

SECOND CLASS CITY LAW
Act of Mar. 7, 1901, P.L. 20, No. 14
AN ACT

Cl. 11

For the government of cities of the second class.

ARTICLE I.

Section 1. In cities of the second class the executive power shall be vested in the mayor and in the departments authorized by this act.

The mayor shall be the chief executive officer of the city, and shall be at least twenty-five years of age, and have been a citizen and inhabitant of the State five years, and an inhabitant of the city for which he may be elected mayor five years next before his election, unless absent on the public business of the United States or of this State, and shall reside in said city during his term of service. He shall give bond in such sum as shall be determined by council. (Par. amended June 5, 1937, P.L.1743, No.367 and repealed in part Apr. 28, 1978, P.L.202, No.53)

The mayor shall be chosen by a plurality of the votes cast at the municipal election, and shall hold his office for the term of four years from the first Monday of January next ensuing his election, and serve until his successor is duly elected and qualified. Election to said office of mayor shall not subsequently render anyone ineligible to that or any other office or position in said cities, any general, local, or special law to the contrary notwithstanding.

If two or more candidates be equal and highest in votes, one of them shall be chosen mayor by a vote of the majority of all the members of the incoming council, in joint convention assembled, immediately upon their organization.

When a vacancy shall take place in the office of the mayor a successor shall be elected for the unexpired term at the next municipal election occurring more than thirty days after the commencement of such vacancy, unless such election shall occur in the last year of said term, in which case a mayor, pro tempore, shall be chosen by council, in convention, by votes of the majority of members elected, and the person elected mayor shall hold office until the expiration of said term, and until his successor shall be duly elected and qualified, and it shall be the duty of the president of the council to issue a proclamation for such joint convention, to be held not less than ten days nor more than twenty days after such vacancy shall take place.

Until the vacancy is filled the president of council shall act as mayor.

It shall be the duty of the mayor:

I. To cause the ordinances of the city and the laws of the State to be executed and enforced.

II. To communicate to council, at least once a year, a statement of the finances and general condition of the affairs of the city, and also such information in relation to the same as council may from time to time require.

III. To recommend by message, in writing, to the council, all such measures connected with the affairs of the city, and the protection and improvement of its general government and finances, as he shall deem expedient.

IV. To call special meetings of council when required by public necessity.

V. To perform such duties as may be prescribed by law or ordinance; and he shall be responsible for the good order and efficient government of the city.

The mayor shall call together the heads of departments for consultation and advice upon the affairs of the city, at least once a month, and at such meetings he may call on the heads of departments for such reports as to the subject-matters under their control and management as he may deem proper, which it shall be their duty to prepare and submit at once to the mayor. Records shall be kept of such meetings; and rules and regulations shall be adopted thereat for the administration of the affairs of the city departments not inconsistent with any law or ordinance, which regulations shall prescribe a common and systematic method of ascertaining the comparative fitness of applicants for office, position and promotion, and of selecting, appointing and promoting those found to be the best fitted.

(1 amended May 1, 1923, P.L.112, No.86)

Section 2. The city recorder may, by a written order, to be transmitted to select council giving his reasons therefor, remove from office any head of department, director or other officer appointed by him.

During the recess of select council, he shall have power to fill all vacancies that may happen in offices to which he may appoint, subject to the approval of the said select council at their next session, and if such appointment shall not be rejected within thirty days after said select council shall have convened, the same shall be considered confirmed.

The several heads of departments shall present to the city recorder annually, on or before the first Monday of February, a report of their proceedings during the preceding year, and he shall transmit the same to councils, with any recommendations he may think proper to make.

The city recorder may disapprove of any item or items of any bill making appropriations, and the part or parts of the bill approved shall be the law; and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed by law for the passage of bills over the city recorder's veto.

The city recorder shall, as often as he may think proper, appoint three competent persons to examine, without notice, the accounts of any city department, trust, officer or employe, and the money, securities and property belonging to the city in the possession or charge of such department, trustees, officer or employe, and report the result of such investigation.

ARTICLE II.

The Executive Departments.

Section 1. There shall be the following executive departments:

- I. Department of Public Safety.
- II. Department of Public Works.
- III. Department of Collector of Delinquent Taxes.
- IV. Department of Assessors.
- V. Department of City Treasurer.
- VI. Department of City Controller.
- VII. Department of Law.
- IX. Sinking Fund Commission.
- X. Department of Public Health.
- XI. Department of Supplies.

No department shall be created other than those herein enumerated; but councils may, by ordinance, provide that the city treasurer may be appointed collector of delinquent taxes, and also that the city treasurer may be appointed Director of the Department of Supplies.

Councils shall provide, by ordinance, for such bureaus, clerks, or other subordinate officers, as may be required for the transaction of the business of the departments.

Each department shall have power to prescribe rules and regulations, not inconsistent with any law or ordinance or with the provisions of article one hereof, for its own government; regulating the conduct of its officers, clerks, and employes, the distribution and performance of its business, and the custody, use, and preservation of the books, records, papers, and property under its control.

Each department shall furnish to the mayor or councils or either branch of councils, such information as he or they may at any time demand in relation to its affairs.

The heads and members of all departments, and all subordinate officers, clerks, and employes, shall give bonds as may be fixed by ordinance.

The Department of Supplies shall be under the charge of a director, who shall be the head thereof.

The mayor shall nominate, and, by and with the advice and consent of the select council, appoint the Director of the Department of Supplies.

The Department of Supplies shall have the direction, control, and administration of the purchase and supply of all personal property required in the conduct of the business of the city. All other departments shall obtain such personal property by requisition upon the Department of Supplies, and not by purchase direct. The manner and form of such requisition may be prescribed by ordinance, or, in default thereof, by standing rule of the Department of Supplies. All appropriations of money for the purchase and supply of such personal property shall be made to, and be expended by, the Department of Supplies; and all contracts for the purchase of such personal property shall be made and entered into by and with the mayor and Director of the Department of Supplies, in the manner now required by law.

(1 amended May 27, 1943, P.L.752, No.320)

ARTICLE III.

Department of Public Safety.

Section 1. The department of public safety shall be under the charge of one director, who shall be the head thereof. The care, management, administration and supervision of the police affairs, and all matters relating to the public health, to the fire and police force, fire alarm telegraph, erection of fire-escapes, and the inspection of buildings and boilers, markets and food sold therein, and the construction, protection and repair of buildings erected for police and fire purposes, shall be in charge of this department.

No person shall be employed in this department as a policeman or fireman who is not a citizen of the United States, or who has been convicted of crime, unless pardoned, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment.

No policeman shall be required to be on duty for more than nine out of any twenty-four consecutive hours, nor for more than forty-four hours in any calendar week, and every policeman

shall be allowed to have at least forty-eight consecutive hours off duty in every calendar week, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of riot, conflagration, or public celebrations; and in such cases, council shall provide for the payment of extra compensation or time off at the same rate as paid for regular service. The existing salary or compensation of any policeman shall not be diminished because of the reduced number of hours of duty prescribed by this amendment.

The department shall make suitable regulations, under which the officers and members of the fire, telegraph and police force shall be required to wear an appropriate uniform.

The city councils may provide by ordinance a fund for the care, maintenance, and relief of aged, retired, disabled, or injured policemen or firemen, and the families of such as may be injured or killed in the service.

No policeman appointed under this act shall be dismissed without his written consent, except by the decision of a court either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of not less than three and not more than five persons belonging to the police force, equal or superior in official position therein to the accused. Such decision shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person. The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the person concerned; or, of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service. The right of appeal of the decision of the trial board shall be made within five days to the civil service board.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay as such court shall afterward determine, but no trial shall be delayed for more than one month after charge has been made.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor.

The laws in relation to health, buildings and building inspection, remain unaffected by any of the provisions thereof, and the board of health and the building inspectors shall remain as heretofore, and shall be attached to the Department of Public Safety.

(1 amended Oct. 7, 2010, P.L.470, No.61)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Compiler's Note: Section 11 of 265 of 1951 provided that section 1 is repealed insofar as it relates to removal and dismissal of policemen in second class cities.

ARTICLE IV.

Department of Public Works.

(IV amended July 1,
1937, P.L.2630, No.506)

Section 1. The Department of Public Works shall be under the charge of one director, who shall be the head thereof.

Water works, gas works and electric light plants, owned and controlled by the city; the supply and distribution of water and gas; the grading, paving, repairing, cleaning and lighting of streets, alleys and highways; the construction, protection and repair of public buildings, bridges and structures of every kind for public use, public squares, real estate (except such as now or hereafter may be used for educational or police purposes, fire engine houses, almshouses, hospitals, pest houses and grounds), surveys, engineering, sewerage, drainage and dredging, and all matters and things in any way relating to or affecting the highways, footways, wharves and docks of the city, shall be under the direction, control and administration of the Department of Public Works. All laws relating to parks and condemnation of land for park purposes are to remain in full force.

(1 amended July 1, 1937, P.L.2630, No.506)

Section 2. All the powers and authority set forth in section twenty of the act, approved the twenty-sixth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, three hundred fifty), conferred upon the Director of the Department of Public Safety relative to entering into contracts for the removal and disposal of all offal, garbage, and swill, and all the duties imposed by said section upon the Bureau of Health and which were later transferred to the Department of Public Health by section four of the act, approved the first day of April, one thousand nine hundred nine (Pamphlet Laws, eighty-three), are hereby transferred and retransferred to, and shall hereafter be exercised by, the Department of Public Works.

(2 added July 1, 1937, P.L.2630, No.506)

ARTICLE V.

Department of Collector of Delinquent Taxes.

Section 1. The collector of delinquent taxes shall be the head of the department of delinquent taxes, and all laws and ordinances in force at the passage of this act, relative to said offices and the collection of delinquent taxes, shall be and remain in full force, except so far as the election of the collector of delinquent taxes is therein given to councils. The head of this department shall receive such compensation, either by a stated salary or by fees, as may be fixed by councils.

(1 amended June 20, 1901, P.L.586, No.288)

Section 2. Wherever the office of collector of delinquent taxes now exists in any city of the second class by virtue either of any general, special or local act, the office may be abolished by ordinance of such cities. The collectors of delinquent taxes, who shall, upon the effective date of any

such ordinance, have in their possession a warrant or warrants for the collection of delinquent taxes that are not fully executed, shall continue to collect such taxes with the same powers as heretofore and shall receive therefor the same compensation. None of the interest or penalties for delinquent payments of taxes imposed under the provisions of existing laws, whether as compensation to the delinquent tax collectors or otherwise, shall be abated or otherwise affected by the provisions of any such ordinance, but the full amount of the same shall be collected as hereinafter provided and paid into the city fund of the city treasury for the use of the city, unless abated by other legislation heretofore or hereafter enacted.

(2 added Sept. 7, 1955, P.L.572, No.145)

Section 3. Any such ordinance abolishing the office of collector of delinquent taxes in any city of the second class shall provide that the treasurer of the city shall collect all delinquent city taxes, interest and penalties, and shall have all powers of delinquent tax collectors in cities of such class under the provisions of existing laws, and for such purpose the city treasurers in cities of the second class may appoint clerks and employes whose positions shall be established and the compensation therefor fixed as prescribed by law for similar employes in the department of the city treasurer. The city treasurer shall receive no additional compensation for the collection of delinquent taxes.

(3 added Sept. 7, 1955, P.L.572, No.145)

Section 4. Concurrently with or subsequent to abolishing the office of collector of delinquent taxes, the council in cities of the second class shall, at the cost of the city, provide for and pay the compensation of the clerks and employes appointed by the city treasurer for the collection of delinquent taxes as hereinabove provided, and shall also furnish the city treasurer at the cost of the city with office space, office furniture, equipment, supplies, books of record, stationery, postage and pay all other necessary expense in connection with the collection of such delinquent city taxes.

(4 added Sept. 7, 1955, P.L.572, No.145)

Section 5. All clerks and employes employed in the office of the collector of delinquent city taxes, abolished by ordinance pursuant to this act, shall be transferred to and become employes of the city treasurer's office. All such clerks and employes shall become eligible to membership in the retirement system established for city employes, and shall be entitled to receive credit in the retirement system as city employes for all years of service in the office of the collector of delinquent taxes upon payment into the retirement fund of a sum equal to the amount such persons would have paid into such fund, if they had joined the retirement system at the time the same was established if then employed in the office of the delinquent tax collector, or if employed first at a later date then a sum equal to the amount such persons would have paid into such fund from the time they were first so employed.

(5 added Sept. 7, 1955, P.L.572, No.145)

ARTICLE VI. Department of Assessors.

Compiler's Note: Section 3 of Act 203 of 1939 provided that Article VI is repealed insofar as it confers powers and imposes duties on the councils of second class cities.

Section 1. This department shall consist of no less than five (5) members, and an additional member for each seventy-five thousand inhabitants over two hundred thousand as shown by the last preceding United States decennial census, all of whom shall have been residents of the city, or of adjacent territory annexed to the city, for at least ten years, and shall not be of the same political party. The annual salaries of such members shall be fixed by the council: Provided, That such salaries shall not be less than fifteen hundred (\$1,500) dollars per annum for the first two hundred thousand inhabitants of said cities, with an additional five hundred (\$500) dollars per annum for each additional seventy-five thousand inhabitants, according to the last preceding United States decennial census; and said members shall, from time to time, make all valuations for purposes of municipal taxation.

They shall classify all real estate in the city in such manner, and upon such testimony as may be adduced before them, so as to distinguish between the buildings on land and the land exclusive of the buildings, and to certify to the councils of said city the aggregate valuation of city property subject to taxation. It shall be the duty of said councils, in determining the rate for each year hereafter, to assess a tax upon the buildings equal to five-tenths of the highest rate of tax required to be assessed for each such year respectively, so that upon the said classes of real estate of said city there shall, in any year, be two rates of taxation.

They shall triennially make a valuation for all purpose of municipal taxation, and shall have the power to administer oaths. They shall have the power to make a new assessment in any ward or wards they deem necessary in any subsequent year, other than triennial years, in the manner prescribed by law for the triennial assessment. Any property owners shall have the right to be heard by the full board, sitting as a board of revision, on appeal from any valuation. The assessment, as aforesaid, shall remain the lawful assessment for purposes of city taxation until the next assessment. Nothing herein contained shall be construed to repeal the act of July nine, one thousand eight hundred and ninety-seven, providing for the classification of real estate and other property for purposes of taxation, and for the election of assessors and prescribing the duties thereof, in cities of the second class, except so far as the same may be inconsistent herewith.

The councils shall, by ordinance, make all further needful rules and regulations for the government of this department.

(1 amended Apr. 24, 1931, P.L.68, No.52)

Compiler's Note: Section 3 of 203 of 1939 provided that section 1 is repealed except as to powers and duties of city council.

ARTICLE VII.

Department of City Treasurer.

The department of city treasurer shall be under the charge of the city treasurer, who shall be the head thereof; who shall hold his office for the term of three years, and until his successor is chosen and qualified.

No person shall be eligible to the office of treasurer except a citizen of the city, a resident therein for seven years next preceding his appointment, unless he shall have been absent on public business of the United States or of this State.

The city treasurer shall receive the proceeds of all public loans, and shall demand and receive from the proper officers

all moneys payable to the city from whatever source, and pay all warrants duly issued and countersigned; the receipt and collection of funds derived from assessments, taxes, water rents, licenses, permits and rents, from markets, landings, wharves and other public property, excepting delinquent taxes and water rents, shall be attached and subordinate to this department and subject to its supervision, control and direction: Provided, however, That nothing herein contained shall prohibit the city treasurer from enforcing collection of delinquent taxes in accordance with the provisions of the act, approved the thirtieth day of March, one thousand nine hundred and three (Pamphlet Laws, one hundred six), entitled, "An act authorizing and empowering the city treasurers of the several cities of second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed and levied, are delinquent and remain unpaid". (Par. amended July 29, 1941, P.L.599, No.249)

No money shall be drawn from the city treasury except by due process of law, or upon warrants on the treasurer, or by checks signed in the manner prescribed by the council and countersigned by the controller which warrants or checks shall state the consideration of the same and the particular fund or appropriation to which the same is chargeable. (Par. amended May 15, 1941, P.L.42, No.22)

The treasurer shall keep the accounts, arising from the several sources of revenue and income, separate and distinct from one another, and shall make daily deposits of all moneys received by him in such banks or institutions as may be designated by councils, and shall make specific reports daily to the controller, of all receipts and deposits, and of all moneys withdrawn from the treasury, and shall present and verify his cash account in such manner and as often as may be required. All depositories of city funds or other funds for which such city, or any officer or employe thereof, shall act as custodian or trustee, wherein the legal or equitable title in such funds, shall belong to persons, copartnerships, corporations or the Federal or State government, or any agency or subdivision thereof, other than such city, shall, upon the receipt of notice of their selection as depositories of city or other funds, furnish a bond to secure payment of deposits and interest to the city with a proper warrant of attorney to confess judgment in favor of the city, secured by a surety company or individual sureties to be approved by the court of common pleas. Such bonds shall in all cases be in the amount of the deposit to be made. If a corporate bond is given no one surety company shall be approved in an aggregate amount in excess of five times the capital, surplus and reserve. Whenever individual sureties are presented for approval they shall qualify in an aggregate over and above their individual liabilities to three times the amount of the deposit. No one person may qualify for more than one-fourth of the total amount of the bond required: Provided, That in lieu of surety bonds of surety companies or of individual sureties, the deposit of city or other moneys may be secured by the deposit with the city treasurer of bonds or other interest bearing obligations of the United States, or of any county, municipality or municipal district of the Commonwealth, in an amount equal to the deposit so secured and twenty per centum in addition thereto: And provided also, That the city treasurer may direct that the said bonds or other interest-bearing obligations be deposited in a Federal Reserve Bank, or a branch thereof located in the city, or with any bank or bank and trust company organized under the laws of this

Commonwealth, or any national banking association located in this Commonwealth, which shall be approved by the city treasurer to secure the deposit of city or other moneys. Said bonds or other interest-bearing obligations shall be accompanied by a proper assignment or power of attorney to transfer the same, and any such deposit of securities shall be maintained to the full amount required in case of any depreciation in value thereof. When said bonds and other interest-bearing obligations are deposited with the Federal Reserve Bank, or a branch thereof, the bank shall perform such functions as may be prescribed by agreement between the city and the bank. (Par. amended June 1, 1959, P.L.345, No.74)

All moneys of the city, received by any officer or agent thereof, except those received by the collector of delinquent taxes, the department of law and police magistrate, shall be deposited daily in the city treasury. (Par. amended June 20, 1901, P.L.586, No.288)

ARTICLE VIII. Department of City Controller.

Section 1. The city controller shall be the head of this department; he shall hold his office for a term of three years, and until his successor shall be duly chosen and qualified.

The city controller shall:

I. Prescribe the form of reports and accounts to be rendered to his department, and shall have the inspection and revision of the accounts of all other departments and trusts.

II. Audit the accounts of the several departments and trust, and all other accounts in which the city is concerned; and submit annually to councils, in such manner as may by ordinance be directed, a report of the accounts of the city, verified by his oath or affirmation, exhibiting the revenues, receipts and expenditures, the sources from which the revenues and funds are derived, and in what manner the same have been disbursed, which report shall be published in pamphlet or book form.

III. Keep separate accounts for each specific item or appropriation made by councils to each department, and require all warrants to state specifically against which of said items the warrant is drawn. Each account shall be accompanied by a statement in detail, in separate columns, of the several appropriations made by councils, the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance standing to the credit of the same.

IV. He shall not suffer any appropriation to be overdrawn, or the appropriation for one item of expense to be drawn upon for any other purpose, or by any department other than that for which the appropriation was specifically made, except on transfers made by ordinance of councils; or unless sufficient funds, out of which said warrant is payable, shall actually be in the treasury at the time.

V. If any warrant presented to the controller contain an item for which no appropriation has been made, or there shall not be a sufficient balance of the proper fund for the payment thereof, or which for any other cause should not be approved, he shall notify the proper department of the fact; and if the controller shall approve any warrant, contrary to the provisions hereof, he and his sureties shall be individually liable for the amount of the same to the holder thereof.

VI. Whenever a warrant or claim shall be presented to him, he shall have power to require evidence that the amount claimed is justly due, and for that purpose may summon before him any

officer, agent or employes of any department of the city, or any other person, and examine him, upon oath or affirmation, relative to such warrant or claim.

VII. He shall also perform all duties required of him by law or ordinance, not inconsistent with the provision hereof.

Detailed statements of the receipts and expenditures of the several departments shall be made on the third Monday of each month to the controller.

Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded, and shall be numbered by the controller in the order of its date, and charged as numbered against such item, and so certified by him, before it shall take effect as a contract, and shall not be payable out of any other fund; and if he shall certify any contract in excess of the appropriation properly applicable thereto, the city shall not be liable for such excess, but the controller and his sureties shall be liable in damages for an amount not exceeding such excess, which may be recovered in an action on the case for negligence, by the contracting party aggrieved: Provided, That so much of this section as enacts that a contract, certified by the controller, shall not be payable out of any other fund than the item of appropriation against which it is numbered, shall not apply to such contracts for public improvement as are referred to in Article XV, Section 1, hereof.

The controller shall, at the end of each fiscal year, or oftener if so required by councils, and also upon the death, resignation, removal or expiration of the term of any officer, audit, examine and settle the accounts of such officer; and if he shall be found indebted to the city, the controller shall state an account and file the same in the court of common pleas of the proper county, together with a copy of the official bond of such officer, and give notice thereof to him or his legal representatives, and if any person or persons affected thereby shall be dissatisfied with such settlement he or they may appeal therefrom.

The appeal, with his or their exceptions to the account as stated, verified by the oath of the person or persons appealing, shall be filed in the office of the prothonotary of said court within ten days after the service of notice. The appellant shall, within ten days, enter security, to be approved by the court, to prosecute the appeal with effect, and pay the costs and the debt and interest which may appear by the judgment of the court to be due to the city. The balance of account, as shown by the settlement filed as aforesaid, shall constitute a lien on the real estate of the officer, so indebted, and his sureties from the date of the filing thereof, which lien shall continue for the period of five years from the date of filing. A writ of scire facias to enforce the lien shall be issued thereon within six months, which shall contain a clause warning the sureties, or the executors or administrators of the officer or of his sureties, to appear and make defense, and the case shall thereupon be proceeded with to final judgment, according to law.

Notice of the audit shall be given by the controller to the officer or his legal representatives, before the final statement of the account, and if desired by such officer or his legal representatives, opportunity shall be given for a hearing. A copy of such notice, with an affidavit of the proof of service thereof, shall be filed with the statement of account, as evidence of service of notice.

ARTICLE IX.
Department of Law.

Section 1. The Department of Law shall consist of a city solicitor, who shall be the head thereof, and shall hold his office for a term of three years, and until his successor shall be duly chosen and qualified. The department shall have as many assistants and clerks as may be authorized by ordinance, who shall be appointed by the city solicitor. The solicitor and assistant solicitors shall be attorneys-at-law, admitted and qualified to practice in the courts of this Commonwealth.

The city solicitor shall:

I. Be the legal adviser, and act as attorney and counsel for the city and all its departments and officers.

II. Prepare all contracts to be made with the city or any of its departments, and endorse on each his approval of the form thereof, before the same shall take effect, and be the custodian of all such papers and records as may be designated, and perform such other duties appertaining to his department as may be required by law or ordinance.

III. He shall make a monthly return to the city controller of each item of money or moneys received by or through him or his assistants by virtue of his office, including all fees and perquisites for the preparation of any contracts, bonds or other instruments of writing, or such as may be derived from any other subject matter connected with the city or its affairs, and shall pay monthly such amount to the city treasurer.

No department of the city shall employ any other solicitor, but assistant counsel may be employed in any particular matter or cause by the City Recorder, with the consent of councils, but he shall be selected by the city solicitor.

(1 amended June 20, 1901, P.L.586, No.299)

ARTICLE X.
Department of Public Welfare.

Section 1. The Department of Public Welfare is hereby abolished. All of its powers and duties shall hereafter be exercised and performed by the county institution district of the county in which the city is located, under the provisions of the "County Institution District Law," approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand seventeen). All property of the city, real and personal, used in carrying on the functions of the Department of Public Welfare, and all records of said department, shall be transferred to the county institution district on the effective day of this act. All indebtedness of the city, whether current or bonded, incurred in the acquisition of any such property, shall continue the debt and obligation of the city and shall be paid by it.

(1 amended May 27, 1943, P.L.752, No.320)

Compiler's Note: The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

ARTICLE XI.
Sinking Fund Commission.

Section 1. The Sinking Fund Commission shall consist of five persons. Those first appointed under this act shall divide themselves in classes, by lot, so that the term of one of the

members shall expire each year. All vacancies shall be filled by appointment, for the term of five years. Councils shall make all necessary rules for the government of this department. All moneys applicable to sinking funds shall be under the charge of the commission, and shall be used for the extinguishment of the city debt.

(1 amended June 27, 1913, P.L.644, No.377)

Section 2. The commission shall, from time to time and without unreasonable delay, invest all balances remaining to the credit of the sinking funds, not immediately applicable to the extinguishment of the city debt, in any proper bonds issued by such city, the United States, State of Pennsylvania, and not otherwise. Said commission shall, as and when it deems it necessary, have the right to sell or exchange at the market rate any bonds so purchased: Provided, That no bonds so purchased shall be sold at less than par value and accrued interest, unless said commission shall be authorized so to do by an ordinance of the council, and the council shall appropriate and pay over to such Sinking Fund Commission any such difference between the selling price thereof and par value and accrued interest.

(2 amended June 27, 1913, P.L.644, No.377)

Section 3. It shall be the duty of said Sinking Fund Commission to establish and maintain a fund for the reduction and retirement of the funded indebtedness of said cities, the whole or any part of which is outstanding. Proper accounts shall be kept thereof; and there shall be appropriated to and set apart annually for the Sinking Fund Commission, for each issue of bonds, such nearly equal amounts at least, as appropriated annually over the term of such bonds, as will, at the earning or established rate of interest, at the maturity of each issue of bonds equal the total amount of such issue. The Sinking Fund Commission shall provide each year an amortization schedule, to be based upon the actual earning rate of interest on its investments; and this amortization schedule shall be a calculation taking into account any amounts of loss or gain there may be by reason of a lesser or greater rate of interest being received than that used in the calculation for the preceding annual schedule. Said commission shall always have on hand investments and moneys at least equal in amount to the total sum of such payments into the sinking fund, plus the accrued interest earnings calculated on said basis.

(3 amended June 27, 1913, P.L.644, No.377)

Section 4. If at any time the amount of cash and investments held in the sinking fund exceed the proportionate amount required by section three hereof, the Sinking Fund Commission shall, if it deems it expedient so to do, have the right to credit such excess, or any part thereof, against the appropriation that would otherwise be required for the following year or years, and the next and succeeding annual amounts required to be appropriated shall be reduced accordingly.

(4 amended June 27, 1913, P.L.644, No.377)

Section 5. All moneys applicable to sinking fund purposes shall be deposited in separate accounts, to the credit of the Sinking Fund Commission of such cities, in such depositories as shall be selected by such cities, and said commission shall require satisfactory security from all depositories to protect it from any loss by reason of making deposits therein.

(5 amended June 27, 1913, P.L.644, No.377)

Section 6. All matured bonds held in such sinking fund shall at maturity be cancelled. As often as the sinking fund shall be in excess of the amount required by section three of this

act, said commission shall have the right to cancel, to the extent of such excess, any of its own bonds held in such sinking fund.

(6 amended June 27, 1913, P.L.644, No.377)

Section 7. All bonds hereafter issued by said cities shall be made payable in equal annual installments.

(7 amended June 27, 1913, P.L.644, No.377)

ARTICLE XI.I.

Powers of Subpoenas Compelling Testimony at Public or Closed Hearings.

(XI.I added Aug. 13, 1963, P.L.683, No.362)

Section 1. In any case where an official or officer of a city of the second class or any agency thereof is specifically empowered to conduct public hearings, such officer, official or agency shall have authority for the purposes of such hearings to issue subpoenas for the attendance and giving of testimony of such witnesses as are subject to the subpoenas of the courts of record of this Commonwealth, and to issue subpoenas duces tecum as to such witnesses. In the case of an agency, such subpoenas shall issue in the name of the city and of the agency upon the signature of the presiding officer thereof and the official seal, if any, of the agency.

Any witness who refuses to obey a subpoena issued hereunder or who refuses to be sworn or affirmed or to testify after summons to appear may be cited for contempt, and for this purpose an application may be made to any court of common pleas within whose territorial jurisdiction the refusal occurred for which purpose such court is hereby given jurisdiction.

(1 added Aug. 13, 1963, P.L.683, No.362)

ARTICLE XII.

Election and Appointment of Departmental Officers, Clerks and Employees.

Section 1. The City Recorder shall nominate and, by and with the advice and consent of the select council, appoint the following officers, who shall hold office during the term for which the City Recorder was elected, and until their successors shall be respectively appointed and qualified:

- I. The Director of the Department of Public Safety.
- II. The Director of the Department of Public Works.
- III. The Collector of Delinquent Taxes.
- IV. The City Solicitor.
- V. The Director of the Department of Charities and Correction.
- VI. The members of the Sinking Fund Commission.
- VII. The Board of Assessors.
- VIII. The City Treasurer.

The City Controller shall be chosen by the qualified electors of the city, at the regular municipal election occurring immediately before the expiration of the term of the present controller in each of said cities, for the term of three years from the first Monday of April next ensuing his election, and until the election and qualification of his successor.

(1 amended June 20, 1901, P.L.586, No.288)

Section 2. The directors or chief officers of departments shall appoint all subordinate officers, clerks, employees, and by written order, giving their reasons therefor, may remove or suspend subordinate officers and clerks, provided the same is not done for political reasons.

(2 amended June 20, 1901, P.L.586, No.288)

Section 3. In case of any removal, as provided for in the preceding section, the Director, or head of the department, shall appoint a successor, but all such appointments shall be made by reason of the fitness of the appointee and not for political purposes.

(3 amended June 20, 1901, P.L.586, No.288)

ARTICLE XIII.

Impeachment of Municipal Officers.

Section 1. Municipal officers shall be liable to impeachment, suspension and removal from office for any corrupt act or practice, malfeasance, mismanagement, mental incapacity or incompetency for the proper performance of official duties, extortion, receiving any gift or present from any contractor, or from any person seeking or engaged in any work for or furnishing material to the city, or from any incumbent or occupant of, or candidate or applicant for, any municipal office, and for wilfully concealing any fraud committed against the city.

Complaint in writing may be made to the court of common pleas of the proper county, by not less than twenty freeholders of the city, each of whom shall write his occupation and residence opposite his signature, charging any municipal officer with any offence, setting forth the facts on which the said charge is founded, supported by the oaths or affirmations of at least five of the complainants, according to the best of their knowledge, information and belief. If, in the judgment of the court, there appears to be reasonable ground for such proceeding, the court shall direct the complaint to be filed of record, and grant a rule upon the accused, returnable on a day certain, to appear and answer the same.

If, on the return day of the rule, the court shall find a sufficient cause for further proceedings, it shall appoint a committee of five competent and reputable citizens to investigate the charges contained in said complaint, who, having first been severally sworn or affirmed to perform the duties of their appointment with fidelity, shall have full authority, for that purpose, to examine the books of the office held by the accused, and any papers filed therein, and examine witnesses under oath or affirmation, whose attendance the court shall enforce, if necessary, by subpoena and attachment.

It shall be the duty of the committee to make a written report to the court of the facts found by them, which shall be filed of record, accompanied by the testimony taken, within three weeks next after their appointment, unless the time shall be extended by the court upon their application. In any stage of the proceedings, if the public interests so require, the court may, by an order to be filed of record in the case, suspend the accused from office until he shall be tried and acquitted.

If the committee, or any three of them, shall find that any charge made as aforesaid is well founded, they shall in their report so state, in specific form; and in such case the court shall cause a certified copy of the whole record, with the specification of the charges against the accused, to be transmitted to the select council, which shall be assembled within ten days thereafter, in a special and open session, as a court of impeachment, and the members shall be severally sworn to try and decide the same according to the evidence. A copy of the specification shall be served on the accused or left at

his last place of residence, at least five days before the commencement of the trial, and he shall be entitled to be heard therein, in person or by counsel, and to produce evidence in his defence, and the prosecution before the select council shall be conducted on the part of the city by the city solicitor.

The president judge of the said court of common pleas, or in his absence an associate judge thereof, shall preside during the trial, and shall decide finally all questions of law and evidence that may arise in the case. He shall have the power to issue subpoenas for witnesses, and compel their attendance, by attachment, and the production of books, papers and documentary evidence required or called for by the said court of impeachment, and to punish witnesses and others for contempt, as fully as any court of the Commonwealth may lawfully do in any case.

The decision of the court of impeachment shall be entered upon the record of its proceedings, and certified by the clerk to the court in which the complaint was filed. If the accused shall be found guilty on any of the specifications, the said court of common pleas shall enter judgment accordingly, and declare the said office vacant.

ARTICLE XIV. Councils.

Section 1. The legislative power of cities of the second class shall be vested in one body, which shall be known as The Council, and which shall consist of not less than five members, and an additional member for each seventy-five thousand inhabitants over two hundred thousand, as shown by the last preceding United States decennial census, up to five hundred thousand. Said persons to be chosen in the manner and for the terms hereinafter set forth, and the said council shall, by ordinance, regulate their times and days of meeting and the mode of calling the same.

(1 amended May 31, 1911, P.L.461, No.192)

Section 2. Immediately after the passage of this act, the Governor shall appoint, by and with the advice and consent of two-thirds of the Senate, the members of council who shall hold office until the first Monday of January, Anno Domini one thousand nine hundred and twelve. At the general municipal election to be held in the present year in each city of the second class now existing, and at the first municipal election occurring at least sixty days after any other city shall have entered said class, there shall be elected the full number of councilmen to which the city shall be entitled, to serve from the first Monday of January following. Said councilmen shall meet and organize on said date; and, immediately thereafter, divide themselves by lot into two classes, the odd numbers to serve for two years, and the even numbers for four years, thereafter. At each general election thereafter there shall be elected at large the number of councilmen required to fill the places of those whose terms are about to expire, to serve for four years, and also to fill any vacancies, caused by death, resignation, or removal, occurring more than sixty days before such election, to serve for the balance of the term of the member who has died, resigned, or removed.

(2 amended May 31, 1911, P.L.461, No.192)

Section 3. Members of council shall have been residents of the city, or of adjacent territory annexed to the city, for at least three years before their appointment or election; they shall reside in the city during their term of office, and shall

not at the same time hold any other office, position, or employment under the Government of the United States, the State of Pennsylvania, the said city, or county in which it is situate, except that of notary public, commissioner of deeds, officer in the National Guard of Pennsylvania, officer or director in any national or state bank or trust company, or membership on any commission for public works or improvements, where such employment is without pecuniary compensation. They shall not, while members of council, hold any office, position, or employment in any corporation holding or applying for franchises from the city. A member who has a personal or private interest in any measure or bill, proposed or pending before the council, shall disclose the fact to the council, and shall not vote thereon, nor take part in any discussion of the same. Any councilman violating any of the provisions of this section shall thereby forfeit his office.

(3 amended Apr. 3, 1929, P.L.132, No.134 and May 1, 1929, P.L.1188, No.418)

Section 4. (4 repealed Dec. 22, 1951, P.L.1715, No.456)

Section 5. Upon the first Monday of January following each general municipal election, the council shall organize by electing one of their number as president, to serve for a term of two years. Council shall have power to authorize by ordinance the appointment of such employes as may be necessary for the proper discharge thereof. They shall also have power to fix, from time to time, the salaries of all city officials and employes who are not elected. They shall also provide by general rules for regular meetings, and for the calling of special meetings when required, and prescribe general rules, not inconsistent with the law, for the conduct of business. All regular meetings of council and all committee meetings shall be open to the public.

(5 amended Apr. 18, 1957, P.L.63, No.35)

Section 6. The appointments hereafter to be made of the heads of all executive departments of said city, now by law authorized to be made by the mayor thereof, shall be subject to the approval of said council, to be evidenced by resolution, which shall receive the affirmative votes of a majority of all the members thereof; failing which approval, the mayor shall again designate another person or persons to fill the position or positions, as to which the former nominations have failed of approval, until the nominations are made which are approved by council in the manner above set forth.

(6 amended May 31, 1911, P.L.461, No.192)

Section 7. The head of any department who shall be found guilty, after due notice and hearing, of any corrupt act or practice, malfeasance, mismanagement of his official duties, extortion, receiving any gift or present from any contractor, or from any person seeking or engaged in any work for, or furnishing material to, the city; or from any incumbent or occupant of, or candidate or applicant for, any municipal office; and for wilfully concealing any fraud committed against the city,--may be removed from office by resolution, which shall receive the affirmative votes of a majority of all the members of council, and the approval of the mayor; or, should the mayor fail to approve the said resolution within ten days after its passage and submission to him, then the said removal may be effected by a resolution of council, which shall receive a two-thirds affirmative vote of all the members thereof: Provided however, That the procedure thus established shall not have a retrospective or retroactive effect; but that the procedure by impeachment, under existing laws, shall be and remain in force

exclusively as to any causes arising before the beginning of the terms of the councilmen as herein provided. In the event of such removal, the vacancy thus arising shall be filled in the manner hereinbefore provided in the case of other vacancies. A judge of the court of common pleas of the county in which such city is located, to be chosen by the council, shall preside at any hearing held under the provisions of this section, and decide finally all questions of law, and questions relating to the admission of evidence, that may arise in the case. He shall have the power to issue subpoenas for witnesses, and compel their attendance by attachment, and the production of books, papers, and documentary evidence required or called for by the said judge and counsel, and to punish witnesses and others for contempt, as fully as any court of this Commonwealth may lawfully do in any case.

(7 amended May 31, 1911, P.L.461, No.192)

Section 8. Council and the mayor, or either, shall have the right to call for such information from every department, either at stated intervals or from time to time, as they or either of them may think proper; and it shall be the duty of the head of each department, upon request by either the mayor or the council, to furnish to either full access to the books and records of his department, and as full information as to the operation of the same, as the said mayor or council may require.

(8 amended May 31, 1911, P.L.461, No.192)

Section 9. In the event of any vacancy occurring in said council by death, resignation or otherwise, the same shall be filled by an election, at which every member of council and the mayor shall have one vote; and the person receiving the majority of all votes cast shall be declared elected to serve, in place of the member so dying, resigning, or otherwise vacating his position as member of council, until the first Monday of January following the next general municipal election at which his successor could be chosen, in accordance with the provisions of law governing municipal elections and as provided in section two herein.

(9 amended May 31, 1911, P.L.461, No.192)

Section 10. Every legislative act of the council shall be by resolution or ordinance, and every ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be presented, duly engrossed and certified, to the mayor, for his approval. The mayor shall sign the said resolution or ordinance within ten days, if he approves it; but if he shall not approve it, he shall within said time return it, with his objection, to council, which shall, at its next meeting after said return, consider it. If, upon reconsideration, council shall pass the ordinance or resolution over the veto of the mayor, by a two-thirds vote of all the members thereof, it shall be a binding ordinance or resolution of the city. It shall become effective should the mayor fail to sign the said ordinance or resolution, or return the same to council, with his reasons for disapproving the same, within ten days from the time said ordinance or resolution has been delivered to him by the city clerk. The mayor may disapprove any item or items (or part, or parts, of the same) of any bill making appropriations; and the part or parts of the bill approved shall be the law; and the part or parts disapproved shall be void, unless repassed according to the rules and limitations prescribed above for the passage of resolutions and ordinances over the mayor's veto.

(10 amended May 31, 1911, P.L.461, No.192)

Section 10.1. (a) Council may compile, codify, recodify and reenact any existing two or more ordinances with or without

repeals, amendments and additions, and enact the same as one codified ordinance arranged in appropriate divisions with one title and one enacting clause.

(b) Any such codified ordinance shall be introduced, considered, enacted and approved in the manner now prescribed for general ordinances, except as otherwise herein provided. Such codified ordinance shall be introduced at least thirty days before its final enactment, and at least fifteen days before its final enactment, notice of its introduction shall be published in a newspaper of general circulation in the city. Such notice shall state the title of the proposed, codified ordinance, shall state its general nature and content, shall indicate a place within the city where copies of the same may be examined, and, if the same contains any amendments or additions other than minor nonsubstantive changes, such notice shall contain a general summary of such substantive amendments and additions. With respect to such substantive amendments and additions, public hearings pursuant to notice shall be held where prescribed by law.

(c) After the enactment of such codified ordinance, publication of the entire text thereof shall not be required, but its enactment shall be advertised at the times and in the places required for other general ordinances, by publication of its title, table of contents, a general summary of substantive amendments or additions, if any, a statement that it contains penalties, if any, and a reference to a place within the city where copies may be examined. Such codified ordinance shall not be required to be recorded as other ordinances if its entire text is published in book or pamphlet form and a signed and certified copy of the same is filed with the city clerk.

(10.1 added July 17, 1963, P.L.263, No.138)

Section 11. Conferences of the mayor and council jointly, for the purpose of discussion of the business or legislation of the municipality, may be called at any time upon the request of either the mayor or council.

(11 amended May 31, 1911, P.L.461, No.192)

Section 12. All sessions of the council, and of all committees and sub-committees thereof, shall be public. No ordinance or resolution shall be passed finally on the day of its introduction, except in case of public emergency, and then only when requested by the mayor and approved by the affirmative votes of all the members of council present.

(12 amended May 31, 1911, P.L.461, No.192)

Section 13. All taxes shall be levied and appropriations made annually, by general ordinances, prior to the first Tuesday of February, except such taxes as may be levied and appropriations as may be made to provide for the payment of the principal and interest of any bonds to be issued, and except also in cases of emergency, when, on a certificate signed by the mayor and controller that such emergency exists, a special appropriation may be made to meet the same.

(13 amended May 31, 1911, P.L.461, No.192)

Section 14. All provisions in the existing laws referring to the select and common councils of said city, and all powers, rights, and duties, which by existing laws devolve upon the members of select or common councils, shall be taken to apply to and be vested in the council created by this act, as fully and to the same extent as though the present council were therein named, in so far as the same are not inconsistent with the foregoing rights, powers, and duties. And whenever any proportionate affirmative vote of each branch of councils, as at present constituted, is required under existing laws to

ordain or enact any ordinance or resolution, the same proportionate affirmative vote of the council hereby created shall be sufficient for the passage thereof.

(14 amended May 31, 1911, P.L.461, No.192)

Section 15. This act shall not be construed to repeal an act of the General Assembly, entitled "An act prescribing the mode and manner of electing the clerks of the city of Pittsburg, and defining their duties," approved March seventh, one thousand eight hundred and seventy-three; nor shall this act be construed to repeal any other general, local, or special act not inconsistent with the provisions hereof.

(15 amended May 31, 1911, P.L.461, No.192)

Section 16. This act shall take effect at once; and the members of said council, immediately upon their appointment, shall organize by the election of one of their number as president, who shall serve until the first Monday of January in the year one thousand nine hundred and twelve.

(16 amended May 31, 1911, P.L.461, No.192)

ARTICLE XV.

Contracts.

Section 1. (1 repealed July 22, 1965, P.L.234, No.130)

Section 1.1. Every contract relating to city affairs shall be authorized by general or specific ordinance of council and shall be let in the manner prescribed by council. All contracts shall be awarded to the lowest responsible bidder except in the following cases:

I. Purchases at public sale or pursuant to tariffs on file with the Pennsylvania Public Utility Commission;

II. Contracts for personal or professional services;

III. Contracts with political subdivisions, the Commonwealth of Pennsylvania or the United States Government or with any agencies or authorities of such governmental bodies; or

IV. Purchases of personal property where, by reason of patents or copyrights, the required type of item is available from only one seller.

For competitive bidding on contracts involving an amount exceeding ten thousand dollars (\$10,000), invitations for bids shall be issued pursuant to reasonable notice, which shall be by advertisement and all bids shall be filed with the city controller and opened publicly at a time and place to be designated in the notice, and the figures shall be announced to persons present. For competitive bidding on contracts involving an amount of ten thousand dollars (\$10,000), or less, the Director of the Department of Supplies may obtain oral bids or letter bids or may proceed by a comparison of specific prices as set forth in the sellers' literature.

Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

No person, consultant, firm or corporation contracting with a city for purposes of rendering personal or professional services to the city shall share with any city officer or employe, and no city officer or employe shall accept, any portion of the compensation or fees paid by the city for the contracted services provided to the city except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the council of the city.

(2) The council of the city must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

(1.1 amended July 13, 1988, P.L.523, No.92)

Section 1.2. It shall be unlawful for any architect or engineer, in the employ of any city, and engaged in the preparation of plans, specifications or estimates, to bid or negotiate on any public work at any letting of such work by the city, except that any such architect or engineer who shall have prepared preliminary plans only shall not be prohibited from bidding or negotiating on the final contract for such work.

It shall be unlawful for the officers of any city charged with the duty of letting any public work, to award a contract to any such architect or engineer, in the employ of the city who is in any way interested in any contract for public work for the city or for any such architect or engineer to receive any remuneration or gratuity from any person interested in such contract except under the terms and conditions as provided in section 1.1.

Any person violating any of the provisions of this section shall forfeit his office, and shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment for not more than six months, or both.

(1.2 added Oct. 10, 1980, P.L.927, No.160)

Section 2. In no case shall a contract for any material, machinery or process which is patented, or the supply of which is controlled by one person or company, be let with the contract for work or for other material or machinery.

ARTICLE XVI.

Police Magistrates.

(XVI repealed Apr. 28, 1978, P.L.202, No.53)

Section 1. (1 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XVI.

Police Magistrates.

(XVI repealed Apr. 28, 1978, P.L.202, No.53)

Section 1. (1 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XVI-A

Municipal Traffic Court

(XVI-A repealed Apr. 28, 1978, P.L.202, No.53)

Section 1. Traffic Courts Established in Cities of the Second Class; Jurisdictions.--(1 repealed Apr. 28, 1978, P.L.202, No.53)

Section 2. Composition of Municipal Traffic Court.--(2 repealed Apr. 28, 1978, P.L.202, No.53)

Section 3. Powers of the Magistrates of the Municipal Traffic Court.--(3 repealed Apr. 28, 1978, P.L.202, No.53)

Section 4. Necessary Facilities and Supplies to be Furnished by City.--(4 repealed Apr. 28, 1978, P.L.202, No.53)

Section 5. Clerk of Municipal Traffic Court; Assistants; Compensation.--(5 repealed Apr. 28, 1978, P.L.202, No.53)

Section 6. Seal of Municipal Traffic Court; Custody.--(6 repealed Apr. 28, 1978, P.L.202, No.53)

Section 7. Business Hours of Municipal Traffic Court.--(7 repealed Apr. 28, 1978, P.L.202, No.53)

Section 8. City Solicitor to Assign Prosecuting Attorney upon Request of Presiding Magistrate.--(8 repealed Apr. 28, 1978, P.L.202, No.53)

Section 9. Costs; Magistrates' Fees; Disposition.--(9 repealed Apr. 28, 1978, P.L.202, No.53)

Section 10. Rules of Practice.--(10 repealed Apr. 28, 1978, P.L.202, No.53)

Section 11. Annual Report.--(11 repealed Apr. 28, 1978, P.L.202, No.53)

ARTICLE XVII.

Salaries.

Section 1. All city officers and employes shall receive a fixed salary for their services, and all fees and penalties shall be collected for the city and paid directly into the city Treasury: Provided, That the provisions of this article shall not apply to the collector of delinquent taxes, who shall receive such compensation as may be fixed by councils.

(1 amended June 20, 1901, P.L.586, No.288)

ARTICLE XVIII.

Official Bonds.

Section 1. All officers of said cities, before entering upon the discharge of the said duties, shall give bond for the faithful discharge thereof, in the sum prescribed by ordinance. The bond of the city recorder elected under the provisions of this act, and also the bond of the comptroller, shall be approved by select council, and those of other officers shall be approved by the city recorder and controller. The bond of the city recorder shall be deposited with the controller, and those of all other officers with the city recorder.

ARTICLE XIX.

Corporate Powers.

Section 1. The corporate powers, and the number, character, powers and duties, of the officers of cities of the second class, now in existence by virtue of the laws of this Commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act.

Section 2. Every city of the second class within this Commonwealth is hereby declared to be a body corporate and politic, and shall have perpetual succession, and shall have power:

I. To sue and be sued.

II. To purchase and hold real and personal property for the use of the city.

III. To lease, and to sell and convey, any real or personal property owned by the city, and to make such order respecting the same as may be conducive to the interests of the city.

IV. To make all contracts, and do all other acts in relation to the property and affairs of the city necessary to the exercise of its corporate or administrative powers.

V. To have and use a corporate seal and alter the same at pleasure, and every such seal shall have upon it the word "Pennsylvania," the name of the city, and the year of its

original corporation. The powers hereby granted shall be exercised in the manner herein provided. (V amended June 20, 1901, P.L.586, No.288)

Section 3. Every city of the second class, in its corporate capacity, is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this act:

I. To levy and collect taxes for general revenue purposes, on all persons, real and personal and mixed property, within the limits of said city, taxable according to the laws of the State of Pennsylvania for city or county purposes, except machinery of all kinds; the valuation of such property to be assessed as hereinbefore provided. (I amended May 12, 1911, P.L.287, No.181)

II. To provide for the assessment and collection of taxes, in addition to the above, upon the assessed valuation on all persons, real and personal property, and all other matters and things within said city, taxable for city or county purposes or for the payment of loans, except machinery of all kinds, to support the government and to make the necessary improvements in said city. (II amended May 12, 1911, P.L.287, No.181)

III. (III repealed Oct. 4, 1978, P.L.909, No.173)

IV. Every city of the second class shall have power, for general revenue purposes, to levy and collect a license tax, to be fixed by ordinance, upon street railways, hack-drivers, auctioneers, and all and every corporation, company or individual doing business in said city, payable annually, and to regulate the collection of the same.

V. To borrow money on the credit of the city, and to pledge the credit and revenue thereof for the payment of the same, to an amount not exceeding five per centum upon the assessed value of the taxable property in said city, and with the consent of the people of the said city, obtained at an election held under the provisions of the Constitution and the general laws of this Commonwealth, to increase the indebtedness of such city to an amount not exceeding, in the aggregate, fifteen per centum upon the assessed valuation of the taxable property therein. (V amended Apr. 13, 1967, P.L.18, No.7)

VI. To provide for the issuing of bonds, and for the application of bonds already issued, for the purpose of funding any and all indebtedness now existing or hereafter created of the city, now due or to become due. Said bonds shall be payable within thirty years from the time of their issue, and they shall be made payable in annual installments equal to the tax levied therefor, and shall be paid annually from the funds so provided. Said bonds shall bear interest, payable annually or semi-annually, at a rate not exceeding six per centum per annum, and shall be either registered bonds or coupon bonds with interest coupons attached. Said bonds shall not be sold or exchanged for less than their par value and accrued interest. (VI amended Apr. 14, 1911, P.L.65, No.63)

VII. To make provision for a sinking fund to pay at maturity the bonded indebtedness of the city, and to levy and collect taxes on all the taxable property in the city, in addition to all other taxes, for the purposes of paying the same, under and subject to the limitations and requirements of this act and of the Constitution and laws of this Commonwealth.

VIII. To provide for the payment of the debts and expenses of the city, and to appropriate money therefor.

IX. To create any office which they may deem necessary for the good government and interests of the city, and to regulate

and prescribe the powers, duties and compensation of all city officers. (IX amended June 20, 1901, P.L.586, No.288)

X. To require from all officers and agents of the city, elected or appointed, lawful bonds and security for the faithful performance of their duties. (X amended June 20, 1901, P.L.586, No.288)

XI. To provide for the removal of officers of the city whose offices are established by ordinance, and whose removal is not otherwise herein provided for.

XII. To require the removal of all obstructions from sidewalks, curbstones, gutters, streets and street crossings, at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person or persons placing the same there; and to regulate the planting and protection of shade trees in the streets, the building of cellar and basement ways and other excavations through or under the sidewalks in said city.

XIII. To make and establish such and so many uniform rules and regulations, as to them may seem expedient, for the better regulation of porches, porticoes, benches, doorsteps, railings, bulk, bay or jut windows; areas, cellar doors and cellar windows, signs and sign-posts, boards, poles or frames, awnings, awning posts, or other devices or things, projecting over, under, into, or otherwise occupying, the sidewalks or other portion of any of the streets, lanes or alleys, and in relation to boxes, bales, barrels, hogsheads, crates or articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever, placed in or upon any of the said sidewalks or other portion of said streets, lanes or alleys, and also to prevent and remove all encroachments thereon.

XIII A. To make and establish zones or districts within which special provisions may be made regulating the construction and maintenance of signs over or upon streets, which regulations may be different in one district from another, and the boundaries of which districts may be defined by the ordinance creating them. (XIII A added June 12, 1931, P.L.549, No.183)

XIV. To provide for and require the construction and maintenance of bridges or other crossings over or under railroad tracks, and to enter into contracts with railroad companies for the construction and maintenance of the same; to require the erection of safety-gates, and the placing of flagmen at the intersection of railroads with public streets; to forbid the obstruction of the said crossings by locomotives or railroad cars, and also to make reasonable regulations concerning the rate of speed at which locomotives, cars or trains shall pass upon or across the streets within the built up portions of the city.

XV. To establish and maintain night-watch and police, and define the duties of the same.

XVI. To regulate the police of the city and to impose fines, forfeitures and penalties for the violation of any ordinance, and provide for the recovery and collection of the same, and in default of payment to provide for confinement in the city or county prison, or to hard labor upon the streets or elsewhere, for the benefit of the city.

XVII. To provide for the erection or purchase of lock-ups or watch-houses in some convenient part of the city, for the detention and confinement of vagrants and persons arrested by the police officers, until the person so arrested can be taken before the proper magistrate for hearing and committed to prison or discharged, but no person shall be detained therein for a

longer time than twenty-four hours, except upon the order of a magistrate legally authorized, who may commit such person for further hearing.

XVIII. To erect or purchase, establish and maintain hospitals, prisons, work-houses and houses of correction for juvenile or other offenders, and to prescribe regulations for the government thereof, and also to erect all public buildings necessary for the use of the city or of any department thereof.

XVIII-A. To impose and collect charges covering all, or any portion of, the cost of care or treatment at municipal hospitals, where the persons receiving such care or treatment are financially able to pay all, or any portion of, the cost of such care or treatment. (XVIII-A added July 28, 1941, P.L.521, No.209)

XIX. To establish and enforce suitable police regulations for the protection of persons and property at public squares, parks, depots, depot-grounds and other places of public resort, and for the arrest and commitment of professional thieves.

XX. To offer rewards for the arrest and conviction of persons guilty of capital or other high crimes within the city, but no policeman shall be entitled to receive any share thereof.

XXI. To license, and collect a license tax from, all skating rinks, operas, theatres, concerts, shows, circuses, menageries, and all kinds of public exhibition for pay (except those for local, religious, educational or charitable purposes); to regulate the same, and to restrain all exhibitions of indecent or immoral character.

XXII. And every city of the second class shall have power, for general revenue purposes, to levy and collect license taxes or fees, to be fixed by ordinance, upon street railways, hackdrivers, auctioneers, bill posters, public balls or dances, night soilers, garbage collectors, railroad switches, pawn brokers, peddlers; venders of any kind of merchandise whatever, using the streets, lanes, highways, wharves, or public squares or grounds, for the purpose of vending the same; all theatrical exhibitions, whether permanent or transient (including circuses), vehicles, bicycles, tricycles, automobiles, dogs, ball games or ball parks, and all other matters and things of a like nature, and to regulate the collection of the same and to provide penalties for default therein.

XXIII. To regulate the time and place of bathing in the rivers and other public waters in an adjoining said city.

XXIV. To establish stands for coaches, cabs, omnibuses, carriages, wagons and other vehicles for hire, and to enforce the observance and use thereof, and to fix the rates and prices for the transportation of persons and property from one part of the city to another.

XXV. To restrain, prohibit and suppress tippling-shops, houses of prostitution, gambling-houses, gaming-cock or dog fighting, and other disorderly or unlawful establishments or practices, desecration of the Sabbath day, commonly called Sunday, and all kinds of public indecencies.

XXVI. To prevent and restrain riots, routs, noises, disturbances or disorderly assemblies, in any street, house or place in the city; to regulate, prevent and punish the discharge of fire-arms, rockets, powder, fireworks, or any other dangerous, combustible material, in the streets, lots, grounds, alleys, or in the vicinity of any buildings; to prevent and punish the carrying of concealed deadly weapons; to arrest, fine, or set at work on the streets or elsewhere, all vagrants found in said city; to prevent and punish horse-racing, fast driving or riding in the streets, highways, alleys, bridges,

or places in the city, and all games, practices or amusements therein likely to result in danger or damage to any person or property; and to prevent and punish the riding or driving of horses, mules, oxen, cattle, or other teams, or the passage of any vehicles drawn thereby, over, upon or across sidewalks, and to regulate the passing of the same through the public streets.

XXVII. To purchase and own grounds for, and to erect and establish, market-houses and market-places, for which latter purpose parts of any streets or sidewalks may be temporarily used, and to provide and enforce suitable general market regulations; to contract with any person or persons, or association, or persons, companies or corporations, for the erection and regulation of market-houses and market-places, on such terms and conditions and in such manner as the councils may prescribe, and raise all necessary revenue therefor, as herein provided; and also to levy and collect a license tax from every person, or persons, who may be authorized by councils to occupy any portion of the streets or sidewalks for temporary public market purposes.

XXVIII. To regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided by law; to provide for and regulate the inspection and weighing of hay, grain and coal, and the measuring of wood and fuel, to be used in the city, and to designate the place or places of the same; and to regulate and prescribe the place or places for exposing for sale hay, coal and wood, and to demand and receive reasonable fees for inspection, weighing and measuring, as aforesaid, and for the regulation and stamping of weights and measures.

XXIX. To provide for the construction and maintenance of levees and ferries within the city limits; to erect wharves on navigable waters adjacent to the city, regulate the use thereof, collect wharfage, and establish wharf and dock lines.

XXX. To establish and change the channels of watercourses, and to wall and cover them over; to establish, make and regulate public wells, cisterns, aqueducts and reservoirs of water, and to provide for filling the same.

XXXI. To purchase lands and premises for public parks, and to levy and collect such special taxes as may be necessary to pay for the same, and to make appropriations for the improvement thereof and regulations for their government. (XXXI amended June 20, 1901, P.L.586, No.288)

XXXII. To provide for the erection of all needful pens, pounds and buildings, within or without the city limits; appoint keepers thereof, and to regulate or prohibit the running at large of cattle, hogs, horses, mules, sheep, goats, dogs or other animals; and to cause such as may be running at large to be impounded and sold, to discharge the costs and penalties provided for the violation of such prohibition, and the expenses of impounding and keeping the same and of such sale; to regulate and provide for taxing the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinance.

XXXIII. To make regulations to secure the general health of the inhabitants, and to remove and prevent nuisances.

XXXIV. To make all necessary orders and regulations to prevent the introduction of contagious or pestilential diseases into the city; to enact quarantine laws for that purpose, and to enforce the same within five miles of the city limits.

XXXV. To purchase fire-engines, hooks, ladders, trucks, fire-alarms and other apparatus for the extinction of fires; to organize a fire department, with or without pay; to make the necessary appropriation for the maintenance of the same, and

to prescribe rules and regulations for the government of the officers and companies belonging thereto; and, if a paid department, to provide by ordinance for the election or appointment of the officers and companies belonging thereto.

XXXVI. To regulate the construction and inspection of fire-places, chimneys, stoves, stove-pipes, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory or business, and to order the suppression or cleaning thereof when deemed necessary for the prevention of fires; to regulate or prohibit the manufacture, sale, storage or transportation of inflammable or explosive substances within the city, and to prescribe limits within which no dangerous, obnoxious or offensive business shall be carried on.

XXXVII. To provide a system for the inspection of buildings, to insure their safety and incombustibility, and for the appointment of one or more building inspectors; to prescribe limits within which buildings shall not be constructed or reconstructed, or into or within which the same shall not be removed, except of incombustible materials with fire-proof roof; and any building erected, reconstructed or removed into or within such limits, contrary to the provisions of any ordinance forbidding the same, shall be a public nuisance and abatable as such.

XXXVIII. To provide for and regulate the lighting of the streets with gas or electric lights, or light by other means, and to require the numbering of houses.

XXXIX. To have the exclusive right, at all times, to supply the city with gas or other light, and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon; and also to have, at all times, the unrestricted right to make, erect and maintain the necessary buildings, machinery and apparatus for manufacturing and distributing the same; or, in territory not supplied with light, to make contracts with and authorize any person, company or association so to do, and to give such person, company or association the privilege of supplying gas or other light, as aforesaid, for any length of time, not exceeding ten years.

XL. To have the exclusive right, at all times, to supply the city with water, and such persons, partnerships and corporations therein as may desire the same, at such price as may be agreed upon, and for the purpose to have, at all times, the unrestricted right to make, erect and maintain all proper works, machinery, buildings, cisterns, reservoirs, pipes and conduits for the raising, reception, conveyance and distribution of water; or, in territory not supplied with water, to make contracts with and authorize any person, company or association so to do, and to give such person, company or association the privilege of furnishing water, as aforesaid, for any length of time, not exceeding ten years.

XLI. To enter upon the land or lands, lot or lots, of any person or persons within the city, at all reasonable hours, by their duly appointed city engineer, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth and thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made, and the first builder is to be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall or may use or break into said wall.

XLII. To enter upon the land or lands, lot or lots, of any person or persons within the city, at all reasonable hours, by

their duly appointed city engineer, in order to regulate partition fences, and when adjoining parties shall improve or enclose their lots, such fences shall be made in the manner generally used, and kept in good repair at the equal expense of the parties, unless the owners or occupants between whom such fences is erected shall agree otherwise.

XLIII. To make all such ordinances, by-laws, rules and regulations, not inconsistent with the Constitution and laws of this Commonwealth, as may be expedient or necessary, in addition to the special powers in this section granted, for the proper management, care and control of the city and its finances, and the maintenance of the peace, good government and welfare of the city, and its trade, commerce and manufactures, and the same to alter, modify and repeal at pleasure; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for the violation thereof, not exceeding three hundred dollars (\$300) for any one offence, recoverable with costs, together with judgment of imprisonment, not exceeding ninety days, if the amount of said judgment and costs shall not be paid. (XLIII amended June 24, 1959, P.L.478, No.104)

XLIV. To regulate or prohibit the construction, building or maintenance, within the city, of any fences made in whole or in part of wire with barbs. (XLIV added Oct. 21, 1955, P.L.720, No.203)

XLV. To appropriate moneys annually, not exceeding an amount equal to one mill of the real estate tax, to any nonprofit art corporation for the conduct of its artistic and cultural activities. For the purposes of this section nonprofit art corporation shall mean a local arts council, commission or coordinating agency, or any other nonprofit corporation engaged in the production or display of works of art, including the visual, written or performing arts. Artistic and cultural activities shall include the display or production of theater, music, dance, painting, architecture, sculpture, arts and crafts, photography, film, graphic arts and design and creative writing. (XLV added Feb. 8, 1980, P.L.6, No.4)

ARTICLE XX.

Certain Laws to Remain in Force after a Transition from Third to Second Class Cities.

Section 1. From and after the passage of this act, all laws relating to cities of the third class shall continue to apply to cities of that class which have passed or may pass into a city of the second class by reason of increase in population, except so far as such laws are supplied by, or in conflict with, laws relating to cities of the second class.

(1 unconstitutional 34 Sup. Ct. 133)

SCHEDULE.

Section 1. Within thirty days from the approval of this act, the Governor of this Commonwealth shall, by appointment, fill the office of city recorder in each of the existing cities of the second class. The persons so appointed shall have the same qualifications as required for the city recorder under this act, and shall have all the powers and perform all the duties belonging to the office of city recorder under this act, until their successors are elected and qualified. Said successors shall be chosen at the regular municipal election in the year nineteen hundred and three, and shall be qualified and enter upon their office on the first Monday in April

following said election. The provision in article one, section one, making city recorders ineligible for re-election for the next succeeding term, shall not apply to city recorders appointed by the Governor; and said appointees, and their successors appointed by him, shall be subject to removal by the Governor during the term for which they may be appointed, and in case of such removal, or the death or resignation of any such appointee, his successor shall be appointed by the Governor in the same manner as provided by this section.

Section 2. Upon the appointments being made, as provided in the preceding section, the office of mayor as heretofore existing in any city of the second class shall be abolished. The city recorders so appointed by the Governor, and their successors so appointed, shall have the right and power, and are hereby authorized to remove from office:

Director of Department of Public Safety.

Director of Department of Public Works.

Director of Department of Charities and Corrections.

The Collector of Delinquent Taxes.

City Solicitor.

Members of the Sinking Fund Commission.

Members of the Board of Assessors.

Said recorders may appoint the successors of said officers, as provided in section one of this schedule, and the officials so appointed shall have power, and are hereby authorized to remove any and all of the officers and employes and persons holding position and employment in their respective departments, and appoint their successors, and the person so appointed shall be governed and controlled by this act. Controllers and treasurers shall fill out the terms for which they were elected or appointed, and at the expiration thereof their successors shall be appointed as herein provided.

Section 3. The provisions of this act as to confirmation by select council of appointments by the city recorder, shall not apply to those made by the persons appointed as city recorders of existing cities, as provided by section one of this schedule; but the city recorders so appointed may fill all offices and employments, which by this act are to be filled by the city recorder, without such consent, but those appointed shall possess the qualifications required by this act. The city recorder and the heads of departments to be appointed under this schedule, shall receive out of the city treasury annual salaries as follows:

The city recorder, ten thousand dollars; the head of each department, five thousand dollars. But councils may reduce the said salaries as follows: That of the city recorder, to not less than three thousand dollars, and the heads of departments to not less than twenty-five hundred dollars; and where two departments are consolidated under this act, the salary of the officer performing the duties of the said two departments may be reduced to not less than twenty-five hundred dollars. The city recorders appointed by the Governor under the provisions hereof, shall give bond to the city in the sum of twenty-five thousand dollars, said bond to be approved by the Governor. City recorders elected under the provisions hereof, shall give such bond, and receive such salary, as may be fixed by ordinance of councils.

Section 4. The act entitled "An act in relation to the government of cities of the second class," approved the fourteenth day of June, Anno Domini one thousand eight hundred and eighty-seven, is hereby repealed except the first and second sections thereof.

APPENDIX

Supplementary Provisions of Amendatory Statutes

1909, APRIL 1, P.L.83, NO.49

Section 4. The Department of Public Health shall be under the charge of a director, who shall be the head thereof. To this department shall be committed the care, management, administration, and supervision of all matters relating to the public health and sanitation, including hospitals for the treatment of contagious diseases. All the powers and duties of the Bureau of Health, as set forth in an act entitled "An act creating a Bureau of Health in the Department of Public Safety, in cities of the second class; defining the powers and duties thereof and of the officers thereunder; prescribing rules and regulations and laws respecting the public health; and authorizing and imposing fines, penalties, and punishments for violations thereof," approved the twenty-sixth day of June, one thousand eight hundred and ninety-five, shall be transferred to and hereafter be exercised by this department, as well as all other laws heretofore enacted relating to the Bureau of Health in such cities.

Compiler's Note: Act 49 amended section 1 of article II and articles VI and XVI of Act 14.