.**

(a) A vacancy on any Board, Commission or Authority shall be the subject of publication in a newspaper of general circulation in the Municipality at least twenty-five (25) days prior to nomination for the filling of the vacancy.

(b) Nominations shall be made at a business meeting. At the time of nomination, each nominating official shall publicly present to Council a resume of the nominee's qualifications, which shall include a summary of nominee's civic interests and contributions and special qualifications for the proposed appointment. Nominations shall be acted on at the next business meeting but not sooner than twenty-five (25) days after the date of nomination.

**§ 15.20-2005. Citizen Participation.**

Any resident of the Municipality may submit their name or the name of one (1) or more other residents of the Municipality to the Manager for consideration by the Mayor and Council as a nominee to any one (1) or more of the Boards, Commissions or Authorities of the Municipality.

**§ 15.20-2006. Planning Commission.**

The Planning Commission shall consist of five (5) residents of the Municipality. Their terms shall be four (4) years and shall be so fixed that the term of office of two (2) members shall expire once every four (4) years and one (1) member's term shall expire each of the other three (3) years. Members of the Commission shall hold no other elective office of the Municipality. The Commission may make and alter rules and regulations for its own organization and procedure, con-



sistent with the ordinances of the Municipality and the Pennsylvania Municipalities Planning Code, Act 247 of 1968.

The Manager shall appoint an administrative head from the administrative unit responsible for Planning as an ex-officio member of the Commission.

**§ 15.20-2007. Zoning Hearing Board.**

The Zoning Hearing Board shall consist of three (3) residents of the Municipality. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Board shall hold no other elective office of the Municipality.

The Board shall conduct hearings and make decisions in accordance with The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as now or hereafter amended, re-enacted or supplied.

**§ 15.20-2008. Library Board.**

This Board shall be composed of seven (7) members with three (3) year terms. The terms shall be so fixed that the term of office of three (3) members shall expire once every three (3) years and two (2) members shall expire each of the other two (2) years.

The Council shall appoint one (1) of its members to serve on the Board. The Council member's term shall be terminated should the person appointed cease to be a Member of Council.

The Library Board shall:

- (a) Be responsible for the operation of the Municipal Library in accordance with the ordinances of the Municipality and general law.
- (b) Report quarterly to Council at a public meeting regarding the budget and activities of the Library.

**§ 15.20-2009. Recreation and Parks Advisory Board.**

The Recreation and Parks Advisory Board shall consist of nine (9) members qualified as follows: One (1) member residing in each of the four (4) Wards; one (1) member of the Municipal Council; one (1) member of the Board of School Directors; three (3) members who are public or private high school students appointed by the (6) members aforesaid. Those members appointed from the Municipal Council and Board of School Directors, and the high school students, shall have their term as members of the Board terminate should they for any reason cease to be members of the bodies they represent. The Manager shall appoint an administrator involved in recreation and parks as an ex-officio member of the Board.

The Recreation and Parks Advisory Board shall:

- (a) Advise Municipal Council in all matters relating to recreation and parks, and all other activities appropriately identified by Council.

- (b) Prepare with the administrative appointee of the Manager, and submit to Council, the proposed budget for recreations and parks.
- (c) Report quarterly to Council as a whole at a public meeting, regarding the budget and activities of recreation and parks.
- (d) Advise the administrative appointee of the Manager for recreation and parks with regard to the recreation programs and the allotment of funds for such programs.
- (e) Make policy recommendations directly to the Municipal Council concerning capital expenditures, staff and programming related to the recreational requirements of the community.

**§ 15.20-2010. Human Needs and Resources Advisory Board.**

This Board shall be composed of seven (7) members with three (3) year terms. The terms shall be so fixed that the term of office of three (3) members shall expire once every three (3) years and two (2) members shall expire each of the other two (2) years. The Manager shall appoint an administrator involved in human services as an ex-officio member of the Board.

The Board shall:

- (a) Collect and assess data on social problems and needs of the Municipality.
- (b) Investigate sources of funding appropriate for assisting in the solution of social problems.
- (c) Utilize resources now existing, including increased cooperation among community groups.
- (d) Report quarterly to Council as a whole at a public meeting regarding community needs and resources.
- (e) Advise the administrative appointee of the Manager for human services with regard to community needs and the allotment of funds for such programs.

**ARTICLE XXI. TAXATION**

Sec.

15.21-2101. Sources.

15.21-2102. Limitations.

**§ 15.21-2101. Sources.**

Home Rule Law prohibits any public taxing agency of a Home Rule Municipality to create new subjects of taxation. The power and authority to enact and enforce local tax ordinances upon any subject of taxation are those granted by the General Assembly to “Third Class Cities” and “Second, Third and Fourth Class School Districts.”

The substantive debt limits are those contained in “The Local Government Unit Debt Act” as established for Home Rule Municipalities.

The authorization to grant Municipalities the power to tax, provisions for collection and providing for appeal, are established by the General Assembly in the Local Tax Enabling Act, the Act of December 31, 1965 P. L. 1257, No. 511 and all amendments through January 1, 1986.

**§ 15.21-2102. Limitations.**

The rate limitation shall be maintained at the rate limit in effect as of that date sixty (60) days prior to the Primary Election of 1988. These limits shall include additional millage that was imposed with Court approval.

Any elective officer of any public agency responsible for compliance with the provisions of this Article and fails in the performance of his duty, shall be subject to Article XXVI of this Charter.

**ARTICLE XXII. SCHEDULE**

Sec.

- 15.22-2201. Election to Adopt Charter.
- 15.22-2202. First Election.
- 15.22-2203. Time of Taking Full Effect.
- 15.22-2204. First Meeting of Council.
- 15.22-2205. Appropriations.
- 15.22-2206. Review of Ordinances.
- 15.22-2207. Administrative Code.

**§ 15.22-2201. Election to Adopt Charter.**

This Charter shall be submitted to a vote of the electors of the City of Clairton at the Primary Election to be held April 26, 1988.

**§ 15.22-2202. First Election.**

The first elections required to effect the provisions of this Charter shall be conducted by the election officials of the City of Clairton and the County of Allegheny, in accordance with the Pennsylvania Election Code in the year 1989.

**§ 15.22-2203. Time of Taking Full Effect.**

This Charter shall be in full effect for all purposes on and after the first Monday in January 1990.

**§ 15.22-2204. First Meeting of Council.**

The first meeting of Council shall be held in accordance with Section 308 of this Charter.

**§ 15.22-2205. Appropriations.**

All appropriations made in the budget for the year 1990 shall be made to the then existing offices, departments, Boards and Commissions of the Municipality

or their successors under this Charter. Provisions shall also be made in the budget ordinance for the year 1990 for any offices, departments, Boards or Commissions created by this Charter to exercise new functions.

**§ 15.22-2206. Review of Ordinances.**

Council shall, as promptly as possible after its organization, conduct a review of existing ordinances and adopt any new ordinances or amendment to existing ordinances which may be necessary to implement the provisions of this Charter.

**§ 15.22-2207. Administrative Code.**

Council shall within one (1) year after the effective date of this Charter adopt an ordinance to be known as the Administrative Code. The Code shall define the administrative functions or services to be performed, and the organizational structure to perform them in conformity with this Charter and existing applicable law.

**ARTICLE XXIII. INITIATIVE AND REFERENDUM**

Sec.

- 15.23-2301. General.
- 15.23-2302. Petitioners' Committee.
- 15.23-2303. Petitions.
- 15.23-2304. Certification of Petitions.
- 15.23-2305. Council Review.
- 15.23-2306. Suspension of Ordinance's Effect.
- 15.23-2307. Action by Council.
- 15.23-2308. Results of Election.

**§ 15.23-2301. General.**

A. *Initiative.* The qualified electors of the Municipality shall have the power to propose ordinances to Council by an initiative petition in accordance with the procedure set forth herein.

B. *Referendum.* The qualified electors of the Municipality shall have the power to require Council to reconsider an adopted ordinance or part thereof in accordance with the procedure set forth herein.

**§ 15.23-2302. Petitioners' Committee.**

Any five (5) qualified electors of the Municipality may begin initiative or referendum proceedings by filing with the Municipal Manager an affidavit stating that they will constitute the petitioners' committee, stating their names and addresses and the address to which all notices to the committee are to be sent. The affidavit shall also include the full text of the ordinance or cite the ordinance sought to be reconsidered. The petitioners' committee shall be responsible for circulating the petition and filing it in proper form within forty-five (45) days



after filing the committee's affidavit. The Municipal Manager shall have issued the appropriate petition blanks if so requested by the petitioners' committee.

**§ 15.23-2303. Petitions.**

Petitions shall be signed by ten percent (10%) of the registered electors of the Municipality at large or five percent (5%) of the registered electors from each Ward of the Municipality. Figures shall be certified from the most recent general or Municipal election.

All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature must be followed by the address of the person signing, and the date of signing. The full text of the ordinance, or part thereof, proposed or sought to be reconsidered must contain within or attached to each paper of the petition.

Petitions shall be verified by an oath or affirmation of one (1) or more signers thereof, taken and subscribed before a person qualified under the laws of Pennsylvania to administer an oath, to the effect that the petition was signed by each of the signers thereof in their proper handwriting, that the signers are to the best knowledge and belief of the affiant, registered electors of the Municipality, and that the petition is prepared and filed in good faith for the sole purpose of requiring action of the Council as stated in the petition.

**§ 15.23-2304. Certification of Petitions.**

Within ten (10) days after the petition is filed the Municipal Manager shall certify its sufficiency, and notify the petitioners committee by registered mail. If a petition is declared insufficient, the petitioners committee may file a supplemental petition, within ten (10) days. The supplemental petition must comply with all the requirements of § 15.23-2403. The original and supplemental petition shall be treated as one (1) and notification of sufficiency sent to the petitioners committee in the same manner as previously set forth in this section.

**§ 15.23-2305. Council Review.**

If the petitioners' committee is dissatisfied with the certification of the Municipal Manager, it may, within ten (10) days of the receipt of the certification, file a written request to Council to review the certification at its next regular meeting after filing of the request, and approve or disapprove it. A final determination as to the insufficiency of a petition shall be subject to court review.

**§ 15.23-2306. Suspension of Ordinance's Effect.**

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

- A. There is a final determination of the insufficiency of the petition; or
- B. The petitioners' committee withdraws the petition; or
- C. Council repeals the ordinance; or
- D. After a vote of the Municipality to repeal the ordinance has failed and upon certification of the election results.

**§ 15.23-2307. Action by Council.**

A. *Action by Council.* When an initiative or referendum petition has finally been determined sufficient, Council shall consider promptly the proposed initiative ordinance in the same manner as other ordinances or reconsider the ordinance cited in the referendum petition by voting its repeal. If Council fails to adopt the proposed initiative ordinance without change in substance within sixty (60) days or fails to repeal the ordinance cited in the referendum petition within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or cited ordinance to the electors of the Municipality.

B. *Submission to Electors.* The vote of the electors on a proposed or cited ordinance shall be held at the earliest available election but not sooner than thirty (30) days from the date of the final Council action, in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania. The proposed or cited ordinance shall be available to the public for viewing at the municipal offices at least ten (10) days before the scheduled election.

C. *Withdrawal of Petition.* An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote in the Municipality on the petition. No petition shall be withdrawn except by written request signed by four (4) members of the petitioners' committee. Upon filing of a withdrawal request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**§ 15.23-2308. Results of Election.**

A. *Initiative.* If a majority of the qualified electors voting on the question vote in favor of the proposed initiative ordinance, the ordinance shall be considered adopted upon certification of the election results by the Election Bureau and shall be treated in all respects 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 greater number of affirmative votes shall prevail.

B. *Referendum.* If a majority of the qualified electors voting on the question vote in favor of repeal of the ordinance cited in the referendum petition, the ordinance shall be considered repealed upon certification of the election results by the Election Bureau.

**ARTICLE XXIV. GENERAL**

Sec.

- 15.24-2401. Qualifications of Elected Officials.
- 15.24-2402. Prohibitions.
- 15.24-2403. Vacancies.
- 15.24-2404. Filling of Vacancies.
- 15.24-2405. Oath of Office.
- 15.24-2406. Conflict of Interest.
- 15.24-2407. Duty to Reveal Conflict.
- 15.24-2408. Violation.
- 15.24-2409. Rights and Privileges of Employees.
- 15.24-2410. Amendment of Charter.
- 15.24-2411. Severability.

**§ 15.24-2401. Qualifications of Elected Officials.**

Elected officials shall be citizens of the United States and registered electors of the Municipality throughout the officials' term. Members of Council shall be residents of the Wards from which they are elected throughout the Member's term.

No incumbent Member of Council shall be made ineligible to hold office by reason of redistricting during a term of office, but shall continue to represent the Ward from which originally elected for the remainder of the term for which elected.

Any person otherwise eligible to hold the office of Member of Council shall not be made ineligible by reason of redistricting but during the term following redistricting such person may represent the Ward in which originally eligible.

No person shall be eligible to seek office in more than one Ward at any time.

**§ 15.24-2402. Prohibitions.**

No elected Municipal official shall hold any other elective governmental or political office or municipal employment while serving as an elected official. Nor shall any former elected Municipal official be employed or appointed by the Municipality in any compensated capacity until two (2) years after the expiration of the term for which such official was elected, except when such official held an office eliminated by ordinance.

Elected delegates to National Political Conventions shall not be considered elected officers in this section.

Elected officials shall not at any time authorize, approve or ratify any payment or expenditure made in excess of any budget appropriation. Nothing contained herein shall be construed to prevent Council, during any fiscal year, from adopting, by ordinance, new appropriations, supplementary appropriations and transfers from one appropriation to another.

**§ 15.24-2403. Vacancies.**

The office of an elected official shall become vacant upon death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. An elected official shall forfeit office if the official:

- (a) Lacks at any time during term of office any qualification for the office prescribed by this Charter or by law, or
- (b) Violates any express prohibition of this Charter, or
- (c) Is convicted of a felony or a crime involving moral turpitude or misbehavior in office, or
- (d) Being a Member of Council or the Mayor, is absent from at least three (3) consecutive business meetings of the Council, unless excused by Council. In the case of failure of attendance, the Council shall declare such office vacant at least ten (10) days before the same shall be filled by appointment.
- (e) Is found to have committed an act or acts which constitute malfeasance in office, misfeasance in office, or violation of the oath of office. For purpose of this Section:

- (1) "Malfeasance in Office" means an unlawful act committed willfully by any elective public officer;
- (2) "Misfeasance in Office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer;
- (3) "Violation of the Oath of Office" means the neglect or failure by an elective public officer to perform a duty imposed by law.

**Notes of Decisions***Standing*

Even though the appellants were contesting the capacity of the council member, a convicted felon, to serve on the city council, the appellants did not have standing to contest the seat through either a quo warranto action or an action in equity. *In re: Matter of One Hundred or More Qualified Electors of the Municipality of Clairton*, 683 A.2d 283 (Pa. 1996).

**Cross References**

This section cited in 302 Pa. Code § 15.23-2304 (relating to certification of petitions); and 302 Pa. Code § 15.24-2404 (relating to filling of vacancies).

**§ 15.24-2404. Filling of Vacancies.**

- (a) If a vacancy shall occur in any elective office in the Municipality for any reason set forth in this Charter, the remaining members of the Council shall fill such vacancy by appointing a person eligible under the Charter to hold such office until a successor is elected at the next Municipal election. Such successor will serve the remainder of the unexpired term. If the Council shall fail to fill

such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas of Allegheny County shall, upon petition of the Council or of any five (5) electors of that ward of the Municipality whose Council seat is vacant, fill the vacancy in such office by the appointment of an eligible resident of the Municipality for the unexpired term of office.

(b) Whenever three (3) or more vacancies exist in Council, upon a petition of the remaining member of Council or of any five (5) electors of the Municipality being filed with the Court, such vacancies shall be filled by the Court of Common Pleas of Allegheny County in the following manner:

(1) The Court shall appoint eligible residents of the Municipality to serve temporarily in such vacant positions until a successor is selected at a special or Municipal election.

(2) The Court shall order a special election to be held to fill such vacancies for the unexpired terms of office, except that this Court shall order the vacancies filled at the next Municipal election if a special election cannot be held more than three (3) months prior to the next Municipal election.

(c) The Council shall be the judge of the election and eligibility of its members.

(d) Except for alleged forfeitures of office under this Article, that is § 15.24-2403(a) and (e), the Council shall be the judge of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office on grounds of subsections (b), (c) and (d) of § 15.24-2403, shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the Municipality at least one (1) week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Court of Common Pleas of Allegheny County.

(e) The Court of Common Pleas of Allegheny County shall have jurisdiction and be the judge of the grounds for forfeiture of office where a complaint in writing by at least one hundred (100) registered electors of the Municipality is filed with the Court alleging forfeiture of office under sub-sections (a) or (e) of § 15.24-2403 of Article XXIV of this Charter. The Court shall issue upon such officer or officers named an order to show cause why their office or offices should not be declared vacant and another appointed in their stead.

#### **§ 15.24-2405. Oath of Office.**

All elected and appointed officials, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before the Mayor of the Municipality or before a person authorized to administer oaths, and no person shall be permitted to assume such office until the oath, in written form, is filed with the Municipality.

**§ 15.24-2406. Conflict of Interest.**

No elected or appointed municipal officer or employee shall influence or attempt to influence, the making of or supervise in any manner or deal with any contract or municipal matter in which said person has an adverse or special interest.

**§ 15.24-2407. Duty to Reveal Conflict.**

Any elected or appointed municipal officer who knows or in the exercise of reasonable diligence could know that, that officer is interested financially, directly or indirectly, in any municipal contract, or has an adverse or special interest in any municipal matter, shall notify Council thereof; any such contract or municipal matter shall not be acted upon or approved by Council except by an affirmative vote of at least three (3) of the members thereof. When the interested officer is a member of Council, such officer shall refrain from voting on said contract or municipal matter.

The provisions of this section shall not apply to cases where such officer is an employee of the person, firm or corporation involved in a municipal contract or municipal matter, in a capacity with no possible influence on the transaction and in which such person cannot possibly be benefited thereby, either financially or in any other material matter.

**§ 15.24-2408. Violation.**

Any elected or appointed Municipal officials who shall knowingly violate the foregoing conflict sections shall forfeit their offices and any employee doing so shall be dismissed.

**§ 15.24-2409. Rights and Privileges of Employees.**

The Charter shall not give any power or authority to diminish any rights or privileges of any present or former municipal employee entitled to benefits in any pension or retirement system.

An employee holding a municipal position at the time this Charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system established pursuant to Articles XVI and XVII.

**§ 15.24-2410. Amendment of Charter.**

This Charter may be amended in accordance with the Home Rule Charter and Optional Plans Law, as now or hereafter amended, re-enacted or supplied.

**§ 15.24-2411. Severability.**

It is the intention of the electors of the Municipality, 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.

If any part or parts of this Charter require the judgement or approval of any Court of Competent Jurisdiction and are held valid, such part or parts shall remain part of the approved Charter.

**ARTICLE XXV. TRANSITION**

Sec.

- 15.25-2501. Statutes and Ordinances Superseded.
- 15.25-2502. Continuation of Existing Statutes and Ordinances.
- 15.25-2503. Pending Actions and Proceedings.
- 15.25-2504. Continuation of Contracts, Public Improvements and Taxes.
- 15.25-2505. Existing Authorities.
- 15.25-2506. Continuation of Boards and Commissions.
- 15.25-2507. Existing Civil Service Commission.

**§ 15.25-2501. Statutes and Ordinances Superseded.**

Subject to pertinent enabling legislation authorizing a Home Rule Charter, this Charter shall supersede all statutes or parts of statutes local, special, or general, and all ordinances of the City of Clairton affecting the organization, government and powers of the Municipality to the extent that they are inconsistent or in conflict with this Charter.

**§ 15.25-2502. Continuation of Existing Statutes and Ordinances.**

All statutes, ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded or expired by their own terms.

**§ 15.25-2503. Pending Actions and Proceedings.**

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the Municipality or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

**§ 15.25-2504. Continuance of Contracts, Public Improvements and Taxes.**

All contracts entered into by the Municipality, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at

the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the Municipality which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

**§ 15.25-2505. Existing Authorities.**

The Municipality's membership and participation in any Municipal Authority at the time this Charter is adopted shall continue and the persons representing the Municipality on the board of any such Authority shall continue in office until the normal expiration of their terms or until their successors are appointed.

**§ 15.25-2506. Continuation of Boards and Commissions.**

If a municipal department, office, agency, Board, Commission or other entity is abolished by this Charter, the powers and duties given it by law shall be transferred to the municipal department office, agency, Board, Commission or other entity designated in this Charter or, if the Charter makes no provision, designated by Council.

Except as otherwise provided in the Charter, all Boards and Commissions in existence at the time of the adoption of this Charter shall continue and the persons representing the Municipality on any such Board or Commission shall continue in office until the normal expiration of their terms or until their successors are appointed. Thereafter, persons appointed shall serve terms as designated by ordinance adopted pursuant to this Charter.

**§ 15.25-2507. Existing Civil Service Commission.**

The Civil Service Commission of the City of Clairton, existing as of the effective date of the Charter shall continue in office for the purpose of disposing of appeals.

No new appeals shall be entered with said Commission after the first organizational meeting of the Personnel Board.

Upon rendering its decision in its final case, the Civil Service Commission shall be dissolved.

**ARTICLE XXVI. RECALL**

Sec.

15.26-2601. Officers—Subject to Recall.

15.26-2602. Reasonable Cause.

15.26-2603. Initiating the Recall.

15.26-2604. Charges—Sufficiency of Grounds.

15.26-2605. Ballot Synopsis.

15.26-2606. Enforcement Provisions—Jurisdiction—Appeals.



- 15.26-2607. Preparation of Recall Petition.
- 15.26-2608. Number of Signatures Required.
- 15.26-2609. Notice to Incumbent and Petitioner's Representative.
- 15.26-2610. Recall Elections.
- 15.26-2611. Disqualification.
- 15.26-2612. Limitations.

#### Cross References

This article cited in 302 Pa. Code § 15.21-2102 (relating to limitations).

### § 15.26-2601. Officers—Subject to Recall.

Any person holding an elective office of the Municipality, whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this Article or as may otherwise be provided by this Charter or applicable law.

### § 15.26-2602. Reasonable Cause.

(a) The recall of an incumbent of an elective office of the Municipality shall be for reasonable cause which shall include, but not be limited to, an act or acts which constitute forfeiture of office under this Charter, malfeasance in office, misfeasance in office, or a violation of the oath of office, committed by any elective public officer of the Municipality during the term of office which he or she is presently serving.

(b) For the purpose of this Article:

- (1) "Malfeasance in Office" means an unlawful act committed willfully by any elective public officer;
- (2) "Misfeasance in Office" means the fulfillment of a statutorily imposed duty in an unlawful or improper manner by an elective public officer;
- (3) "Violation of the Oath of Office" means the neglect or failure by an elective public officer to perform faithfully a duty imposed by law.

### § 15.26-2603. Initiating the Recall.

Whenever any registered voter or committee or organization of legal voters of the Municipality shall desire to demand the recall and discharge of any person holding an elective office of the Municipality, he, she, or they shall prepare a typewritten charge reciting:

- (a) The name of the elective public officer;
- (b) The title of the office;
- (c) The grounds for holding a recall election (as set forth above); which charge shall state the act or acts complained of in concise language, without unnecessary repetition, and shall be signed by the person or persons making the same, give their respective addresses, and be verified under oath that he, she, or they believe the charge or charges to be true.

**§ 15.26-2604. Charges—Sufficiency of Grounds.**

The grounds for recall to be recited in a petition for recall are sufficient if it can be understood therefrom that the act or acts charged therein are clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

**§ 15.26-2605. Ballot Synopsis.**

The charge shall be filed in triplicate with the County Board of Elections. The Board of Elections shall, within fifteen (15) days of the filing of the charge, formulate a ballot synopsis of such charge not to exceed Two Hundred (200) words, which shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge, and shall notify the elective officer against whom such charge or charges have been made, and the persons filing the charge, of the exact language of such ballot synopsis. A copy of the charges filed and a copy of the ballot synopsis shall be served on the elective officer and the persons filing the charge by certified or registered mail or by personal service. Thereafter, such charge shall be designated on all petitions, ballots and other proceedings in relation thereby to such synopsis.

**§ 15.26-2606. Enforcement Provisions—Jurisdiction—Appeals.**

Any person aggrieved by the filing of recall charges or by the failure thereafter of the Board of Elections to perform duties in relation to the recall, may petition for relief to the Court of Common Pleas of Allegheny County. In reviewing such petition, the Court shall have the jurisdiction to consider the following grounds.

- (a) The sufficiency or specificity of such recall or charges.
- (b) The sufficiency or specificity of the ballot synopsis of such recall charge or charges.
- (c) The issuance of a writ of mandamus to compel the performance of any act required by the Board of Elections to be performed, or to prevent the Board from performing any act, in connection with a recall election that is not in compliance with law.
- (d) Any person challenging the truth of any facts contained in a recall charge or charges shall have the burden of refuting same by clear and convincing evidence.

Any proceeding pursuant to sub-sections (a), (b) and (d) of this Article shall be commenced within fifteen (15) days from the time that notice is given of the preparation of a ballot synopsis of such recall charge or charges and, further provided, that any proceeding pursuant to subsection (c) of this Article shall be commenced within ten (10) days from the time the cause of complaint arises.

Actions brought pursuant to this Article shall be considered an emergency matter of public concern, take precedence over other cases and be speedily heard and

determined. Any proceeding to review a decision of the Court of Common Pleas shall be begun and perfected within fifteen (15) days after its decision in a recall election case and shall be by the Supreme Court considered an emergency matter of public concern and speedily heard and determined.

**§ 15.26-2607. Preparation of Recall Petition.**

Fifteen (15) days after being notified of the language of the ballot synopsis of the charge, the person or persons filing the charge shall cause to be prepared petitions for recall and discharge of such officer. Such petition shall state the elective official's name, title of the office and the ballot synopsis as prepared by the Board of Elections.

**§ 15.26-2608. Number of Signatures Required.**

An election for the recall of such an elected official shall be directed where such petition has been signed by at least twenty (20%) percent of the registered electors voting in the last gubernatorial election in the Municipality at large, if serving in an "at large" position, or of the Ward, if serving in a Ward position.

(a) Each elector signing a recall petition shall add to his or her signature his or her residence and the date of signing. All signatures must be executed in ink or ball point pen. Signatures on a recall petition may be on separate sheets, but each sheet shall be appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the Municipality, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

(b) A recall petition shall be filed with the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is filed. Upon filing with the Board of Elections, the petition shall be available for examination and copying by any interested person. Within fifteen (15) days after the filing of the petition the Board of Elections shall, in writing, pass upon the validity of the petition and the validity and the number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas of Allegheny County.

**Cross References**

This section cited in 302 Pa. Code § 15.26-2609 (relating to notice to incumbent and petitioner's representative).

**§ 15.26-2609. Notice to Incumbent and Petitioner's Representative.**

(a) As soon as the Board of Elections has issued its written decision as provided for in 15.26-2608(b) above, the Board, in writing shall notify the incum-

bent named in the petition that a petition has been filed and a copy of the Board's decision shall be attached to the notice.

(b) If a representative of the petitioners has filed in writing a request with the Board for a copy of said notice and the Board's decisions, a copy of the notice and the decision shall also be served on the petitioner's representative at the same time.

(c) The notice and decisions shall be served on the incumbent and any such representative of the petitioners by certified or registered mail, or personal service.

(d) Upon receipt of such notice, the incumbent may resign from his or her office and thereupon the recall procedure shall terminate.

#### **§ 15.26-2610. Recall Elections.**

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

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

"Shall (name of officer) be recalled and removed from the office of (name of office) because (herein insert the synopsis of the charge as prepared by the Board of Elections)."

(c) The above questions shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote "yes" or "no" on the question.

(d) If a majority of the registered electors who vote on the question of recall shall vote "yes", the incumbent shall be deemed recalled and removed from office, but if a majority of the registered electors do not vote "yes" he or she shall remain in office. Should the result of such an election be affirmative, the date of removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of the election are certified by the Board of Elections, unless such date is postponed by an order from a court of competent jurisdiction.

#### **§ 15.26-2611. Disqualification.**

No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to

him or her has been filed shall be eligible for appointment to any elective office of the Municipality within two (2) years after his or her removal or resignation.

**§ 15.26-2612. Limitations.**

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

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(227254) No. 270 May 97

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