

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 775 Session of  
2015

---

INTRODUCED BY EICHELBERGER, HUTCHINSON, MCGARRIGLE, WOZNIAK AND  
BLAKE, MAY 1, 2015

---

REFERRED TO LOCAL GOVERNMENT, MAY 1, 2015

---

AN ACT

1 Amending Title 11 (Cities) of the Pennsylvania Consolidated  
2 Statutes, consolidating The Third Class City Code; making  
3 revisions concerning records of ordinances maintained by the  
4 city clerk, bond, insurance and salary, qualifications for  
5 office of city treasurer, committee preparation of uniform  
6 financial report forms, observances, celebrations and  
7 recognition, selection of appointee from certified list of  
8 applicants and support of Pennsylvania National Guard units;  
9 making an editorial change; and making a related repeal.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Title 11 of the Pennsylvania Consolidated  
13 Statutes is amended by adding parts to read:

14 PART I

15 PRELIMINARY PROVISIONS (Reserved)

16 PART II

17 FIRST CLASS CITIES (Reserved)

18 PART III

19 SECOND CLASS CITIES (Reserved)

20 PART IV

21 SECOND CLASS A CITIES (Reserved)

1 PART V

2 THIRD CLASS CITIES

3 Chapter

4 101. Preliminary Provisions

5 102. Procedures for Incorporation

6 103. Change of Corporate Title

7 104. Creation and Division of Wards

8 106. City Boundaries

9 107. Elected Officers and Elections

10 108. Vacancies in Office

11 109. City Officers and Employees

12 110. Council

13 111. Executive Department

14 112. Mayor

15 112A. City Administrator

16 114. City Treasurer

17 115. City Engineer

18 116. City Solicitor

19 117. City Controller and Independent Auditor

20 118. Accounts and Finances

21 119. Contracts

22 120. Police Force

23 121. Fire Bureau

24 122. Surveys and Surface Support in Coal Mining Areas

25 123. Public Health

26 124. Corporate Powers

27 125. Taxation

28 126. Licenses and License Fees

29 127. Real Estate Registry

30 127A. Nuisance Abatement

- 1     128. Eminent Domain
- 2     129. Streets
- 3     130. Sidewalks
- 4     131. Bridges
- 5     132. Sanitary Sewers
- 6     134. Watercourses, Flood Protection Projects and Storm Water  
7         Systems
- 8     135. Utility Service
- 9     136. Public Buildings and Works
- 10    137. Parks, Playgrounds and Recreation Centers
- 11    141A. Uniform Construction Code, Property Maintenance Code  
12         and Reserved Powers
- 13    142. Aeronautics
- 14    143. Pensions
- 15    144. Civil Service
- 16    144A. Veterans' Affairs
- 17    145A. Assessments for Public Improvements
- 18    146. Collection of Municipal Claims and Compromise of Claims
- 19    147. Miscellaneous Provisions

20                                    CHAPTER 101

21                                    PRELIMINARY PROVISIONS

- 22    Sec.
- 23    10101. Short title of part.
- 24    10102. Definitions.
- 25    10103. Excluded provisions.
- 26    10104. Construction of part.
- 27    10105. Constitutional construction.
- 28    10106. (Reserved).
- 29    10107. Applicability and ability.
- 30    10108. (Reserved).

1 10109. Publication of notices.

2 § 10101. Short title of part.

3 This part shall be known and may be cited as the Third Class  
4 City Code.

5 § 10102. Definitions.

6 The following words and phrases when used in this part shall  
7 have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Bill." A proposed ordinance introduced in council.

10 "City." A city of the third class.

11 "Council." A council of a city.

12 "Highway." A State highway of the Commonwealth.

13 "Home Rule Charter and Optional Plans Law." The provisions  
14 of 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and  
15 optional plan government) and, where applicable, the former act  
16 of April 13, 1972 (P.L.184, No.62), known as the Home Rule  
17 Charter and Optional Plans Law.

18 "Municipal authority" or "municipality authority." A body  
19 politic and corporate created under any of the following:

20 (1) 53 Pa.C.S. Ch. 56 (relating to municipal  
21 authorities).

22 (2) The former act of May 2, 1945 (P.L.382, No.164),  
23 known as the Municipality Authorities Act of 1945.

24 (3) The former act of June 28, 1935 (P.L.463, No.191),  
25 known as the Municipality Authorities Act of one thousand  
26 nine hundred and thirty-five.

27 "Municipal Claim and Tax Lien Law." The act of May 16, 1923  
28 (P.L.207, No.153), referred to as the Municipal Claim and Tax  
29 Lien Law.

30 "Municipal corporation." A city, borough, incorporated town

1 or township.

2 "Municipalities Planning Code." The act of July 31, 1968  
3 (P.L.805, No.247), known as the Pennsylvania Municipalities  
4 Planning Code.

5 "Municipality." A county, city, borough, incorporated town  
6 or township.

7 "Newspaper of general circulation." As defined in 45 Pa.C.S.  
8 § 101 (relating to definitions).

9 "Pennsylvania Construction Code Act." The act of November  
10 10, 1999 (P.L.491, No.45), known as the Pennsylvania  
11 Construction Code Act.

12 "Pennsylvania Election Code." The act of June 3, 1937  
13 (P.L.1333, No.320), known as the Pennsylvania Election Code.

14 "Street." Any of the following:

15 (1) A street, avenue, boulevard, parkway, road, lane,  
16 court, alley or public square within a city.

17 (2) A highway within a city to the extent that the city  
18 is legally responsible for it, pursuant to agreement or by  
19 other means.

20 § 10103. Excluded provisions.

21 This part shall not be construed to repeal an act relating  
22 to:

23 (1) The collection of municipal and tax claims by lien.

24 (2) The method of incurring and increasing city  
25 indebtedness.

26 (3) The conduct of an election.

27 (4) A public school, except for the collection of a  
28 school tax by the city treasurer.

29 (5) (Reserved).

30 (6) A constable.

1       (7) The provision of municipal consent to a public  
2 utility.

3       (8) A weight and measure.

4       (9) A validation of an election, bond, ordinance and act  
5 of a corporate officer.

6       (10) A joint city and county building.

7       (11) A library.

8       (12) A highway.

9       (13) A joint or several authority or duty which applies  
10 to a city and to other classes of political subdivisions by  
11 virtue of general acts of Assembly.

12 § 10104. Construction of part.

13       (a) Existing law.--

14       (1) The provisions of this part that are the same as the  
15 provisions of existing laws are intended as a continuation of  
16 the existing laws and not as new enactments.

17       (2) The repeal under this part of a statutory provision  
18 shall not revive a repealed or superseded statutory provision  
19 or affect the corporate existence of an incorporated city.

20       (3) The provisions of this part shall not affect any of  
21 the following:

22           (i) An act that was taken, a liability that was  
23 incurred or a right that accrued or vested.

24           (ii) A suit or prosecution that is pending or to be  
25 instituted to enforce a right or penalty or punish an  
26 offense under the authority of the repealed law.

27       (4) Each ordinance, resolution, regulation and rule made  
28 under a statute repealed under this part shall continue with  
29 the same force and effect as if the statute had not been  
30 repealed.

1           (5) An individual holding an office or position under or  
2 by virtue of a statute repealed under this part shall  
3 continue to hold the office or position until the expiration  
4 of the term of office, subject to the conditions and tenure  
5 attached to the office or position prior to July 1, 1931.

6           (b) Powers.--A city shall possess, and council and other  
7 city officials may execute, the corporate powers and duties as  
8 provided in this part and in other laws to the extent that the  
9 powers and duties are not repealed by this part.

10 § 10105. Constitutional construction.

11           The provisions of this part are severable. If any provision  
12 of this part or its application to any person or circumstance is  
13 held invalid, the invalidity shall not affect other provisions  
14 or applications of this part which can be given effect without  
15 the invalid provision or application.

16 § 10106. (Reserved).

17 § 10107. Applicability and ability.

18           (a) Applicability.--This part shall apply to:

19           (1) All cities which have been incorporated under or  
20 which have accepted the provisions of the act of May 23, 1874  
21 (P.L.230, No.152), entitled "An act dividing cities of this  
22 State into three classes; regulating the passage of  
23 ordinances; providing for contracts for supplies and work for  
24 said cities; authorizing the increase of indebtedness, and  
25 the creation of a sinking fund to redeem the same; defining  
26 and punishing certain offenses in all of said cities; and  
27 providing for the incorporation and government of the cities  
28 of the third class."

29           (2) All cities which have been incorporated under the  
30 provisions of the former act of May 23, 1889 (P.L.277,

1 No.247), entitled "An act providing for the incorporation and  
2 government of cities of the third class."

3 (3) All cities which have been incorporated under the  
4 provisions of the former act of June 27, 1913 (P.L.568,  
5 No.367), entitled "An act providing for the incorporation,  
6 regulation, and government of cities of the third class;  
7 regulating nomination and election of municipal officers  
8 therein; and repealing, consolidating, and extending existing  
9 laws in relation thereto."

10 (4) All cities formed by the consolidation of boroughs  
11 having voted separately to become cities in accordance with  
12 the provisions of the former act of May 24, 1917 (P.L.262,  
13 No.143), entitled "An act to enable two or more boroughs that  
14 are contiguous or in close proximity to be united and to  
15 become one city, wherever each of said boroughs shall have  
16 heretofore voted or shall hereafter vote to become a city of  
17 the third class, under laws now enacted or which may  
18 hereafter be enacted; and wherever each of said boroughs has  
19 duly received or shall hereafter duly receive letters patent  
20 constituting it a city of the third class, but where  
21 sufficient time shall not have elapsed after the granting of  
22 such letters patent for the holding of a municipal election;  
23 providing for the consequences of such consolidation, the  
24 government of such consolidated city, the payment of the  
25 indebtedness of each of the united territories and the  
26 enforcement of debts and claims due to and from each, and  
27 fixing the jurisdiction over the said consolidated city in  
28 the courts of the county in which the majority of its  
29 inhabitants shall reside."

30 (5) All cities incorporated under the provisions of the

1 former act of June 23, 1931 (P.L.932, No.317), known as The  
2 Third Class City Code.

3 (6) All cities incorporated under the provisions of this  
4 part.

5 (b) Ability.--This part shall not be construed as a  
6 limitation on the ability of a city to do any of the following:

7 (1) To continue operating under the form of government  
8 previously selected and exercising powers previously acquired  
9 by the city in accordance with the act of July 15, 1957  
10 (P.L.901, No.399), known as the Optional Third Class City  
11 Charter Law.

12 (2) To adopt or continue utilizing a form of government  
13 and to acquire or continue exercising powers pursuant to an  
14 optional plan or a home rule charter which has been or may be  
15 adopted in accordance with the Home Rule Charter and Optional  
16 Plans Law.

17 § 10108. (Reserved).

18 § 10109. Publication of notices.

19 (a) General newspaper.--

20 (1) If advertisement, notice or publication is required  
21 to be published in a newspaper under this part, the  
22 publication must be made one time, unless the provision  
23 requiring publication specifies other times, in at least one  
24 newspaper of general circulation published in the city. If a  
25 newspaper of general circulation published in the city does  
26 not exist, publication must be made in a newspaper of general  
27 circulation in the city.

28 (2) If notice is required to be published in more than  
29 one newspaper, it must be published in at least one newspaper  
30 of general circulation published in the city. If a newspaper

1 of general circulation published in the city does not exist,  
2 publication must be made in a newspaper of general  
3 circulation in the city.

4 (b) Legal newspaper.--

5 (1) Except as provided under paragraph (2) and in  
6 addition to the requirements of subsection (a), if a notice  
7 relates to a proceeding or matter in a court, the holding of  
8 an election for the increase of indebtedness or the issue and  
9 sale of bonds to be financed by taxation, the notice must be  
10 published in the legal newspaper designated by the rules of  
11 court of the proper county for the publication of legal  
12 notices and advertisements, unless publication is not  
13 required by special order of court.

14 (2) An ordinance, auditor's statement, summary of an  
15 auditor's statement, advertisement inviting a proposal for  
16 public contract and for bid for material and supplies or a  
17 list of delinquent taxpayers shall be published only in  
18 newspapers of general circulation.

19 CHAPTER 102

20 PROCEDURES FOR INCORPORATION

21 Sec.

22 10200. Definitions.

23 10201. Creation of cities.

24 10203.1. Incorporating resolution.

25 10204. Resolution certification and form.

26 10204.1. Notice of election.

27 10205. Returns of election.

28 10206. Vote against incorporating as city.

29 10207. Letters patent and boundaries.

30 10208. Property of entities vested in city.

1 10209. Temporary preservation and city organization.

2 10210. Existing liabilities, debts and claims.

3 § 10200. Definitions.

4 The following words and phrases when used in this chapter  
5 shall have the meanings given to them in this section unless the  
6 context clearly indicates otherwise:

7 "Incorporation resolution." A resolution to submit at a  
8 general or municipal election a referendum question to the  
9 registered voters of a municipal corporation.

10 "Municipal corporation." A borough, a township of the first  
11 class, a township of the second class or an incorporated town.

12 "Referendum question." The question of whether a municipal  
13 corporation shall become incorporated as a city of the third  
14 class to be known as the "City of ....."

15 § 10201. Creation of cities.

16 A city shall be chartered as follows:

17 (1) A single municipal corporation having a population  
18 of at least 10,000 according to the last preceding United  
19 States census may be incorporated as a city in accordance  
20 with this chapter if a majority of the registered voters in  
21 the municipal corporation cast an affirmative vote in favor  
22 of the referendum question.

23 (2) Two or more contiguous municipal corporations having  
24 a combined population of at least 10,000 according to the  
25 last preceding United States census may, under 53 Pa.C.S. Ch.  
26 7 Subch. C (relating to consolidation and merger),  
27 incorporate as a city and determine whether the newly  
28 incorporated city shall be governed by this part and other  
29 general laws applicable to and governing cities.

30 § 10203.1. Incorporating resolution.

1 (a) Governing body.--The governing body of a municipal  
2 corporation may adopt an incorporation resolution.

3 (b) Petition.--If at least 200 registered voters of a  
4 municipal corporation petition the governing body of the  
5 municipal corporation for the adoption of an incorporation  
6 resolution, the governing body shall adopt the incorporation  
7 resolution.

8 § 10204. Resolution certification and form.

9 The governing body of a municipal corporation that adopts an  
10 incorporation resolution shall certify the incorporation  
11 resolution to the county board of elections of each proper  
12 county. The county board of elections shall, at the general or  
13 municipal election in the manner required by the Pennsylvania  
14 Election Code, submit a referendum question to the registered  
15 voters of the municipal corporation that has certified an  
16 incorporation resolution.

17 § 10204.1. Notice of election.

18 Notice of the election at which registered voters of a  
19 municipal corporation will be voting on a referendum question  
20 shall be given by the secretary or other person designated by  
21 the municipal corporation. The notice required under this  
22 section shall be published once a week for four successive weeks  
23 in a newspaper of general circulation in the municipal  
24 corporation in which the referendum question will be submitted  
25 to the registered voters.

26 § 10205. Returns of election.

27 In each county in which a referendum question is submitted to  
28 the registered voters of a municipal corporation, the county  
29 board of elections shall return the vote cast on the referendum  
30 question to the following:

1           (1) The clerk of the court for the county.

2           (2) The governing body of the municipal corporation in  
3 which registered voters voted on a referendum question.

4           (3) If a majority of the votes cast by the registered  
5 voters of the municipal corporation are in favor of  
6 incorporating as a city, the Secretary of the Commonwealth  
7 and the Department of Community and Economic Development.

8 § 10206. Vote against incorporating as city.

9           If the returns of an election under section 10204.1 (relating  
10 to notice of election) show that a majority of registered voters  
11 in a municipal corporation voted "no" on the referendum  
12 question, further proceedings may not occur and another election  
13 on the referendum question may not be held in the municipal  
14 corporation until the third ensuing general or municipal  
15 election.

16 § 10207. Letters patent and boundaries.

17           If the returns of an election under section 10204.1 (relating  
18 to notice of election) show that a majority of registered voters  
19 in a municipal corporation voted "yes" on the referendum  
20 question, within 60 days after the election the governing body  
21 of the municipal corporation shall furnish to the Secretary of  
22 the Commonwealth the necessary information with respect to the  
23 boundaries of the new city and the Governor shall issue letters  
24 patent, under the Great Seal of the Commonwealth, reciting the  
25 facts, defining the boundaries of the city and constituting the  
26 city as a body corporate and politic by the name of the City  
27 of.....

28 § 10208. Property of entities vested in city.

29           The property and estates of the municipal corporations which  
30 have become a city in accordance with this chapter are severally

1 and respectively vested in the corporation or body politic of  
2 the city for the use and benefit of the citizens of the city.  
3 § 10209. Temporary preservation and city organization.

4 (a) Existing government.--The government of the municipal  
5 corporation shall continue in full force and operation until the  
6 first Monday of January next succeeding the municipal election  
7 under section 10702 (relating to first elections in newly  
8 created cities). On the first Monday of January next succeeding  
9 the municipal election under section 10702, the officers of the  
10 city chosen at the municipal election shall begin their terms of  
11 service and the city government shall be organized under this  
12 part.

13 (b) Service.--If, in the organization of the city government  
14 of a newly incorporated city, an individual is appointed by  
15 council to an office which, under this part, has a definite term  
16 and a definite time for the election of an individual to the  
17 office, the individual appointed shall serve only for the time  
18 intervening between the individual's appointment and the day set  
19 under this part for the regular election or appointment of the  
20 officer for a full term.

21 § 10210. Existing liabilities, debts and claims.

22 If a municipal corporation is incorporated as a city in  
23 accordance with this part, the following shall apply:

24 (1) Each suit, prosecution, debt and claim shall be  
25 transferred to the newly incorporated city.

26 (2) Each pending suit involving the municipal  
27 corporation shall be under the management and control of the  
28 newly incorporated city which shall be substituted as a party  
29 in the suit.

30 (3) Each valid claim and demand existing against the

1 municipal corporation shall be enforceable against the city.

2 (4) Each bond and floating indebtedness and the interest  
3 on a bond and floating indebtedness existing at the time a  
4 municipal corporation became incorporated as a city in  
5 accordance with this part must be paid by the newly  
6 incorporated city in a manner that taxes are uniform  
7 throughout the territorial limits of the whole city.

8 CHAPTER 103

9 CHANGE OF CORPORATE TITLE

10 Sec.

11 10301. Resolution and petition.

12 10302. Hearing and decree.

13 10303. Recording decree.

14 10304. Existing rights and liabilities.

15 § 10301. Resolution and petition.

16 Council may initiate proceedings to change the corporate  
17 title of a city by doing all of the following:

18 (1) Adopting a resolution proposing to make the change  
19 in the corporate title of a city.

20 (2) Presenting to the court of common pleas of the  
21 county in which the city is located a petition, along with a  
22 certified copy of the resolution, requesting the change in  
23 the corporate title of the city.

24 § 10302. Hearing and decree.

25 (a) Date and publication.--Upon presentation to the court of  
26 the petition and resolution under section 10301 (relating to  
27 resolution and petition), the court shall set a day for a  
28 hearing on the question of the change in the corporate title of  
29 the city and shall direct that notice of the hearing be  
30 published once a week for three weeks in a newspaper of general

1 circulation.

2 (b) Testimony.--A court shall permit a resident of the city  
3 to give testimony at the hearing in support of or in opposition  
4 to the change of the corporate title of the city.

5 (c) Order.--A court shall order a change of the corporate  
6 title of the city in accordance with the petition and resolution  
7 of council or dismiss the petition.

8 § 10303. Recording decree.

9 A change in the corporate title of a city that is ordered in  
10 accordance with section 10302(c) (relating to hearing and  
11 decree) may not take effect until a certified copy of the decree  
12 of court is filed in the office of the Secretary of the  
13 Commonwealth and is recorded in the office of the recorder of  
14 deeds of the county in which the city is located.

15 § 10304. Existing rights and liabilities.

16 A change in the corporate title of a city shall not affect  
17 any of the following:

18 (1) A liability incurred.

19 (2) A right accrued or vested.

20 (3) An obligation issued or contracted.

21 (4) A suit or prosecution pending or instituted to  
22 enforce a right or penalty accrued or to punish an offense  
23 committed prior to the change.

24 CHAPTER 104

25 CREATION AND DIVISION OF WARDS

26 Sec.

27 10401. General power of council.

28 10401.1. Petition of registered voters.

29 10402. (Reserved).

30 10403. Appointment of commission.

1 10403.1. Expenses of commissioners.  
2 10403.2. Report.  
3 10404. Election.  
4 10405. Notice of election and review of report.  
5 10406. Election laws.  
6 10407. Voting procedures.  
7 10408. Change of ward lines by council.  
8 10409. Pennsylvania Election Code.  
9 § 10401. General power of council.

10 (a) Power.--In addition to reapportionment of wards under 53  
11 Pa.C.S. Ch. 9 (relating to municipal reapportionment) and  
12 section 11 of Article IX of the Constitution of Pennsylvania, a  
13 council may, with or without a petition as provided under  
14 section 10401.1 (relating to petition of registered voters) and  
15 subject to approval by the registered voters as provided under  
16 section 10407 (relating to voting procedures), create a new  
17 ward, divide a ward or detach part of a ward and attach it to  
18 another ward, in accordance with this chapter.

19 (b) Registered voter requirement.--A new ward must contain  
20 at least 300 registered voters according to the last general or  
21 municipal election.

22 (c) Size.--Each ward in a city shall be numbered and  
23 composed of compact and contiguous territory as nearly equal in  
24 population as practicable and as officially and finally reported  
25 in the most recent Federal decennial or special census.

26 § 10401.1. Petition of registered voters.

27 (a) Initiation of proceedings.--Registered voters may  
28 petition council to initiate proceedings under section 10401  
29 (relating to general power of council) to create new wards,  
30 divide a ward or wards or detach part of a ward and attach it to

1 another ward as follows:

2 (1) One hundred registered voters may petition council  
3 to create or divide a ward if:

4 (i) In the case of a petition proposing to create a  
5 ward, the petitioners reside in the portion of the city  
6 which the petition proposes to create as a ward.

7 (ii) In the case of a petition proposing to divide a  
8 ward, the petitioners reside in the ward which the  
9 petition proposes to divide.

10 (2) Twenty-five registered voters may petition to detach  
11 part of one ward and attach the detached part to another ward  
12 if the petitioners reside in the part of the ward that is  
13 proposed to be detached.

14 (b) Council.--Council shall determine, by motion approved by  
15 a majority of council and within 90 days of presentment of the  
16 petition, whether to initiate proceedings under section 10401.  
17 If the motion is in favor of initiating proceedings, council  
18 shall appoint a commission in accordance with section 10403  
19 (relating to appointment of commission).

20 (c) Court of common pleas.--If council has not approved a  
21 motion within 90 days after the presentment of a petition under  
22 subsection (a), 10 registered voters may petition the court of  
23 common pleas and contest the existing apportionment as violating  
24 section 10401. The proceedings before the court shall be  
25 conducted in accordance with 53 Pa.C.S. §§ 906 (relating to  
26 contest of reapportionment by governing body) and 907 (relating  
27 to costs and expenses of contest).

28 § 10402. (Reserved).

29 § 10403. Appointment of commission.

30 (a) Report and recommendation.--If council initiates

1 proceedings under section 10401 (relating to general power of  
2 council), council shall appoint as commissioners five impartial  
3 registered voters who are residents of the city to make a report  
4 and recommendation concerning the necessity, desirability and  
5 feasibility of proposed wards.

6 (b) Residency.--Except as provided under subsection (c), a  
7 commissioner under subsection (a) may not be a resident of a  
8 ward which will be affected by the petition.

9 (c) Exception.--If a city has less than four wards, a  
10 commissioner appointed under subsection (a) must be selected  
11 from the city at large and may be a resident of a ward which  
12 will be affected by the petition.

13 § 10403.1. Expenses of commissioners.

14 Council must make an appropriation for reasonable expenses  
15 incurred by commissioners for service under this chapter. Each  
16 commissioner shall submit for approval an itemized account of  
17 the commissioner's expenses to the city controller.

18 § 10403.2. Report.

19 (a) Contents.--

20 (1) The commissioners appointed by council under section  
21 10403(a) (relating to appointment of commission) shall  
22 examine the premises and prepare a report which shall include  
23 a draft of each ward affected by the proposed creation,  
24 division or detachment showing the following:

25 (i) The division or change or the lines of each ward  
26 as affected by the separation and attachment.

27 (ii) The population contained within each affected  
28 ward using figures officially and finally reported in the  
29 most recent Federal decennial or special census.

30 (2) The report under paragraph (1) shall be submitted to

1 council and shall include a recommendation reflecting the  
2 decision of a majority of the commissioners concerning the  
3 proposed creation, division or detachment of a ward.

4 (b) Territory.--Consistent with the standards applied in  
5 municipal reapportionment under 53 Pa.C.S. § 903(b) (relating to  
6 reapportionment by governing body), a report under subsection  
7 (a) may not recommend the creation, division or detachment of a  
8 ward unless the result of implementing the report and  
9 recommendation would be that each ward in the city is composed  
10 of compact and contiguous territory as nearly equal in  
11 population as practicable as officially and finally reported in  
12 the most recent Federal decennial or special census.

13 (c) Submittal.--Upon receipt of a report under subsection  
14 (a), council shall, by motion, determine whether to submit the  
15 question of the proposed creation, division or detachment of a  
16 ward as provided in the report to the registered voters of the  
17 city in accordance with section 10404 (relating to election).  
18 § 10404. Election.

19 (a) Certification.--If, based upon the report under section  
20 10403.2 (relating to report), council decides to proceed,  
21 council shall certify to the county board of elections the  
22 question of the creation, division or detachment of the ward to  
23 be submitted to the registered voters of each ward which are the  
24 subject of the report at the general or municipal election  
25 occurring not less than 90 days after the report was approved by  
26 council.

27 (b) Ballot.--The county board of elections shall place the  
28 question of approving the creation, division or detachment of a  
29 ward on the ballot in each ward or parts of a ward that will be  
30 affected by the question at the appropriate election in the

1 manner provided under the Pennsylvania Election Code.

2 § 10405. Notice of election and review of report.

3 (a) Publication.--A city must publish a notice of election  
4 in a newspaper of general circulation at least 15 days prior to  
5 the date that the question of approving the creation, division  
6 or detachment of a ward is to be presented at the specified  
7 general or municipal election.

8 (b) Contents.--An election notice under subsection (a) must  
9 contain a statement of the issue to be submitted to the  
10 registered voters at the election, including each ward or parts  
11 of a ward to be affected and the date on which the election is  
12 to be held. The notice shall reference the report and specify  
13 that it is available for review and copying as a public record  
14 under the act of February 14, 2008 (P.L.6, No.3), known as the  
15 Right-to-Know Law.

16 § 10406. Election laws.

17 Each matter relating to the election at which the question of  
18 approving the creation, division or detachment of a ward or is  
19 to be presented to the voters shall be governed by the  
20 Pennsylvania Election Code.

21 § 10407. Voting procedures.

22 (a) Publication.--The county board of elections must  
23 tabulate and publish the results of the referendum in a  
24 newspaper of general circulation within 30 days of the election.  
25 A certified copy of the results shall be placed on record with  
26 the minutes of council.

27 (b) Positive vote.--If a majority voted in favor of creating  
28 or dividing a ward or the detachment of a part of a ward to be  
29 attached to another ward, council shall proceed to create or  
30 divide a ward or detach a part of a ward to be attached to

1 another ward in accordance with the report and shall number the  
2 new wards if necessary.

3 (c) Negative vote.--If a majority voted against creating or  
4 dividing a ward or the detachment of a part of a ward to be  
5 attached to another ward, further action may not be taken and a  
6 new petition on the same question may not be resubmitted until  
7 two years from the date of the election.

8 § 10408. Change of ward lines by council.

9 If council determines during proceedings for the division or  
10 creation of a ward that any of the boundaries or divisions are  
11 uncertain, council must determine the relocation of the line to  
12 conform as nearly as possible to the previously determined  
13 boundary lines so that each ward in the city is composed of  
14 compact and contiguous territory as nearly equal in population  
15 as practicable as officially and finally reported in the most  
16 recent Federal decennial or special census.

17 § 10409. Pennsylvania Election Code.

18 Nothing under this chapter shall be construed as affecting  
19 the powers and duties of the court of common pleas or the county  
20 board of elections and restrictions on alteration of election  
21 districts as provided under Article V of the Pennsylvania  
22 Election Code.

23 CHAPTER 106

24 CITY BOUNDARIES

25 Sec.

26 10601. Navigable stream boundaries.

27 10602. Court establishment of disputed boundaries.

28 10603. Petition, commissioners and report.

29 10604. Exceptions and procedure.

30 10605. Pay and expenses of commissioners.

1 10606. Boundary monuments.

2 § 10601. Navigable stream boundaries.

3 If a city is bounded by the nearest margin of a navigable  
4 stream and an opposite municipal corporation is bounded by the  
5 nearest margin of the same stream, the boundaries of the city  
6 shall extend to the center line of the stream. Nothing under  
7 this section shall be construed to repeal a local or special law  
8 providing for a different boundary.

9 § 10602. Court establishment of disputed boundaries.

10 (a) Establishment.--If a city or a municipal corporation  
11 contiguous to a city disputes the boundary between the city and  
12 the municipal corporation, the court of common pleas, after  
13 petition of the city or the contiguous municipal corporation,  
14 may establish the disputed boundary.

15 (b) County boundary.--In a dispute involving the boundary of  
16 a county, this chapter shall not supersede the application of  
17 the the act of August 9, 1955 (P.L.323, No.130), known as The  
18 County Code, the act of July 28, 1953 (P.L.723, No.230), known  
19 as the Second Class County Code, or any other law applicable to  
20 the fixing of county boundaries.

21 § 10603. Petition, commissioners and report.

22 (a) Appointment.--After petition under section 10602(a)  
23 (relating to court establishment of disputed boundaries), the  
24 court shall appoint three impartial commissioners who may employ  
25 a professional engineer or surveyor.

26 (b) Hearing.--After giving notice to interested parties by  
27 publication once in at least one newspaper of general  
28 circulation or as directed by the court, the commissioners shall  
29 hold a hearing and view the disputed boundaries.

30 (c) Report.--A majority of the commissioners shall make a

1 report and recommendations to the court, accompanied by a plot  
2 or draft of the lines and boundaries proposed to be established  
3 if the lines and boundaries cannot be fully designated by  
4 natural lines or boundaries.

5 (d) Order.--After the filing of the report, it shall be  
6 confirmed nisi, and the court may make a further order.  
7 § 10604. Exceptions and procedure.

8 (a) Filing.--An exception to the report under section  
9 10603(c) (relating to petition, commissioners and report) may be  
10 filed by an interested person or municipal corporation within 30  
11 days after the filing of the report.

12 (b) Date and notice.--The court must set a date for the  
13 hearing of an exception under subsection (a) and must provide  
14 notice of the hearing.

15 (c) Referral or confirmation.--

16 (1) After completion of the hearing under subsection  
17 (b), the court may sustain or dismiss the exceptions and  
18 confirm the report or refer the report back to the same or  
19 new commissioners with the authority to make another report.

20 (2) If no exceptions are filed within 30 days after the  
21 filing of the report, the court must confirm the report in  
22 its entirety.

23 (3) If a report is confirmed in its entirety, the court  
24 must enter a decree establishing the lines and boundaries as  
25 shown in the report.

26 § 10605. Pay and expenses of commissioners.

27 Each commissioner shall receive reasonable compensation as  
28 established by the court and reasonable expenses incurred for  
29 surveying services, which must be paid equally by the city and  
30 any interested municipal corporation.

1 § 10606. Boundary monuments.

2 If a boundary, ascertained and established under this  
3 chapter, cannot be fully described by natural lines, the court  
4 must enter an order requiring the boundary to be marked with  
5 permanent monuments, placed at intervals of not more than 1,500  
6 feet and at the end of a course. The expense of placing the  
7 monuments, as approved by the court, shall be paid equally by  
8 the city and any interested municipal corporation.

9 CHAPTER 107

10 ELECTED OFFICERS AND ELECTIONS

11 Sec.

12 10701. Elected officers, term, reelection and vacancy.

13 10702. First elections in newly created cities.

14 10703. Nominations and elections.

15 10704. Certificates of election.

16 § 10701. Elected officers, term, reelection and vacancy.

17 (a) Elected officer and term.--

18 (1) Except as provided under subsection (c), the elected  
19 officers of a city shall be a mayor, four council members, a  
20 controller and a treasurer.

21 (2) Except as provided under section 10702 (relating to  
22 first elections in newly created cities) with respect to the  
23 first election of members of council, each elected officer  
24 shall serve for a term of four years from the first Monday of  
25 January next succeeding the officer's election.

26 (3) An officer shall be eligible for reelection.

27 (b) Disqualification.--A individual elected to a city office  
28 who fails to qualify in accordance with sections 10904 (relating  
29 to offices to be held until qualification of successors) and  
30 10905 (relating to oath of office, violation of oath and

1 penalty) and, as applicable, section 11101 (relating to  
2 executive departments), 11201 (relating to qualifications),  
3 11401 (relating to qualifications) or 11701 (relating to  
4 qualifications, bond and compensation) shall be ineligible to  
5 qualify. A vacancy shall exist in the office and a individual  
6 shall be appointed to fill the vacancy in the manner provided  
7 under this part.

8 (c) Addition of council members.--Two additional council  
9 members may be elected to form a seven-member council comprised  
10 of six council members and the mayor, as follows:

11 (1) After petition of at least 5% of the registered  
12 voters of the city or pursuant to a resolution of council,  
13 and approval by a majority of voters at the next municipal or  
14 general election, two additional council members shall be  
15 elected.

16 (2) The referendum petition or resolution of council  
17 certified by the city clerk must be filed with the county  
18 board of elections not later than the thirteenth Tuesday  
19 before the next municipal or general election. The county  
20 board of elections must place the question before the  
21 electors as provided under the Pennsylvania Election Code.  
22 The form of the question shall be as follows:

23 Should two additional council members be elected to serve  
24 in this city, so that council shall be comprised of six  
25 council members and the mayor?

26 Yes No

27 (3) The county board of elections must tabulate and  
28 publish in a newspaper of general circulation the results of  
29 the referendum within 30 days of the election.

30 (4) The question of additional council members may not

1 be voted on more than once in a three-year period.

2 (5) The terms of a council member elected under this  
3 subsection shall be as follows:

4 (i) At the first municipal election following  
5 approval at a general election of the question providing  
6 for the election of two additional council members, one  
7 of the additional council members shall be elected for a  
8 term of four years and one for a term of two years. Each  
9 council member shall serve from the first Monday of  
10 January after the election.

11 (ii) At the first general election following  
12 approval at a municipal election of the question  
13 providing for the election of two additional council  
14 members, one of the additional council members shall be  
15 elected for a term of three years and one for a term of  
16 one year. Each council member shall serve from the first  
17 Monday of January after the election.

18 (iii) After the term listed under subparagraph (i)  
19 or (ii), each additional council member shall be elected  
20 for a term of four years beginning service from the first  
21 Monday of January after the election.

22 (6) In a city divided into wards, each council member  
23 elected under paragraph (5) shall represent the city at  
24 large. No earlier than four years after the election adding  
25 two additional council members, the city may change the  
26 representation of either or both of the two additional seats  
27 from at large to ward representation in accordance with  
28 Chapter 104 (relating to creation and division of wards) or  
29 any other law.

30 (d) Reduction of council members.--A city that has opted for

1 a seven-member council may reestablish a five-member council  
2 comprised of four council members and the mayor, as follows:

3 (1) In a city in which the electorate has opted for a  
4 seven-member council, comprised of six council members and  
5 the mayor, the city must return to a five-member council,  
6 including the mayor, upon petition of at least 5% of the  
7 registered voters of the city or pursuant to a resolution of  
8 council and after approval by a majority of electors voting  
9 at the next municipal or general election. The referendum  
10 petition or resolution must be filed with the county board of  
11 elections not later than the thirteenth Tuesday before the  
12 next municipal or general election. The county board of  
13 elections shall place the question before the electors as  
14 provided under the Pennsylvania Election Code. The form of  
15 the question shall be as follows:

16 Should this city return to a five-member council,  
17 comprised of four council members and the mayor?

18 Yes No

19 (2) The county board of elections shall tabulate and  
20 publish in a newspaper of general circulation the results of  
21 the referendum within 30 days of the election. The question  
22 of reducing the seven-member council may not be voted on more  
23 than once in a five-year period.

24 (3) The following shall apply:

25 (i) At the first municipal election following  
26 approval of the question providing for the return to a  
27 five-member council, comprised of four council members  
28 and the mayor, four council members shall be elected to  
29 serve from the first Monday of January after the  
30 election.

1           (ii) The terms of the six council members serving on  
2 the seven-member council shall cease on the first Monday  
3 of January after the election under subparagraph (i).

4           (iii) The four candidates receiving the highest  
5 number of votes for the office of council member shall be  
6 elected.

7           (iv) The two candidates receiving the first and  
8 second highest number of votes shall serve for a term of  
9 four years.

10          (v) The two candidates receiving the third and  
11 fourth highest number of votes shall serve for a term of  
12 two years.

13          (vi) After the terms listed under subparagraphs (iv)  
14 and (v), a council member shall serve a term provided  
15 under subsection (a).

16 § 10702. First elections in newly created cities.

17          (a) Election.--At the first municipal election occurring at  
18 least 90 days after the date of the letters patent issued by the  
19 Governor incorporating the city, the registered voters of the  
20 city shall elect city officials as provided under section  
21 10701(a)(1) (relating to elected officers, term, reelection and  
22 vacancy).

23          (b) Highest votes.--The two candidates for council receiving  
24 the highest number of votes at the election shall serve for a  
25 term of four years from the first Monday of January next  
26 succeeding the candidate's election.

27          (c) Next highest votes.--The two candidates for council  
28 receiving the next highest number of votes shall serve for a  
29 term of two years from the first Monday of January next  
30 succeeding the election.

1 § 10703. Nominations and elections.

2 Each matter relating to a nomination of a candidate and  
3 election of a city officer shall be governed by the  
4 Pennsylvania Election Code.

5 § 10704. Certificates of election.

6 After the election of city officers under this chapter, the  
7 county board of elections must issue and the officer-elect must  
8 procure a certificate of election. The officer-elect must  
9 present the certificate of election to council on the date and  
10 time provided under law for council's organization. The  
11 certificate must be filed with the city archives and the  
12 certificate's presentation must be noted in the minutes.

13 CHAPTER 108

14 VACANCIES IN OFFICE

15 Sec.

16 10801. Council and office of mayor.

17 10802. Controller and treasurer.

18 § 10801. Council and office of mayor.

19 (a) Appointment.--Within 30 days of a vacancy in the office  
20 of mayor or other member of council or if an elected mayor or  
21 council member has failed to qualify under section 10701  
22 (relating to elected officers, term, reelection and vacancy)  
23 prior to taking office, council must, by a majority of council's  
24 remaining members, appoint a qualified individual to fill the  
25 vacant office.

26 (b) President judge.--If a council does not fill a vacancy  
27 within 30 days under subsection (a) or if a vacancy exists in  
28 the offices of at least a majority of the members of council,  
29 including the position of mayor, the president judge of the  
30 court of common pleas having jurisdiction within the city, must

1 fill each vacancy upon either the petition of at least 10  
2 qualified electors of the city or the petition of a majority of  
3 the remaining members of council.

4 (c) Term.--A individual appointed under subsection (a) or  
5 (b) shall serve for the lesser of the following terms:

6 (1) The remainder of the unexpired term of the office to  
7 which the individual is appointed.

8 (2) Until the first Monday of January after the next  
9 municipal election occurring at least 30 days after the  
10 vacancy occurred.

11 (d) Unexpired term.--If necessary to fill the unexpired term  
12 of the individual originally elected to an office that has  
13 become vacant, an individual shall be elected at the municipal  
14 election referred to under subsection (c) (2) to serve from the  
15 first Monday of January after the election for the remainder of  
16 the unexpired term.

17 § 10802. Controller and treasurer.

18 (a) Appointment.--Within 30 days after a vacancy occurs in  
19 the office of city controller or in the office of city treasurer  
20 or if an elected city controller or city treasurer has failed to  
21 qualify under section 10701 (relating to elected officers, term,  
22 reelection and vacancy) prior to taking office, council must  
23 appoint a qualified individual to fill the vacant office.

24 (b) President judge.--If a council does not fill a vacancy  
25 within 30 days under subsection (a), the president judge of the  
26 court of common pleas having jurisdiction within the city must  
27 fill the vacancy upon the petition of at least 10 registered  
28 voters of the city.

29 (c) Term.--An individual appointed under subsection (a) or  
30 (b) shall serve for the lesser of the following terms:



1 10909. Money and accounts to be delivered by officer to  
2 successor.

3 10916. Pennsylvania municipal league and other municipal  
4 affairs organizations.

5 10917. Powers of subpoena and compelling testimony.

6 10918. Consolidation or integration of fire and police  
7 personnel prohibited.

8 § 10901. Appointment, removal and prohibition.

9 (a) Powers and duties.--Council:

10 (1) May appoint and dismiss any city officer and  
11 employee, except for an elected officer.

12 (2) Shall provide for the removal of an officer of the  
13 city whose office is established by ordinance, except as  
14 provided under this chapter.

15 (b) Elective city office.--The following shall apply to an  
16 individual holding an elective city office:

17 (1) The individual must be removed from office in  
18 accordance with the Constitution of Pennsylvania as follows:

19 (i) by impeachment;

20 (ii) by the Governor for reasonable cause after due  
21 notice and full hearing on the advice of two-thirds of  
22 the Senate; or

23 (iii) upon conviction of misbehavior in office or of  
24 any infamous crime.

25 (2) This chapter and other provisions of law requiring a  
26 forfeiture of office upon the conviction of a crime shall  
27 apply only if the court determines that the conviction is for  
28 misbehavior in office or for an infamous crime.

29 (3) Nothing under this section shall prevent title to an  
30 elected city office from being tried by proceedings of quo

1 warranto as provided under law.

2 (c) Appointed office or position.--The following shall apply  
3 to an individual who is appointed to a city office or position,  
4 except for elective offices:

5 (1) The individual may be removed by the appointing  
6 power, except as limited under law or the Constitution of  
7 Pennsylvania.

8 (2) The individual must be removed on conviction of  
9 misbehavior in office or of an infamous crime.

10 (d) Prohibition.--Except as otherwise provided under law, an  
11 individual may not concurrently hold elective city office and be  
12 an employee of the same city.

13 § 10902. Number, duties and compensation.

14 (a) Prescription.--Except as otherwise provided under this  
15 chapter, council may prescribe, by ordinance, the number, duties  
16 and compensation of the officers and employees of the city.

17 (b) Limitations.--The following shall apply to compensation  
18 paid to an officer or employee of the city:

19 (1) A payment may not be authorized from the city  
20 treasury to an officer or employee of the city unless that  
21 officer or employee has been elected or appointed in  
22 accordance with law.

23 (2) Unless previously authorized under law, an ordinance  
24 may not give extra compensation to an officer or employee of  
25 the city.

26 (c) Offense.--An officer drawing or countersigning a  
27 document authorizing payment or passing or paying a voucher  
28 contrary to this section commits a misdemeanor and shall, upon  
29 conviction, be:

30 (1) subject to forfeiting office in accordance with

1 section 10901(b)(2) (relating to appointment, removal and  
2 prohibition); and

3 (2) sentenced to pay a fine of not more than \$5,000 or  
4 to imprisonment for not more than one year, or both.

5 § 10903. Salary, compensation and emoluments of officers.

6 (a) Prohibition.--A city may not increase or diminish the  
7 salary, compensation or emoluments of an elected officer after  
8 the officer's election. A change in salary, compensation or  
9 emoluments of an elected office shall take effect at the  
10 beginning of the next term of the member of council or other  
11 elected official.

12 (b) Retirement benefits.--Nothing under subsection (a) shall  
13 be construed to limit retirement benefits applicable to each  
14 employee and officer.

15 § 10904. Offices to be held until qualification of successors.

16 (a) Successor.--An officer of a city, who has been elected  
17 or appointed and has qualified under this chapter, shall hold  
18 office until the officer's successor meets all of the following:

19 (1) Is elected or appointed and takes the oath of  
20 office.

21 (2) Provides the necessary bond.

22 (3) Takes other necessary actions required by law to  
23 qualify to assume office.

24 (b) Failure to appear.--If an elected official fails to  
25 appear at the organizational meeting of council to demonstrate  
26 the official's qualifications for office and to take the oath of  
27 office either:

28 (1) the official must fully qualify for office and take  
29 the oath of office within 14 days of the date of the  
30 organizational meeting of council; or

1           (2) the office of that elected official shall be deemed  
2           to be vacant and the vacancy shall be filled in the manner  
3           provided by this chapter.

4           (c) Multiple terms expiring.--Members whose terms have  
5           expired and who are to be replaced shall draw lots to determine  
6           which of the members shall continue to serve on council until  
7           the member's successor duly qualifies or takes the oath of  
8           office when all of the following apply:

9                   (1) The terms of office of more than one council at-  
10                  large member expire.

11                  (2) More than one seated council member is to be  
12                  replaced as the result of an election.

13                  (3) Only one of the newly elected council members fails  
14                  to qualify to assume office.

15           (d) Continuing to hold office.--An individual continuing to  
16           hold office under this section after the first Monday of  
17           January, which would have marked the end of the individual's  
18           term, may not participate in:

19                   (1) The deliberations concerning the individual's  
20                   successor.

21                   (2) A vote appointing the individual's successor.  
22           § 10905. Oath of office, violation of oath and penalty.

23           (a) Oath required.--Each officer of the city, whether  
24           elected or appointed, shall, before entering upon the officer's  
25           respective duties, take and subscribe an oath or affirmation of  
26           office pursuant to 53 Pa.C.S. § 1141 (relating to form of oaths  
27           of office).

28           (b) Oath as qualification.--An individual who refuses to  
29           take the oath shall be deemed not to have met the qualifications  
30           to hold office.

1 (c) Violation.--An individual who violates the individual's  
2 oath:

3 (1) commits a misdemeanor; and

4 (2) upon conviction shall be:

5 (i) sentenced to pay a fine of not more than \$1,000  
6 or to imprisonment for not more than one year, or both;  
7 and

8 (ii) subject to forfeiting office in accordance with  
9 section 10901 (relating to appointment, removal and  
10 prohibition).

11 § 10906. Bond to be given by officers and agents.

12 (a) Bond.--In addition to the requirements for bonding that  
13 may be imposed by this chapter or any other law, council may  
14 require from each elected or appointed officer and agent of the  
15 city a lawful bond with corporate surety for the faithful  
16 performance of his or her duties.

17 (b) Requirement.--An officer or agent required by law or  
18 ordinance to give bond may not be sworn into office or enter  
19 upon the duties of office until the bond has been approved by  
20 the proper authority.

21 § 10907. Surety bonds, insurance and premiums.

22 (a) Bonds.--Unless otherwise provided by this chapter or any  
23 other provision of law, the following shall apply when an  
24 elected or appointed officer or employee of a city is required  
25 to give a bond:

26 (1) The bond shall be for the faithful performance of  
27 the duties of the elected or appointed officer or employee.

28 (2) The bond shall be endorsed by a surety or other  
29 company that is:

30 (i) Authorized by law to act as a surety.

1           (ii) Qualified to do business in this Commonwealth.

2           (3) The bond of an elected or appointed officer or  
3 employee shall be with a corporate surety and not with an  
4 individual or personal surety.

5           (4) The city shall pay the premium on the bond, unless  
6 either:

7           (i) all or a portion of the premium on the bond is  
8 to be paid by the Commonwealth or political subdivisions  
9 other than the city; or

10           (ii) provisions are otherwise made in law for  
11 payment of the premium on the bond, in which case the  
12 city shall pay the unpaid portion of the premium.

13           (5) The bond shall be approved by the city solicitor.

14           (6) In addition to any other conditions required by law,  
15 the bond shall be in the sum and with conditions as council  
16 may direct.

17           (b) Exception.--Except as may be otherwise provided in  
18 section 11402 (relating to bond, insurance and salary), when an  
19 elected or appointed officer or employee of a city is required  
20 to give a bond for the faithful performance of the officer's or  
21 employee's duties, in lieu of the bond council may:

22           (1) Purchase one or more blanket bonds for elected or  
23 appointed officers or employees.

24           (2) Purchase insurance provided that the insurance  
25 covers the same events of loss and insures the city against  
26 the same misconduct as the bond required under this chapter.

27           (c) Insurance.--In addition to a bond required by this  
28 chapter or insurance in lieu of the bond, council may require  
29 insurance in accordance with the following:

30           (1) A city officer or employee who as part of their

1 official duties handle money or have money in their  
2 possession may be required to be covered by adequate  
3 insurance which provides the types of protection against loss  
4 as may be designated by council.

5 (2) Council may require the insurance to include  
6 protection against loss through robbery, burglary or larceny.

7 (3) The cost of the insurance shall be paid by the city  
8 and the amount of the insurance shall be fixed by council.

9 § 10908. Officers not to become surety on bonds given to city  
10 and penalty.

11 (a) Surety.--A city officer or member of council may not  
12 become the surety on a bond or obligation given to the city by  
13 an agent or contractor for the faithful performance of a trust,  
14 agency or contract.

15 (b) Penalty.--An individual violating a provision of this  
16 section commits a misdemeanor and shall, upon conviction, be:

17 (1) Subject to forfeiting office in accordance with  
18 section 10901 (relating to appointment, removal and  
19 prohibition).

20 (2) Sentenced to pay a fine of not more than \$100.

21 § 10909. Money and accounts to be delivered by officer to  
22 successor.

23 (a) Delivered.--All money, accounts, property, documents or  
24 effects belonging to the city in the possession of an officer of  
25 the city shall be either:

26 (1) returned to the city upon the officer's termination  
27 of office; or

28 (2) delivered to the officer's qualified successor.

29 (b) Violation.--An individual violating the provisions of  
30 this section shall be subject to prosecution in accordance with

1 the applicable provisions of 18 Pa.C.S. (relating to crimes and  
2 offenses).

3 (c) Limitation.--Nothing set forth in this section may limit  
4 any other remedies at law or in equity available to the city.

5 § 10916. Pennsylvania municipal league and other municipal  
6 affairs organizations.

7 (a) Unification.--A city may:

8 (1) unite with:

9 (i) one or more city;

10 (ii) cities of two or more classes; and

11 (iii) one or more municipality;

12 (2) form and organize a league of cities and  
13 municipalities; and

14 (3) hold annual conventions for the study and  
15 consideration of municipal affairs of concern that pertain to  
16 the cities and municipalities comprising the league.

17 (b) Delegates.--A city that is a member of the league may do  
18 the following:

19 (1) Send delegates to the league.

20 (2) Pay the necessary expenses, including:

21 (i) Incidental expenses to attend the annual  
22 convention.

23 (ii) Dues to the league.

24 (iii) Appropriate money to join and participate in  
25 any of the various business and training programs of the  
26 league designed to address municipal needs in a cost-  
27 efficient manner.

28 (3) Provide a fund for the necessary costs and expenses  
29 of the league and league conventions.

30 (c) Accounting.--Each delegate shall submit to the city

1 controller for approval an itemized account of the delegate's  
2 expenses to be paid under the authority of this section.

3 (d) Appropriation.--Council is authorized to appropriate  
4 money for support of and participation in other organizations at  
5 the national and State level concerned with municipal affairs.  
6 § 10917. Powers of subpoena and compelling testimony.

7 (a) Applicability.--This section shall apply to any of the  
8 following which are specifically empowered to conduct hearings  
9 and investigations:

10 (1) an officer or official of the city; or

11 (2) a city agency created or authorized to be created by  
12 this part.

13 (b) Issuance.--For the purposes of a hearing or  
14 investigation, the officer, official or city agency under  
15 subsection (a) shall have the authority to issue subpoenas for  
16 the following:

17 (1) attendance and giving of testimony by witnesses as  
18 are subject to the subpoenas of the courts of record of this  
19 Commonwealth; and

20 (2) as duces tecum as to the witnesses.

21 (c) Format.--In the case of a city agency, the subpoenas  
22 shall be issued in the name of the city and of the agency upon  
23 the signature of the presiding officer of the city and the  
24 official seal, if any, of the agency.

25 (d) Service.--Subpoenas shall be served by an individual 18  
26 years of age or older as directed by the city or city agency, in  
27 accordance with the Rules of Civil Procedure, and return of  
28 service shall be filed in accordance with law and applicable  
29 rules of court.

30 (e) Enforcement.--Subpoenas issued by an officer or official

1 of the city or a city agency shall be enforced in the same  
2 manner, and violations of a subpoena shall be subject to the  
3 same penalties, as provided by general law for subpoenas of the  
4 courts of common pleas of the Commonwealth.

5 § 10918. Consolidation or integration of fire and police  
6 personnel prohibited.

7 A city may not consolidate, integrate or reorganize the paid  
8 members of the fire force and the paid members of the police  
9 force into one bureau or organization.

10 CHAPTER 110

11 COUNCIL

12 Subchapter

13 A. General Provisions

14 A.1. Ordinances

15 B. Initiating Ordinances by Electors

16 C. Reconsidering Ordinances by Electors

17 SUBCHAPTER A

18 GENERAL PROVISIONS

19 Sec.

20 11001. Qualifications of council members.

21 11002. Vesting of legislative power.

22 11003. Organization of council.

23 11004. Oath of council members, quorum and rules.

24 11005. Meetings of council, notice and participation by  
25 telecommunication device.

26 11015. Attendance of witnesses and production of books before  
27 council or committee of council.

28 11016. Salaries.

29 11016.1. Appointment of city clerk.

30 § 11001. Qualifications of council members.

1 (a) Requirements.--A council member shall:

2 (1) Be at least 18 years of age.

3 (2) Be elected by the electors at large, subject to the  
4 creation of wards pursuant to Chapter 104 (relating to  
5 creation and division of wards).

6 (b) Residency.--

7 (1) A council member shall reside in the city from which  
8 elected and shall have resided in the city continuously for  
9 at least one year before their election.

10 (2) Prior to being sworn into office and as a condition  
11 to qualifying for office, each elected council member shall  
12 present a signed affidavit to the city clerk that either:

13 (i) states the individual resides in the city and  
14 has resided in the city continuously for at least one  
15 year preceding the individual's election; or

16 (ii) in the case of election to a ward office,  
17 states the individual resides in the ward from which  
18 elected and has resided in the ward continuously for at  
19 least one year preceding the individual's election.

20 (c) Incompatible offices.--The following individuals may not  
21 serve as a council member while continuing to hold the  
22 incompatible office or employment, except as provided in this  
23 chapter:

24 (1) An officer of the United States or of the  
25 Commonwealth, except notaries public or officers of the  
26 militia.

27 (2) A county officer.

28 (3) An officer of a school district located in the city.

29 (4) An officer or employee of the city or of a  
30 department of the city.

1 § 11002. Vesting of legislative power.

2 The legislative power of every city shall be vested in a  
3 council composed of the mayor and council members.

4 § 11003. Organization of council.

5 (a) Organization.--On the first Monday of the January  
6 following the regular municipal election, the members of council  
7 shall assemble at the usual place of meeting for the purpose of  
8 organizing.

9 (b) Holiday.--If the first Monday is a legal holiday, the  
10 meeting shall be held the first day following.

11 (c) Mayor.--The mayor shall:

12 (1) Be the president of council.

13 (2) Be a member of council.

14 (3) Have the same rights and duties, including  
15 introducing bills and making motions, as pertain to other  
16 council members.

17 (d) Vice president.--Unless otherwise provided by ordinance  
18 in accordance with section 11101 (relating to executive  
19 departments), the vice president of council shall either be:

20 (1) the member of council designated as the director of  
21 the department of accounts and finance; or

22 (2) the member of council appointed by council as its  
23 vice president, if the member of council is not the director  
24 of the department of accounts and finance.

25 § 11004. Oath of council members, quorum and rules.

26 (a) Oath.--The members of council shall take the oath of  
27 office provided for in section 10905 (relating to oath of  
28 office, violation of oath and penalty).

29 (b) Quorum.--

30 (1) A majority of the number of members of council shall

1 constitute a quorum.

2 (2) A smaller number may compel the attendance of absent  
3 members, under penalties to be prescribed by ordinance.

4 (3) Only members physically present at a meeting place  
5 within the city shall be counted in establishing a quorum.

6 (c) Rules.--In accordance with law, council may determine  
7 and adopt rules for procedure and conduct of business.

8 § 11005. Meetings of council, notice and participation by  
9 telecommunication device.

10 (a) Meetings.--

11 (1) Council shall hold stated meetings at least once  
12 each month, and at other times as may be fixed by ordinance,  
13 and continue them so long as the transaction of the public  
14 business demands.

15 (2) Special meetings must be held in accordance with the  
16 following:

17 (i) The mayor, as president of council, may call  
18 special meetings of council.

19 (ii) A special meeting of council shall be called by  
20 the mayor upon the request of:

21 (A) Two council members in the case of a five-  
22 member council; or

23 (B) three council members in the case of a  
24 seven-member council.

25 (iii) In addition to any notice required by 65  
26 Pa.C.S. Ch. 7 (relating to open meetings), 24-hour notice  
27 of a special meeting shall be given to each member.

28 (iv) A special meeting can be a special purpose  
29 meeting or a general purpose meeting, as advertised.

30 (v) Notice of a special meeting shall state the

1 nature of the business to be conducted at the meeting.

2 (b) Telecommunication.--Council may provide for the  
3 participation of council members in meetings of council by means  
4 of telecommunication devices, including telephones or computer  
5 terminals which permit audio communication, between locations  
6 if:

7 (1) A quorum under section 11004 (relating to oath of  
8 council members, quorum and rules) is established at the  
9 convening or reconvening of the meeting. If after the  
10 convening or reconvening of the meeting a member has been  
11 disqualified from voting as a matter of law but is still  
12 physically present, council members participating by  
13 telecommunication device in accordance with this section  
14 shall be counted to maintain a quorum.

15 (2) The telecommunication device used permits the member  
16 or members of council not physically present at the meeting  
17 to:

18 (i) speak to and hear the comments and votes, if  
19 any, of the members of council who are physically present  
20 as well as other members of council who may not be  
21 physically present and who are also using a  
22 telecommunication device to participate in the meeting;  
23 and

24 (ii) speak to and hear the comments of the public  
25 who are physically present at the meeting.

26 (3) The telecommunication device used permits members of  
27 council and the members of the public who are physically  
28 present at the meeting to speak to and hear the comments and  
29 votes, if any, of the member or members of council who are  
30 not physically present at the meeting.

1           (4) Council may only authorize participation by  
2 telecommunication device for any of the following reasons for  
3 physical absence:

4           (i) Illness or disability of the member of council.

5           (ii) Care for the ill or newborn in the member's  
6 immediate family.

7           (iii) Emergency.

8           (iv) Family or business travel.

9           (5) Nothing in this subsection may be construed to limit  
10 the protection and prohibition contained in any law or  
11 regulation relating to the rights of the disabled.

12          (c) Public access.--All meetings of council, whether regular  
13 or special, shall be open to the public.

14          (d) Previous councils.--Council shall be a continuous body  
15 and it shall be lawful for a council to complete unfinished  
16 business or legislation begun by the preceding council.

17 § 11015. Attendance of witnesses and production of books before  
18 council or committee of council.

19          (a) Subpoenas.--Council may compel the attendance of  
20 witnesses and the production of books, papers and other evidence  
21 at a meeting of the body or a committee of council. A subpoena  
22 signed by the mayor or the chairperson of the committee may be  
23 issued in a pending case of inquiry or investigation. The  
24 subpoena may be served and executed in this Commonwealth.

25          (b) Oaths.--A member of council and the city clerk shall  
26 have power to administer oaths to the witnesses.

27          (c) Refusal.--

28               (1) If a witness refuses to testify as to a fact within  
29 the witness' knowledge, or to produce a book or paper within  
30 the witness' possession or under the witness' control

1 required to be used as evidence in the case, the city clerk  
2 shall report the facts relating to the refusal to the court  
3 of common pleas. The court:

4 (i) May hear new evidence which may be offered on  
5 behalf of or against the witness.

6 (ii) Shall hear all questions arising from the  
7 refusal and new evidence not included in the clerk's  
8 report.

9 (2) If the court determines that the testimony or  
10 evidence required by the witness is legal, properly competent  
11 and ought to be given or produced by the witness, the court  
12 shall order the witness to testify or produce books or  
13 papers, or both, as the case may be.

14 (3) If the witness refuses to testify or to produce the  
15 books or papers, the court shall have power to hold the  
16 witness for contempt.

17 (d) Penalties and reimbursement.--An individual called as a  
18 witness and examined under oath shall be liable to indictment,  
19 conviction and punishment for perjury as if the witness had been  
20 called and examined before a committee of the General Assembly  
21 or in a judicial proceeding before a court of record, in  
22 accordance with existing laws. An individual outside of the city  
23 subpoenaed under this section, shall be entitled to:

24 (1) Be reimbursed for mileage to and from the city at  
25 the maximum mileage rate periodically established by the  
26 United States Internal Revenue Service.

27 (2) A per diem allowance as established by council for  
28 the individual's time in the city.

29 § 11016. Salaries.

30 (a) Salary.--Except as provided in subsection (b), a council

1 member shall receive an annual salary for the member's service  
2 during the member's term. The salary shall be fixed by ordinance  
3 and payable in regular installments. Council may, by an  
4 ordinance fixing the salaries, provide for the assessment and  
5 retention from the salaries of reasonable fines for absence from  
6 regular or special meetings of council or committees of  
7 council.

8 (b) Compensation.--As an alternative to the annual salary  
9 method in subsection (a), council may provide that a member of  
10 council will receive compensation, based on attendance, on a  
11 per-meeting basis. The compensation shall only be payable for  
12 duly advertised public meetings in which a council member  
13 participated. If council has provided that members of council  
14 will receive compensation on a per-meeting basis, council may  
15 provide for the forfeiture of up to 1/12th of the annual  
16 compensation of a council member or impose another appropriate  
17 penalty for each unexcused absence from a regularly scheduled  
18 meeting.

19 (c) Range.--The salary paid to a council member shall be in  
20 accordance with the following:

21 (1) Until changed by ordinance, for the term of council  
22 members in newly created cities, each council member may  
23 receive a salary as follows:

24 (i) Not more than \$1,875 per year in cities having a  
25 population of less than 5,000.

26 (ii) Not more than \$2,500 per year in cities having  
27 a population of 5,000 or more but less than 10,000.

28 (iii) Not more than \$3,250 per year in cities having  
29 a population of 10,000 or more but less than 15,000.

30 (iv) Not more than \$4,125 per year in cities having

1 a population of 15,000 or more but less than 25,000.

2 (v) Not more than \$4,375 per year in cities having a  
3 population of 25,000 or more but less than 35,000.

4 (vi) Not more than \$5,000 per year in cities having  
5 a population of 35,000 or more.

6 (2) The compensation to be received by council members  
7 and elected officials in cities other than newly created  
8 cities shall be fixed by ordinance of council finally enacted  
9 at least two days prior to the last day fixed by law for  
10 candidates to withdraw their names from nominating petitions.

11 § 11016.1. Appointment of city clerk.

12 (a) Appointment.--Council shall appoint a city clerk, whose  
13 compensation shall be fixed by ordinance, who meets all the  
14 following criteria:

15 (1) Is an at-will employee.

16 (2) Has no property interest in the city clerk's  
17 position.

18 (b) Powers and duties.--Council may, by ordinance or  
19 resolution, prescribe duties of the city clerk in addition to  
20 those established by law. The city clerk shall have the power of  
21 a notary public to administer oaths in any matter pertaining to  
22 the business of the city or in a legal proceeding in which the  
23 city is interested.

24 (c) Custody.--The records of council shall be in the actual  
25 or constructive custody of the city clerk and shall be subject  
26 to inspection and copying in accordance with the act of February  
27 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

28 SUBCHAPTER A.1

29 ORDINANCES

30 Sec.

1 11018.1. Ordinances and resolutions.  
2 11018.2. Voting, no veto and vote necessary to enact ordinances  
3 or adopt resolutions.  
4 11018.3. Journal of proceedings, recording and withholding of  
5 vote.  
6 11018.4. Signing and attesting ordinances.  
7 11018.5. Proposed ordinances and titles.  
8 11018.6. Reading of proposed ordinances and final enactment.  
9 11018.7. Payments not authorized by law.  
10 11018.8. Time of taking effect of ordinances.  
11 11018.9. Publication of proposed ordinances.  
12 11018.10. Filing of proposed ordinances.  
13 11018.11. Records of ordinances maintained by city clerk.  
14 11018.12. Proof and evidence.  
15 11018.13. Standard or nationally recognized codes.  
16 11018.14. Maps, plans or drawings.  
17 11018.15. Codification of ordinances.  
18 11018.16. Enforcement of ordinances, recovery and payment of  
19 finances and penalties.  
20 11018.17. Penalty.  
21 § 11018.1. Ordinances and resolutions.  
22 (a) Ordinances.--With regard to ordinances, the following  
23 shall apply:  
24 (1) Council shall enact ordinances as may be necessary  
25 to carry out the requirements of this part and impose fines  
26 and penalties for the violation of the ordinances,  
27 recoverable in the manner provided in this part and subject  
28 to limitations as to the amount of the fines and penalties.  
29 (2) Every legislative act of council shall be by  
30 ordinance and the legislative acts shall include:

1           (i) Tax ordinances.

2           (ii) General appropriation ordinances.

3           (iii) All ordinances that:

4                 (A) Exercise the police power of the city.

5                 (B) Regulate land use, development and  
6                 subdivision.

7                 (C) Impose building, plumbing, electrical,  
8                 property maintenance, housing and similar standards.

9                 (D) Otherwise regulate the conduct of persons  
10                within the city.

11           (iv) Imposition of penalties for the violation of  
12           ordinances.

13           (3) A proposed ordinance may be introduced by a council  
14           member and council may require that the introduction of a  
15           proposed ordinance by a council member be by motion.

16           (b) Resolutions.--With regard to resolutions, the following  
17           shall apply:

18                 (1) Council shall adopt resolutions in accordance with  
19                 the provisions of this part.

20                 (2) The purposes for which resolutions may be adopted  
21                 shall include, but not be limited to, the following:

22                         (i) Ceremonial or congratulatory expressions of the  
23                         good will of council.

24                         (ii) Statements of public policy of council.

25                         (iii) Approval of formal agreements of the city,  
26                         except when an agreement arises under a previously  
27                         approved purchasing system of the city.

28                         (iv) Approval of the acquisition, disposition and  
29                         leasing of real property.

30                         (v) Approval of administrative rules and regulations

1 arising under State statutes or city ordinances.

2 (3) When eminent domain proceedings are instituted by  
3 resolution, notice of the resolution, including a description  
4 of the subject properties, must be published once in a  
5 newspaper of general circulation not more than 60 days but at  
6 least seven days prior to adoption.

7 § 11018.2. Voting, no veto and vote necessary to enact  
8 ordinances or adopt resolutions.

9 (a) Voting generally.--Members of council present or  
10 participating via a telecommunication device shall vote on each  
11 question before council, except:

12 (1) As may be required by the provisions of a public  
13 official ethics law which may be applicable to members of  
14 council.

15 (2) As may be excused by a simple majority vote of the  
16 members of council present at a council meeting, for cause,  
17 which shall be entered in the journal, as may be deemed  
18 appropriate.

19 (b) Veto.--The mayor shall have no right of veto.

20 (c) Majority vote.--Except as otherwise provided in this  
21 part, an ordinance may not be enacted and a resolution may not  
22 be adopted by council without an affirmative vote of a majority  
23 of the number of the members of council.

24 § 11018.3. Journal of proceedings, recording and withholding of  
25 vote.

26 (a) Journal.--Council shall keep a journal of the  
27 proceedings. The journal shall be in the possession of the city  
28 clerk and shall, at all times, be open to public inspection.

29 (b) Recording.--For every vote, the yeas and nays shall be  
30 called and recorded by the city clerk. An ordinance shall and a

1 resolution may be reduced to writing before the vote is taken on  
2 the ordinance or resolution.

3 (c) Withholding.--A member of council shall not withhold the  
4 member's vote on a question before council, unless permitted to  
5 do so in accordance with section 11018.2(a) (relating to voting,  
6 no veto and vote necessary to enact ordinances or adopt  
7 resolutions).

8 § 11018.4. Signing and attesting ordinances.

9 A legislative act of council shall be by ordinance. An  
10 ordinance enacted by council shall be signed by the mayor and  
11 attested by the city clerk.

12 § 11018.5. Proposed ordinances and titles.

13 (a) Format.--A proposed ordinance shall be presented to  
14 council in written form as a bill and shall be numbered  
15 sequentially for the calendar year.

16 (b) Single subject.--An ordinance, except for a general  
17 appropriation ordinance, may not be enacted containing more than  
18 one subject, which shall be reasonably identified in the title.

19 (c) Original purpose.--An ordinance may not be altered or  
20 amended upon enactment by council as to change the original  
21 purpose.

22 (d) Title.--The title of an ordinance shall not be  
23 considered in the construction or interpretation of the  
24 ordinance by a court of competent jurisdiction.

25 § 11018.6. Reading of proposed ordinances and final enactment.

26 (a) Reading.--The title of every proposed ordinance shall be  
27 read at least twice, once when introduced and again before final  
28 enactment by council. Amendments or other changes to the  
29 proposed ordinance shall be read in their entirety.

30 (b) Public availability.--A complete copy of every ordinance

1 introduced shall be available for public inspection at the city  
2 clerk's office during regular office hours.

3 (c) Time frame.--An ordinance may not be finally enacted by  
4 council the same day it was introduced. At least three days  
5 shall intervene between the ordinance's introduction and final  
6 enactment by council.

7 (d) Numbering.--Upon enactment, ordinances shall be numbered  
8 sequentially.

9 § 11018.7. Payments not authorized by law.

10 An ordinance may not be enacted and a resolution may not be  
11 adopted providing for the payment of money by the city without  
12 previous authority of law. An officer executing a document  
13 authorizing payment, making a payment or passing a voucher for a  
14 payment not authorized by law commits a misdemeanor. The officer  
15 shall, upon conviction, be sentenced to pay a fine of not more  
16 than \$5,000 and to imprisonment for not more than one year.

17 § 11018.8. Time of taking effect of ordinances.

18 Unless otherwise provided by law, an ordinance, except those  
19 pertaining to the subjects set forth in section 11050(b)  
20 (relating to time ordinances go into effect), shall take effect  
21 after:

22 (1) The tenth day after enactment.

23 (2) Being signed by the mayor.

24 (3) Being attested by the city clerk.

25 § 11018.9. Publication of proposed ordinances.

26 (a) Publication required.--A proposed ordinance, except as  
27 otherwise provided in this chapter, shall be published in a  
28 newspaper of general circulation not more than 60 days nor fewer  
29 than seven days prior to enactment.

30 (b) Contents.--

1           (1) Except as otherwise provided by law, the publication  
2 of a proposed ordinance shall include either:

3           (i) the full text; or

4           (ii) the title and a summary of the ordinance  
5 setting forth the provisions in reasonable detail and a  
6 reference to a place within the city where copies of the  
7 proposed ordinance may be examined.

8           (2) If the full text is not published, the newspaper in  
9 which the proposed ordinance is published shall be furnished  
10 a copy of the ordinance, upon request.

11 (c) Readvertisement.--In the event substantial amendments  
12 are made in the proposed ordinance, before voting upon enactment  
13 council shall, within 10 days, readvertise in one newspaper of  
14 general circulation a brief summary setting forth all  
15 provisions and amendments in reasonable detail.

16 § 11018.10. Filing of proposed ordinances.

17 (a) Place of filing.--If the full text is not published, an  
18 attested copy of the proposed ordinance shall be filed when the  
19 summary of the ordinance is published in the county law library  
20 or other county office designated by the county commissioners.  
21 The county commissioners may impose a fee no greater than  
22 necessary to cover the actual costs of storing the proposed  
23 ordinances. Filing with the county may be completed by the  
24 submission of an electronic copy of the ordinance through a  
25 method available, in the sole discretion of the county, to  
26 permit receipt by the office storing municipal ordinances. Upon  
27 request by the city, the county shall notify the city of the  
28 method by which electronic copies may be submitted. The county  
29 may store the ordinance electronically, provided that the public  
30 is able to access the electronically stored city ordinances

1 during regular business hours at the office or at a remote  
2 location. The city shall retain a printed copy of the e-mail and  
3 ordinance as transmitted.

4 (b) Date of filing.--The date of filing the proposed  
5 ordinance with the county shall not affect the effective date of  
6 the ordinance or the validity of the process of enactment of the  
7 ordinance.

8 § 11018.11. Records of ordinances maintained by city clerk.

9 (a) Records.--Within one month after enactment, each  
10 ordinance shall be certified and recorded by the city clerk in a  
11 book provided by the city which shall, at all times, be open to  
12 the inspection of the public. A standard or nationally  
13 recognized code or a portion of the standard or nationally  
14 recognized code enacted by reference need not be recorded in or  
15 attached to the ordinance book but shall be deemed to have been  
16 legally recorded if the ordinance by which the code was enacted  
17 by reference is recorded, with an accompanying notation stating  
18 where the full text of the code is filed. A failure to record  
19 within the time provided shall not be deemed a defect in the  
20 process of the enactment or adoption of the ordinance.

21 (b) Compilation or codification.--At the close of each year,  
22 with the advice and assistance of the city solicitor, the city  
23 clerk shall bind, compile or codify all the ordinances of the  
24 city, or true copies of the ordinances, which remain in force  
25 and effect.

26 (c) Indexing.--The city clerk shall also properly index the  
27 record books, compilation or codification of ordinances.

28 (d) Retention.--The retention of ordinances shall be in  
29 accordance with 53 Pa.C.S. Ch. 13 Subch. F (relating to  
30 records).

1 (e) Attachment.--A city ordinance or portion of a city  
2 ordinance which prior to June 6, 1963, is attached to the city  
3 ordinance book, shall be considered in force as if the ordinance  
4 or portions of the ordinance were recorded directly upon the  
5 pages of the ordinance book.

6 § 11018.12. Proof and evidence.

7 (a) Proof.--An ordinance, resolution, motion or other  
8 proceeding of council may be proved by the certificate of the  
9 city clerk under the corporate seal.

10 (b) Evidence.--When an ordinance, resolution, motion or  
11 proceeding of council is printed or published in book or  
12 pamphlet form by authority of the city, it shall be read and  
13 received as evidence in all courts and elsewhere without further  
14 proof.

15 § 11018.13. Standard or nationally recognized codes.

16 (a) Authority to enact.--In the same manner as other  
17 ordinances, and except as otherwise provided in this chapter or  
18 the Pennsylvania Construction Code Act, council may enact, by  
19 reference to a standard or nationally recognized code, all or a  
20 portion of the standard or nationally recognized code as an  
21 ordinance of the city. Three copies of the proposed standard or  
22 nationally recognized code, portion of the code or amendment to  
23 the code shall be filed in the office of the city clerk at least  
24 10 days before council considers the proposed ordinance. Upon  
25 enactment, a copy shall be kept with the ordinance book and  
26 available for public use, inspection and examination.

27 (b) Time frame.--

28 (1) Except as otherwise provided by the Pennsylvania  
29 Construction Code Act and regulations adopted pursuant to the  
30 act, an ordinance adopting, by reference, a standard or

1 nationally recognized code shall be enacted within 60 days  
2 after introduction and shall encompass subsequent changes in  
3 the code unless otherwise specified in the ordinance.

4 (2) An ordinance which incorporates standard or  
5 nationally recognized code amendments by reference shall  
6 become effective after the same procedure and in the same  
7 manner as is specified in this section for original adoption  
8 of the code.

9 (c) Technical regulations or code.--An ordinance that  
10 incorporates, by reference, standard technical regulations or  
11 code shall be subject to the provisions of the Pennsylvania  
12 Construction Code Act, if applicable.

13 § 11018.14. Maps, plans or drawings.

14 (a) Adoption.--Except as otherwise provided under the  
15 Municipalities Planning Code, if maps, plans or drawings are to  
16 be adopted as part of an ordinance, council, instead of  
17 publishing the maps, plans or drawings as part of the ordinance  
18 may make reference in publishing the ordinance or a summary of  
19 the ordinance, the location where the maps, plans or drawings  
20 are on file and may be examined.

21 (b) Amending.--Once enacted as part of an ordinance, a map,  
22 plan or drawing shall be amended by ordinance.

23 § 11018.15. Codification of ordinances.

24 (a) Preparation authorized.--Council may prepare a  
25 consolidation or codification of the general body of city  
26 ordinances or the ordinances on a particular subject. Council  
27 may adopt the consolidation or codification as an ordinance of  
28 the city in the same manner prescribed for the adoption of an  
29 ordinance, except as follows:

30 (1) A consolidation or codification to be enacted as a

1 single ordinance shall be introduced in council at least 30  
2 days before its final enactment. At least 15 days before  
3 final enactment, notice of introduction of the consolidation  
4 or codification specifying the general nature and content  
5 shall be given, by advertisement, in a newspaper of general  
6 circulation.

7 (2) The required advertised notice of the proposed  
8 adoption of the consolidation or codification shall include:

9 (i) A listing of the table of contents.

10 (ii) A place within the city where a copy of the  
11 proposed consolidation or codification may be examined.

12 (b) Additional procedure.--The procedure for the  
13 consolidation or codification of city ordinances as a single  
14 ordinance may also be followed in enacting a complete group or  
15 body of ordinances repealing or amending existing ordinances as  
16 may be necessary in the course of preparing a consolidation or  
17 codification of the city ordinances. The advertisement giving  
18 notice of the proposed adoption shall list, in lieu of a table  
19 of contents, only the titles of each of the ordinances in the  
20 complete group or body of ordinances.

21 (c) Adoption by reference.--The consolidation or  
22 codification may contain provisions which will operate to adopt,  
23 by reference, a building, fire prevention or other standard or  
24 model code or zoning ordinance and zoning map in accordance with  
25 section 11018.13 (relating to standard or nationally recognized  
26 codes) and, if applicable, section 11018.14 (relating to maps,  
27 plans or drawings).

28 § 11018.16. Enforcement of ordinances, recovery and payment of  
29 finances and penalties.

30 (a) Enforcement.--An action, prosecution, complaint or

1 proceeding for the violation of an ordinance of the city and for  
2 the fine, penalty and forfeiture imposed shall be instituted in  
3 the corporate name of the city and be conducted in the manner  
4 prescribed by law.

5 (b) Proceedings.--Unless otherwise provided by law, a  
6 proceeding for the violation of the ordinances of the city shall  
7 be conducted as a summary conviction proceeding, or a proceeding  
8 for the recovery of penalties, before a magisterial district  
9 judge with the same right of appeal from a final judgment  
10 entered.

11 § 11018.17. Penalty.

12 A person who violates an ordinance enacted under the  
13 authority of this chapter for which no penalty is specified  
14 commits a summary offense and upon conviction shall be sentenced  
15 to pay a fine of not more than \$1,000 or to imprisonment for not  
16 more than 90 days, or both.

17 SUBCHAPTER B

18 INITIATING ORDINANCES BY ELECTORS

19 11030. Initiation of proposed ordinances by petition and  
20 exceptions.

21 11031. Petition and notice.

22 11032. Signing and oath.

23 11033. Number of signatures, examination and certificate by  
24 city clerk.

25 11034. Submission to council.

26 11035. Actions by council and notices.

27 11036. Form of ballot on submission to vote.

28 11037. Effect of majority vote.

29 11038. No repeal within two years.

30 11039. Number of proposed ordinances to be submitted and

1 elections limited.

2 11040. Submission for repeal by council.

3 11041. Publication of proposed ordinance, repeal or amendment.

4 § 11030. Initiation of proposed ordinances by petition and  
5 exceptions.

6 (a) Submission.--Except as provided in subsection (b), a  
7 proposed ordinance may be submitted to council by a petition  
8 signed by the electors of a city in accordance with this  
9 subchapter.

10 (b) Exclusions.--The following proposed ordinances may not  
11 be submitted by petition to council in accordance with this  
12 subchapter:

13 (1) Proposed ordinances dealing with the subjects set  
14 forth in section 11050(b) (relating to time ordinances go  
15 into effect).

16 (2) Proposed ordinances to repeal, amend or modify an  
17 ordinance which took effect after having been subject to the  
18 provisions of the referendum for reconsideration of the  
19 ordinance.

20 § 11031. Petition and notice.

21 If the city clerk receives a written request for the  
22 preparation of a petition for the submission of a proposed  
23 ordinance to council by at least 100 qualified electors of the  
24 city and the request is accompanied by a copy of the proposed  
25 ordinance, within 10 days of receipt the city clerk shall do  
26 each of the following:

27 (1) Prepare the requested petition.

28 (2) Publish notice at least once in a newspaper of  
29 general circulation that provides at least the following  
30 information:

1           (i) The date on which the request for the petition  
2           was received and that the petition will be ready for  
3           signing at the expiration of 10 days from that date.

4           (ii) The purpose for which the petition is made.

5           (iii) The place at which and the dates and times  
6           during which the petition may be signed, with 15 business  
7           days being allowed for signatures.

8 § 11032. Signing and oath.

9           (a) Petition.--A petition for the submission of a proposed  
10           ordinance shall be signed in the city clerk's office. The  
11           petition shall be retained in the city clerk's office at all  
12           times for a period of 15 days. Each signer shall:

13           (1) Add to the signer's signature the signer's address.

14           (2) Make oath before the city clerk that the signer is a  
15           qualified elector of the city and resides at the address  
16           given.

17           (b) Hours.--The city clerk shall keep the city clerk's  
18           office open, at a minimum, from 9 a.m. through 7 p.m. Monday  
19           through Friday, except holidays, for the purpose of permitting  
20           electors to sign the petition. The city clerk shall not permit  
21           an individual to sign the petition after 7 p.m. on the last day  
22           for signing the petition.

23 § 11033. Number of signatures, examination and certificate by  
24           city clerk.

25           (a) Signatures.--Within 10 days after the period of time for  
26           signing the petition has elapsed, the city clerk shall:

27           (1) Examine the petition.

28           (2) Ascertain whether or not the petition is signed by  
29           electors of the city, equal in number to at least 20% of the  
30           entire votes cast by registered electors for all candidates

1 for mayor at the last preceding municipal election at which a  
2 mayor was elected.

3 (b) Employees.--If necessary, council may allow the city  
4 clerk additional help for the purpose of complying with this  
5 section.

6 (c) Results.--The city clerk shall attach to the petition  
7 the clerk's certificate showing the result of the examination.

8 (d) Failure.--If less than the required 20% under subsection  
9 (a) (2) is certified, the petition shall fail and shall be filed  
10 in the office of the city clerk.

11 § 11034. Submission to council.

12 If the petition is certified to contain signatures as  
13 required in section 11033(a) (2) (relating to number of  
14 signatures, examination and certificate by city clerk), the city  
15 clerk shall submit the petition to council without delay.

16 § 11035. Actions by council and notices.

17 If the petition accompanying the proposed ordinance is signed  
18 by electors of the city as required in section 11033(a) (2)  
19 (relating to number of signatures, examination and certificate  
20 by city clerk), council shall do one of the following:

21 (1) Enact the proposed ordinance without alteration  
22 within 20 days, except as otherwise provided in this chapter,  
23 after attachment of the city clerk's certificate to the  
24 accompanying petition.

25 (2) Call for a referendum to be held at the time of the  
26 next general, municipal or primary election occurring at  
27 least 90 days thereafter, at which election the proposed  
28 ordinance must be submitted, without alteration, to the  
29 electors of the city for a vote, after attachment of the city  
30 clerk's certificate to the accompanying petition. Notice of

1 the election and the text of the question to be submitted to  
2 the electors shall be published in the same manner as  
3 publication is required in section 1201 of the Pennsylvania  
4 Election Code.

5 § 11036. Form of ballot on submission to vote.

6 The question to be submitted to the electors on the proposed  
7 ordinance shall be framed to state the nature of the proposed  
8 ordinance, followed by the words "yes" and "no". The question  
9 shall be placed on the ballot which shall be counted, returned  
10 and computed in accordance with section 11062 (relating to  
11 computing and filing returns) and the election laws of the  
12 Commonwealth.

13 § 11037. Effect of majority vote.

14 If the majority of the qualified electors voting on the  
15 proposed ordinance vote in favor of the ordinance, the ordinance  
16 shall become a valid and binding ordinance of the city.

17 § 11038. No repeal within two years.

18 An ordinance proposed by petition, whether enacted by council  
19 or adopted by a vote of the electors, shall not be repealed or  
20 amended within two years of the effective date except by a vote  
21 of the electors.

22 § 11039. Number of proposed ordinances to be submitted and  
23 elections limited.

24 Any number of proposed ordinances may be voted upon at the  
25 same election, in accordance with the provisions of this  
26 subchapter. Proposed ordinances on the same subject matter shall  
27 not be submitted by petition more frequently than once every  
28 three years.

29 § 11040. Submission for repeal by council.

30 Council may submit a proposition for the repeal or amendment

1 of an ordinance to be voted upon at a succeeding municipal,  
2 general or primary election occurring at least 90 days after  
3 council's submission of the proposition. Should the submitted  
4 proposition receive a majority of the votes cast on the  
5 proposition at the election, the ordinance shall be repealed or  
6 amended accordingly.

7 § 11041. Publication of proposed ordinance, repeal or  
8 amendment.

9 Whenever a proposed ordinance is to be submitted to the  
10 electors of the city at an election or an ordinance is submitted  
11 by council for repeal or amendment, notice of the election and  
12 text of the question to be submitted to the electors shall be  
13 published in the same manner as publication is required in  
14 section 1201 of the Pennsylvania Election Code.

15 SUBCHAPTER C

16 RECONSIDERING ORDINANCES BY ELECTORS

17 Sec.

18 11050. Time ordinances go into effect.

19 11051. Petition and reconsideration of ordinance.

20 11052. Preparation of petition by city clerk and notice.

21 11053. Additional petitions.

22 11054. Signatures, oath and time of signing.

23 11055. Presentation of petition to council.

24 11056. Ascertainment of number of signers and report.

25 11059. Effect of petition and submission to electors.

26 11060. Certification to county board of elections, ballots or  
27 ballot labels and expense of elections.

28 11061. Form of ballot or ballot label.

29 11062. Computing and filing returns.

30 11063. Effect of the vote.

1 11064. Publication of ordinance before election.

2 § 11050. Time ordinances go into effect.

3 (a) Timing.--Except as provided in subsection (b), an  
4 ordinance enacted by council may not go into effect before 10  
5 days from the time of the ordinance's final enactment by  
6 council.

7 (b) Immediate enactment.--The following may be made  
8 effective upon final enactment:

9 (1) An ordinance:

10 (i) Expressly required to be enacted by the general  
11 laws of the Commonwealth.

12 (ii) Expressly required to be enacted by the  
13 provisions of any act of the General Assembly.

14 (iii) That contains provisions and matters which are  
15 subject to the approval of an officer or tribunal of the  
16 Commonwealth.

17 (2) An ordinance providing for any of the following:

18 (i) Tax levies or fees.

19 (ii) Annual and other appropriations.

20 (iii) The exercise of the right of eminent domain.

21 (3) An ordinance providing for any of the following:

22 (i) The preservation of the public peace, health,  
23 morals and safety.

24 (ii) The exercise of the police powers of the city  
25 government.

26 (iii) The prevention and abatement of nuisances.

27 (4) An ordinance providing for an election to increase  
28 indebtedness and any other ordinance which by law must be  
29 submitted to an election before it shall take effect.

30 (5) An ordinance providing for the opening, paving,

1 grading or other improvement of streets or highways if the  
2 improvement is petitioned for by a majority, in number or  
3 interest, of the abutting property owners.

4 (6) An ordinance providing for either:

5 (i) the construction of sewers; or

6 (ii) streets, highways and sidewalks to be kept in:

7 (A) Good order and repair.

8 (B) In a safe and passable condition.

9 § 11051. Petition and reconsideration of ordinance.

10 With the exception of an ordinance dealing with the subjects  
11 set forth in section 11050(b) (relating to time ordinances go  
12 into effect), an ordinance shall be suspended from going into  
13 operation and shall be reconsidered by council if all of the  
14 following occur:

15 (1) A petition is presented to council:

16 (i) within 10 days after the ordinance's final  
17 enactment;

18 (ii) in accordance with this subchapter; and

19 (iii) which protests against enactment of the  
20 ordinance.

21 (2) The petition must be signed by electors as required  
22 in section 11033(a)(2) (relating to number of signatures,  
23 examination and certificate by city clerk).

24 § 11052. Preparation of petition by city clerk and notice.

25 (a) Petition.--A petition under section 11051 (relating to  
26 petition and reconsideration of ordinance) shall be prepared by  
27 the city clerk immediately upon receipt by the clerk of the  
28 written request of 100 qualified electors of the city asking  
29 that the petition be prepared. Upon preparation of the petition,  
30 the clerk shall give notice by publication in a newspaper of

1 general circulation:

2 (1) That the petition is ready for signing.

3 (2) The purpose of the petition.

4 (3) The place and time when the petition may be signed.

5 (b) Signing.--The signing shall be done only in the city  
6 clerk's office where the petition shall be retained during the  
7 period of 10 days after the enactment of the ordinance.

8 § 11053. Additional petitions.

9 (a) Petitions.--In order to facilitate the signing of the  
10 petition, the city clerk shall make at least two additional  
11 similar petitions for signing by the qualified electors. Signing  
12 an additional similar petition shall have the same force and  
13 effect as signing the original petition. The city clerk is  
14 authorized to employ at least two individuals to take charge of  
15 the additional petitions.

16 (b) Employees.--The city clerk and employees hired under  
17 this section are empowered to administer the oath required to be  
18 taken by the electors. This section also shall apply to  
19 petitions initiating ordinances under Subchapter B (relating to  
20 initiating ordinances by electors).

21 § 11054. Signatures, oath and time of signing.

22 (a) Signers.--Each signer of a petition under section 11051  
23 (relating to petition and reconsideration of ordinance) shall  
24 also do all the following:

25 (1) Include the signer's address.

26 (2) Make an oath before the city clerk or other person  
27 authorized under section 11053 (relating to additional  
28 petitions) that the signer:

29 (i) Is a qualified elector of the city.

30 (ii) Resides at the address given.

1 (b) Office hours.--The city clerk shall keep the city  
2 clerk's office open, at a minimum, from 9 a.m. through 7 p.m.  
3 Monday through Friday, except holidays, for the purpose of  
4 receiving signatures to the petitions. The city clerk shall not  
5 permit an individual to sign a petition after 7 p.m. of the  
6 tenth day following the enactment of the ordinance on which the  
7 referendum vote is requested.

8 § 11055. Presentation of petition to council.

9 At the expiration of 10 days, the petition shall be filed  
10 with council and presented by the city clerk at council's next  
11 meeting.

12 § 11056. Ascertainment of number of signers and report.

13 After presentation of the petition to council, the city clerk  
14 shall ascertain whether or not the referendum petition is signed  
15 by a number of registered electors equal to 20% of all the votes  
16 cast for all candidates for mayor at the last preceding  
17 municipal election at which a mayor was elected. Council may  
18 allow the clerk additional help for that purpose. After the  
19 clerk has made the examination, the clerk shall report the  
20 result to council.

21 § 11059. Effect of petition and submission to electors.

22 (a) Petition lacking signatures.--If it appears that the  
23 petition under this subchapter has not been signed by the  
24 required number of electors, no action shall be taken. The  
25 ordinance shall be taken to be in full force from the time or  
26 times it would have gone into effect had there been no petition  
27 against the ordinance.

28 (b) Reconsideration.--Council must reconsider an ordinance  
29 if the petition is signed by a number of electors equal to 20%  
30 of all the votes cast for mayor. If the ordinance is not

1 entirely repealed by council on reconsideration, council must  
2 call a referendum to be held at the time of the next general,  
3 municipal or primary election occurring at least 60 days after  
4 the reconsideration.

5 (c) Submission.--At the election, the ordinance shall be  
6 submitted without alteration in accordance with the Pennsylvania  
7 Election Code.

8 § 11060. Certification to county board of elections, ballots or  
9 ballot labels and expense of elections.

10 (a) Certification.--The city clerk, after consultation with  
11 the city solicitor, shall certify to the county board of  
12 elections a copy of the ordinance and the proceedings of council  
13 directing the referendum vote. The county board of elections  
14 shall cause the question to be printed for use in the election  
15 districts of the city.

16 (b) Preparation.--The preparation of ballots or ballot  
17 labels for and the holding of a referendum shall be conducted in  
18 the manner as provided in the Pennsylvania Election Code.

19 (c) Number.--Any number of ordinances may be referred and  
20 voted on at the same election.

21 § 11061. Form of ballot or ballot label.

22 The ballot used when voting on the ordinance shall contain a  
23 question stating the nature of the referred ordinance followed  
24 by the words "yes" and "no" and shall be conducted in the manner  
25 as provided in the Pennsylvania Election Code.

26 § 11062. Computing and filing returns.

27 (a) Computing.--An officer holding an election shall keep a  
28 tally sheet and make a return of votes on the referendum  
29 question in the same manner as a tally sheet is kept and a  
30 return is made in an election of officers and the submission of

1 other questions as provided by the Pennsylvania Election Code.

2 (b) Filing.--A return shall be filed with the county board  
3 of elections which shall compute the return and certify the  
4 results to council. The return and certification of a referendum  
5 question shall be conducted in the manner as provided in the  
6 Pennsylvania Election Code.

7 § 11063. Effect of the vote.

8 If a majority of the electors vote in favor of the ordinance,  
9 the ordinance shall take effect when the results of the election  
10 are certified by council. If a majority of the electors vote  
11 against the ordinance, the ordinance shall be nullified.

12 § 11064. Publication of ordinance before election.

13 Before any referendum is held on any ordinance in accordance  
14 with this subchapter, the city shall provide notice of the  
15 ordinance by publishing a copy of the ordinance in a newspaper  
16 of general circulation. Publication in accordance with this  
17 section shall be in addition to the publication requirements of  
18 the Pennsylvania Election Code.

19 CHAPTER 111

20 EXECUTIVE DEPARTMENT

21 Sec.

22 11101. Executive departments.

23 11102. Determination of powers and duties of departments.

24 11103. Designation of department directors.

25 11104. Department directors responsible for city property and  
26 supplies and reports.

27 11105. Quarterly reports from department directors.

28 § 11101. Executive departments.

29 The city may enact an ordinance establishing departments to  
30 implement administrative functions of the city. If the city

1 fails to adopt an ordinance, powers and duties of the city shall  
2 be allocated and assigned among the following:

3 (1) The department of public affairs.

4 (2) The department of accounts and finance.

5 (3) The department of public safety.

6 (4) The department of streets and public improvements.

7 (5) The department of parks and public property.

8 § 11102. Determination of powers and duties of departments.

9 Council may, by ordinance, do all of the following:

10 (1) Determine the powers and duties to be performed by  
11 each department.

12 (2) Prescribe the powers and duties of officers and  
13 employees.

14 (3) Assign particular officers and employees, including  
15 directors of departments, to one or more of the departments.

16 (4) Require an officer or employee to perform duties in  
17 two or more departments.

18 (5) Adopt rules and regulations as deemed necessary for  
19 the efficient and economical conduct of the business of the  
20 city.

21 § 11103. Designation of department directors.

22 (a) Duties of mayor.--

23 (1) If a department of public affairs is established by  
24 ordinance, the mayor shall be director of the department of  
25 public affairs.

26 (2) Regardless of whether or not a department of public  
27 affairs is established by ordinance, the mayor shall  
28 supervise city police.

29 (b) Designations.--

30 (1) Council shall, at its organization meeting,

1 designate, by resolution, a council member to be a director  
2 of any of the following, if established by ordinance:

3 (i) The department of accounts and finance.

4 (ii) The department of public safety.

5 (iii) The department of streets and public  
6 improvements.

7 (iv) The department of parks and public property.

8 (2) A designation under paragraph (1) may be changed at  
9 council's discretion.

10 § 11104. Department directors responsible for city property and  
11 supplies and reports.

12 A department director shall be responsible for the property  
13 and supplies of the city within the director's department. The  
14 department director shall prepare and maintain a perpetual  
15 inventory of the property and supplies for which the department  
16 director is responsible and, from time to time during the fiscal  
17 year, file the inventory with the city clerk or other official  
18 designated by council. The city clerk or other designated  
19 official with whom the inventory is filed shall, upon request,  
20 transmit a copy of the inventory to the chief fiscal officer and  
21 council.

22 § 11105. Quarterly reports from department directors.

23 (a) Report.--At the close of each quarter of the fiscal  
24 year, a department director shall prepare and submit to the  
25 director of the department of accounts and finance, if a  
26 department of accounts and finance is established by ordinance,  
27 or to the business administrator or other official designated by  
28 council, a comprehensive and detailed report of all expenditures  
29 and operations of the director's department during the quarter.

30 (b) Review.--Not later than the date of the second meeting

1 of council, the director of the department of accounts and  
2 finance, if the department of accounts and finance is  
3 established by ordinance, or the business administrator or other  
4 official designated by council, shall:

5 (1) review and consolidate the quarterly reports  
6 submitted under subsection (a); and

7 (2) prepare and submit to council a consolidated report  
8 on the expenditures and operations of the city government,  
9 including recommendations.

10 CHAPTER 112

11 MAYOR

12 Sec.

13 11201. Qualifications.

14 11202. Inauguration.

15 11203. Execution of laws, powers of sheriff conferred and  
16 emergency powers.

17 11204. Official seal of mayor.

18 11205. Supervision of conduct of city officers.

19 11206. City government reports.

20 11207. Acknowledgments and oaths.

21 11208. Salary.

22 11209. Powers and duties of acting mayor.

23 § 11201. Qualifications.

24 The qualifications for office of mayor shall be as follows:

25 (1) An individual must be at least 18 years of age.

26 (2) An individual must be elected at large by the  
27 qualified electors of the city.

28 (3) An individual must be a resident of the city where  
29 the individual was elected for not less than one year before  
30 the date of the individual's election.

1       (4) Before being sworn into the office of mayor, an  
2       individual elected to mayor must present a signed affidavit  
3       to the city clerk certifying that the individual is in  
4       accordance with the requirement under paragraph (3).

5       (5) An individual elected to the office of mayor must  
6       reside in the city for the duration of the individual's term  
7       of service.

8       § 11202. Inauguration.

9       The mayor shall be the chief executive of the city. The mayor  
10      shall be inaugurated and take the oath of office in accordance  
11      with sections 10904 (relating to offices to be held until  
12      qualification of successors) and 10905 (relating to oath of  
13      office, violation of oath and penalty) on the first Monday of  
14      January after the regular municipal election. If the first  
15      Monday is a legal holiday, the mayor shall be inaugurated and  
16      take the oath the first day after that day or as soon after that  
17      day as possible.

18      § 11203. Execution of laws, powers of sheriff conferred and  
19              emergency powers.

20      (a) Execution.--The mayor shall execute and enforce the  
21      ordinances of the city and all general laws applicable to the  
22      ordinances.

23      (b) Report.--The mayor shall submit an annual report to  
24      council and the public that includes recommendations on ways to  
25      improve efficiency of the city government based on the prior  
26      fiscal year and any other recommendations the mayor deems to be  
27      in the public interest.

28      (c) Police powers.--In order to enable the mayor to  
29      effectively preserve the public peace within the city, all the  
30      powers conferred by the law upon sheriffs to prevent and

1 suppress mobs, riots and unlawful and tumultuous assemblies  
2 shall be conferred upon the mayor.

3 (d) Emergency proclamations issuance.--If the mayor  
4 determines that a state of emergency exists, the mayor may issue  
5 a proclamation in writing declaring a state of emergency. The  
6 mayor shall provide notice of the contents of the proclamation  
7 to council and to the news media within the city.

8 (e) Emergency proclamations contents.--Upon the issuance of  
9 a proclamation declaring a state of emergency under subsection  
10 (d), the following shall apply:

11 (1) The state of emergency shall not exceed five days,  
12 unless extended by council.

13 (2) In the case of a declaration of a state of emergency  
14 by the mayor for a citywide or site-specific emergency, a  
15 city department may temporarily implement the department's  
16 emergency assignments without complying with procedures  
17 required by law pertaining to the incurring of obligations  
18 and the employment of temporary workers.

19 (3) The proclamation may prohibit, for all or any part  
20 of the city where there is a clear and present danger to life  
21 or property through civil disorder:

22 (i) an individual from being on public streets, in  
23 public parks or at any other public place during the  
24 hours declared by the mayor to be a period of curfew;

25 (ii) the assembling or gathering of a group of  
26 individuals, in numbers to be designated by the mayor,  
27 upon public streets, parks or other public places;

28 (iii) the entry or departure of an individual into  
29 or from any restricted area;

30 (iv) the sale, purchase or dispensing of any

1 commodities or goods designated by the mayor;

2 (v) the transportation, possession or use of  
3 gasoline, kerosene or other combustible, flammable or  
4 explosive liquids or materials, except in connection with  
5 the normal operation of motor vehicles, normal home use  
6 or legitimate commercial use; and

7 (vi) any other activities as the mayor reasonably  
8 believes would cause a clear and present danger to the  
9 preservation of life, health, property or the public  
10 peace.

11 (f) Time and location.--A proclamation declaring a state of  
12 emergency shall describe any restricted area with particularity  
13 and specify the hours when the restrictions are to be in effect.

14 (g) Penalties.--An individual who violates a proclamation  
15 declaring a state of emergency commits a summary offense and  
16 shall, upon conviction, be sentenced as provided by law.

17 § 11204. Official seal of mayor.

18 Council shall provide an official seal for the mayor in a  
19 form, as reasonably requested by the mayor, which shall not be  
20 changed during the mayor's term of office.

21 § 11205. Supervision of conduct of city officers.

22 (a) Supervision.--The mayor shall supervise the conduct of  
23 all city officers, examine the grounds of all reasonable  
24 complaints against them and cause all of their violations or  
25 neglect of duty to be promptly punished or reported for  
26 correction as council may direct.

27 (b) Implementation.--In order to implement the provisions of  
28 subsection (a), the mayor may issue subpoenas and compulsory  
29 processes, under the mayor's official seal, for the attendance  
30 of individuals and the production of documentation. A subpoena

1 shall be enforced in the manner as provided for council under  
2 section 11015 (relating to attendance of witnesses and  
3 production of books before council or committee of council).  
4 § 11206. City government reports.

5 The mayor may request a report from a city official or  
6 department director containing information pertaining to  
7 administrative functions under the control and management of the  
8 city official or department director. The mayor may submit a  
9 report pertaining to all matters of city government to council  
10 as the mayor deems necessary.

11 § 11207. Acknowledgments and oaths.

12 The mayor may take acknowledgments of any instruments in  
13 writing pertaining to the business of the city, solemnize  
14 marriages and administer oaths and affirmations as to city  
15 business and shall attest all the mayor's acts with the mayor's  
16 official seal.

17 § 11208. Salary.

18 (a) Payment.--

19 (1) The mayor shall receive for the mayor's services  
20 during the term of service an annual salary to be fixed by  
21 ordinance, payable in equal installments as council shall  
22 provide.

23 (2) Council shall, by ordinance, fix the amount of  
24 salary to be paid to the mayor for the mayor's services and  
25 may provide for the assessment and retention from the salary  
26 of reasonable fines for absence from regular or special  
27 meetings of council or committees of council.

28 (3) The amount of the mayor's salary shall be at least  
29 \$2,500 annually.

30 (b) Amounts.--Until changed by ordinance, the salary of

1 mayors in newly created cities shall be as follows:

2 (1) In cities with a population of less than 5,000, a  
3 maximum of \$2,500 per year.

4 (2) In cities with a population of 5,000 or more but  
5 less than 10,000, a maximum of \$5,000 per year.

6 (3) In cities with a population of 10,000 or more but  
7 less than 15,000, a maximum of \$7,500 year.

8 (4) In cities with a population of more than 15,000, a  
9 maximum of \$500 per every thousand residents per year as  
10 determined by the most recent census data provided by the  
11 United States Census Bureau.

12 (c) Administration.--

13 (1) The salary to be received by a mayor in a city other  
14 than a newly created city shall be fixed by ordinance of  
15 council enacted not less than two days before the last day  
16 fixed by law for candidates to withdraw their names from  
17 nominating petitions.

18 (2) The compensation to be received by the mayor shall  
19 not be increased or diminished after the mayor's election  
20 unless the increase or decrease was included in an ordinance  
21 enacted not less than two days before the last day fixed by  
22 law for candidates to withdraw their names from nominating  
23 petitions.

24 (d) Marriage ceremonies.--

25 (1) Subject to paragraph (2) and notwithstanding any  
26 other provisions of law, a mayor may receive a honorarium,  
27 fee or reimbursement of expenses related to the performance  
28 of a marriage ceremony in this Commonwealth if the mayor  
29 first notifies council in writing of the mayor's intention to  
30 perform a marriage ceremony. Notice under this paragraph

1 shall remain in effect for the term of the mayor or until the  
2 notification is rescinded by the mayor.

3 (2) The honorarium, fee or reimbursement under paragraph  
4 (1) shall not exceed \$150 for each ceremony performed. The  
5 mayor shall keep accurate accounts of the fees received  
6 relating to the performance of marriage ceremonies and submit  
7 a quarterly report of money received for that period to  
8 council. The quarterly report shall include the amount of  
9 money received, the names of individuals from whom money was  
10 received and the date and location of the performed ceremony.  
11 The quarterly report shall be a public record in accordance  
12 with the act of February 14, 2008 (P.L.6, No.3), known as the  
13 Right-to-Know Law.

14 (3) The receipt of a honorarium, fee or reimbursement  
15 under this subsection shall not be a violation of 65 Pa.C.S.  
16 Ch. 11 (relating to ethics standards and financial  
17 disclosure) and shall not be part of a salary received in  
18 accordance with this section.

19 § 11209. Powers and duties of acting mayor.

20 (a) Absence or inability to act.--During the absence of the  
21 mayor or the inability of the mayor to act, the vice president  
22 of council shall be the acting mayor who shall exercise all the  
23 rights and powers of the mayor.

24 (b) Death, resignation or otherwise.--In the event of a  
25 vacancy in the office of the mayor by reason of death,  
26 resignation or otherwise, the vice president of council shall be  
27 the acting mayor. The vice president of council shall receive  
28 the salary of mayor as specified under section 11208 (relating  
29 to salary), but may not receive a salary as a council member  
30 until the successor of the mayor is duly appointed and qualified

1 in accordance with section 10901 (relating to appointment,  
2 removal and prohibition).

3 (c) Acting mayor designation.--During the absence or  
4 inability of the vice president of council to act as mayor,  
5 council shall designate another one of its members to act as  
6 mayor.

7 CHAPTER 112A

8 CITY ADMINISTRATOR

9 Sec.

10 112A00. Definitions.

11 112A01. Office of city administrator.

12 112A02. Appointment of city administrator.

13 112A03. Employment agreement.

14 112A04. Residency and elective city office.

15 112A05. Powers and duties.

16 § 112A00. Definitions.

17 The following words and phrases when used in this chapter  
18 shall have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 "City administrator." The term includes a city administrator  
21 or a city manager.

22 "Office of city administrator." The term includes an office  
23 of a city administrator or an office of a city manager.

24 § 112A01. Office of city administrator.

25 (a) Establishment.--Council may enact an ordinance by a  
26 majority vote of all the members of council establishing the  
27 office of city administrator.

28 (b) Abolishment.--Council may enact an ordinance by a  
29 majority vote of all the members of council abolishing the  
30 office of city administrator.

1 § 112A02. Appointment of city administrator.

2 (a) Appointment.--In a city that has established an office  
3 of city administrator, council shall appoint an individual to be  
4 city administrator. The appointment of an individual to be city  
5 administrator shall be by a majority vote of all the members of  
6 council.

7 (b) Selection.--Council shall select a city administrator on  
8 the basis of executive and administrative qualifications,  
9 education and experience and may give special consideration to  
10 applicants with training and experience in municipal government  
11 operation. The city administrator shall serve at the pleasure of  
12 council, subject to contractual rights that may arise under an  
13 employment agreement that may be entered in accordance with  
14 section 112A03 (relating to employment agreement).

15 § 112A03. Employment agreement.

16 (a) Agreement.--Council may enter into an employment  
17 agreement with the city administrator. The employment agreement  
18 may set forth the terms and conditions of employment. The  
19 employment agreement shall remain in effect for a specified  
20 period terminating not later than two years after the effective  
21 date of the employment agreement or the date of the  
22 organizational meeting of council after the next municipal  
23 election, whichever is earlier.

24 (b) Conditions.--

25 (1) An employment agreement under subsection (a) may  
26 specify conditions under which a city administrator may be  
27 entitled to severance compensation.

28 (2) An employment agreement under subsection (a) may not  
29 guarantee employment through the term of the employment  
30 agreement or confer upon the city administrator any legal

1 remedy based on specific performance.

2 (3) An employment agreement under subsection (a),  
3 executed on or after a municipal election but before the  
4 first meeting in January the year after the municipal  
5 election, shall be void.

6 § 112A04. Residency and elective city office.

7 At the time an individual is appointed to fill the office of  
8 city administrator, the appointee does not have to be a resident  
9 of the city. After appointment, the city administrator may  
10 reside outside the city only with the approval of council. The  
11 city administrator may not hold any elective city office.

12 § 112A05. Powers and duties.

13 (a) Powers and duties generally.--Council may, by ordinance,  
14 vest in the city administrator powers and duties relating to the  
15 general management of city business and to the enforcement of  
16 city ordinances and regulations. Nothing in this section shall  
17 be construed to diminish the powers granted to other city  
18 officers by law.

19 (b) Specific powers.--The powers and duties conferred upon a  
20 city administrator by council may include the following:

21 (1) Appointment as chief administrative officer of the  
22 city, responsible to council for the proper and efficient  
23 administration of the affairs of the city.

24 (2) Directing and supervising the administration of all  
25 departments and functions of the city, except as otherwise  
26 provided by law.

27 (3) Except as otherwise provided by this chapter,  
28 appointing city employees on the basis of merit system  
29 principles and suspending, removing or otherwise disciplining  
30 employees, in accordance with the following:

1           (i) The city administrator may make recommendations  
2 to council concerning appointments or removals at the  
3 department-head level.

4           (ii) Before taking any action with regard to  
5 appointments or removals at the department-head level,  
6 the city administrator shall confer with council.

7           (iii) Council shall confirm appointments or removals  
8 at the department-head level.

9           (4) Designating a qualified administrative officer of  
10 the city to perform the city administrator's duties during  
11 the city administrator's temporary absence or disability. In  
12 the event the city administrator fails or is unable to make  
13 the designation, or if the city administrator's absence or  
14 disability continues more than 30 days, council may, by  
15 resolution, appoint an officer of the city to perform the  
16 duties of the city administrator during the city  
17 administrator's absence or disability until the city  
18 administrator is able to return to work.

19           (5) Negotiating contracts for the city, subject to the  
20 approval of council, making recommendations concerning the  
21 nature and location of municipal improvements and executing  
22 municipal improvements as determined by council.

23           (6) Ensuring that all terms and conditions imposed in  
24 favor of the city or its residents in any law, franchise or  
25 contract are faithfully kept and performed, and upon  
26 knowledge of any violation, informing council.

27           (7) Attending all meetings of council and participating  
28 in discussions with council. Nothing in this paragraph shall  
29 be construed to permit the city administrator to vote with  
30 council.



1 11406. Depositories of city funds.

2 11407. Delivery of city property.

3 11408. Appointment of deputy city treasurer and employees.

4 § 11401. Qualifications.

5 The qualifications for the office of city treasurer shall be  
6 as follows:

7 (1) An individual must be an accountant.

8 (2) An individual must be at least 21 years of age.

9 (3) An individual must be a resident of the city for at  
10 least one year before the individual's election.

11 (4) Before being sworn into office, an elected city  
12 treasurer must present a signed affidavit to the city clerk  
13 certifying that the individual is in accordance with the  
14 requirements under paragraph (3).

15 (5) An elected city treasurer must reside in the city  
16 throughout the city treasurer's term of office.

17 (6) An individual must be a qualified tax collector or,  
18 in the case of an individual appointed to fill a vacancy in  
19 the office of treasurer, become a qualified tax collector, in  
20 accordance with the act of May 25, 1945 (P.L.1050, No.394),  
21 known as the Local Tax Collection Law.

22 § 11402. Bond, insurance and salary.

23 (a) Conditioning.--The city treasurer shall provide lawful  
24 fidelity bond, covering the full term of office, for the  
25 faithful performance of official duties, including duties as tax  
26 collector of city, county, institution district and school  
27 taxes. In addition to being subject to other conditions as  
28 council may direct, the bond of the city treasurer shall be  
29 conditioned upon the following:

30 (1) The accounting for and paying over of all money

1 received as city treasurer.

2 (2) The accounting for and paying over of all money  
3 received, including taxes, penalties and interest, as tax  
4 collector of city, county, institution district and school  
5 taxes.

6 (3) The safekeeping and paying over of all public money  
7 entrusted to the city treasurer's care.

8 (b) Required bonds.--

9 (1) Except as provided for in paragraph (2), council may  
10 require the following bonds from the city treasurer:

11 (i) A bond for the faithful performance by the city  
12 treasurer of official duties other than those of tax  
13 collector.

14 (ii) A bond covering the duties of the city  
15 treasurer as collector of city, county, institution  
16 district and school taxes.

17 (2) In lieu of the bond required for the faithful  
18 performance by the city treasurer of official duties other  
19 than those of tax collector under paragraph (1)(i), council  
20 may purchase insurance that covers the same events of loss  
21 and insures the city against the same misconduct as the bond  
22 under paragraph (1)(i) in compliance with this chapter.

23 (c) Liability discharged.--The city treasurer and the city  
24 treasurer's surety shall be discharged from further liability on  
25 any bond as tax collector if:

26 (1) the tax items contained in the duplicates delivered  
27 to the city treasurer under section 11402.2 (relating to  
28 delivery of duplicates of taxes) have been:

29 (i) collected and paid over;

30 (ii) assigned to third-party assignees;

1           (iii) certified to council for entry as liens in the  
2           office of the prothonotary or as claims in the tax claim  
3           bureau; or

4           (iv) returned to the county treasurer or city  
5           treasurer for sale; or

6           (2) in the case of taxes not levied upon real estate, a  
7           record of the taxes which remain uncollected have been filed  
8           with the tax authority.

9           (d) Insurance protection.--Council may require the city  
10          treasurer to be covered by insurance protection in accordance  
11          with section 10907(c) (relating to surety bonds, insurance and  
12          premiums).

13          (e) Bond insurance petition.--

14           (1) The taxing district may petition the court of common  
15           pleas having jurisdiction in the city to have the city  
16           treasurer furnish an additional bond and insurance. Upon  
17           petition, the city treasurer shall furnish an additional bond  
18           and insurance as the court may prescribe. The premium on the  
19           bond and insurance shall be shared on a pro rata basis by the  
20           taxing districts interested, according to each taxing  
21           district's respective tax interests under the act of May 25,  
22           1945 (P.L.1050, No.394), known as the Local Tax Collection  
23           Law.

24           (2) The city treasurer shall not be required to provide  
25           bond and insurance in an amount in excess of the taxes to be  
26           collected by the treasurer. The bond and insurance provided  
27           by the city treasurer shall be for the use of the city and  
28           the taxing districts involved.

29          (f) Salary.--The city treasurer shall receive a fixed annual  
30          salary as provided by ordinance. The salary as a tax collector

1 for the city, county, institution district and school district  
2 shall be as provided under the Local Tax Collection Law.

3 § 11402.1. City treasurer to be tax collector.

4 Except as otherwise provided by the act of December 31, 1965  
5 (P.L.1257, No.511), known as The Local Tax Enabling Act, the  
6 city treasurer, by virtue of the city treasurer's office, shall  
7 be the collector of the city, county, school and institution  
8 district taxes assessed or levied in the city by the proper  
9 authorities in the city. As tax collector, the city treasurer  
10 shall maintain and keep an office which may be the same as that  
11 of the city treasurer for the purpose of receiving taxes during  
12 regular business hours.

13 § 11402.2. Delivery of duplicates of taxes.

14 (a) Duplicate delivery.--

15 (1) Not later than 30 days after the adoption of the  
16 budget or not later than 30 days after receipt of the  
17 assessment roll from the county, whichever is later, council  
18 and county and county institution district authorities shall  
19 compile and deliver the duplicates of taxes assessed to the  
20 city treasurer to be collected.

21 (2) The proper school authorities shall compile and  
22 deliver the school duplicates of taxes in the city at the  
23 time and in the manner as provided by law.

24 (b) Inspection.--All duplicates of taxes provided to or  
25 received by the city treasurer shall be open to proper  
26 inspection by the public and auditing and examining officers of  
27 the city, county or school district and shall be delivered by  
28 the city treasurer at the expiration of the city treasurer's  
29 term to the city treasurer's successor.

30 § 11402.3. Tax liens and liability for false returns.

1     (a) Tax liens.--Upon the settlement of the duplicates of  
2 city, county, institution district and school taxes which by law  
3 are made a lien on real estate, the city treasurer as tax  
4 collector shall make out schedules of the city, county, school  
5 or institution district taxes uncollected upon the duplicates,  
6 including a brief description of the properties against which  
7 the taxes are assessed for the purpose of entering a lien or  
8 selling the properties.

9     (b) Failure to collect.--The failure of the city treasurer  
10 to collect the taxes from personal property shall not impair the  
11 lien of the taxes or affect any sale made for the collection of  
12 the taxes.

13     (c) False returns.--If the city treasurer makes a willfully  
14 false return, the city treasurer shall be liable to any  
15 individual injured by the false return.

16 § 11403. Receipt and payment of money.

17     (a) Payments.--The city treasurer shall receive all money  
18 payable to the city from the sources as council may assign. Upon  
19 request, the city treasurer shall issue a receipt to an  
20 individual making the payment. The city treasurer shall pay all  
21 documents authorizing payment duly countersigned.

22     (b) Duplicates.--All receipts for money received on behalf  
23 of the city by the city treasurer shall be numbered serially and  
24 made in duplicate. Not later than the next succeeding business  
25 day, the city treasurer shall transmit the duplicates to the  
26 city controller.

27 § 11404. Method of keeping accounts.

28     The accounts of the city treasurer shall clearly exhibit all  
29 the items of receipts and expenditures of the city, the sources  
30 from which the money are received and the objects for which the

1 expenditures are disbursed. The city treasurer shall keep  
2 separate and distinct accounts of the receipts and expenditures  
3 of the city, including the sinking fund, each department  
4 providing a utility service and each special fund.

5 § 11405. Restrictions on money paid out.

6 Money may not be paid out of the city treasury unless the  
7 money has been previously approved, duly authorized and  
8 appropriated by council for its intended purposes as explicitly  
9 mentioned in the document authorizing payment.

10 § 11406. Depositories of city funds.

11 (a) Depositories.--The city treasurer shall keep public  
12 funds in banks or financial depositories as directed by council  
13 and under the restrictions and safeguards as provided by  
14 council. The city treasurer shall verify the city treasurer's  
15 accounts as requested by council.

16 (b) Liability prohibited.--The city treasurer, acting in  
17 accordance with law, shall not be liable for the loss of city  
18 funds caused by the insolvency or negligence of any city  
19 depositories.

20 § 11407. Delivery of city property.

21 The city treasurer shall, upon leaving office, deliver to the  
22 city or to the city treasurer's duly qualified successor all  
23 money, accounts, property or effects in the city treasurer's  
24 possession belonging to the city.

25 § 11408. Appointment of deputy city treasurer and employees.

26 (a) Appointments.--The city treasurer may appoint the  
27 following:

28 (1) A deputy city treasurer who, in the case of the  
29 sickness, absence or inability of the city treasurer to act,  
30 shall have the same powers and shall perform the same duties

1 as are imposed by law upon the city treasurer. The  
2 appointment under this paragraph shall be in compliance with  
3 the requirements of the act of May 25, 1945 (P.L.1050,  
4 No.394), known as the Local Tax Collection Law.

5 (2) Employees of the city treasurer's office. The number  
6 and compensation of the assistants shall be fixed by council  
7 and the assistants shall be employees of the city.

8 (b) Insurance.--Individuals appointed under subsection (a)  
9 shall be covered by bond, blanket bond or insurance in  
10 accordance with section 10907 (relating to surety bonds,  
11 insurance and premiums).

12 CHAPTER 115

13 CITY ENGINEER

14 Sec.

15 11501. Appointment of city engineer.

16 11502. Control of engineering matters.

17 11503. Duties.

18 11504. Certifying commencement and completion of municipal  
19 improvements.

20 11505. Entering upon property for surveys.

21 § 11501. Appointment of city engineer.

22 Council shall provide for the manner of appointment and  
23 compensation of the city engineer. The city engineer shall be a  
24 registered professional engineer in this Commonwealth and shall  
25 serve at the pleasure of council. Nothing in this section shall  
26 be construed to prohibit council from designating an engineering  
27 firm of registered professional engineers from performing the  
28 duties and functions of the city engineer.

29 § 11502. Control of engineering matters.

30 The city engineer shall have the supervision, direction and

1 control of the engineering matters of the city. Unless  
2 authorized by council, a department of the city may not employ  
3 or retain any additional engineers.

4 § 11503. Duties.

5 As authorized by council, engineering work undertaken by the  
6 city shall be performed or supervised by the city engineer or by  
7 another registered professional engineer employed by the city  
8 for a particular purpose. The duties of the city engineer may  
9 include all of the following:

10 (1) Preparing plans, specifications and estimates and  
11 undertaking other engineering work relating to constructing,  
12 reconstructing, maintaining and repairing streets, pavements,  
13 sewers, bridges, culverts and other municipal improvements.

14 (2) Making reports, giving estimates, supplying  
15 information and responding to questions concerning city  
16 engineering work to city officials and employees. Council may  
17 regulate the manner, number and method of making questions  
18 under this paragraph.

19 (3) Conducting, supervising or directing surveys  
20 relating to city property and improvements authorized by law  
21 or as directed by council.

22 (4) Preparing a topographical survey of the city or a  
23 general plan of city streets, marking the lines of streets,  
24 including streets already opened and streets intended to be  
25 opened for public use, as council may deem necessary.

26 (5) Surveying, making a draft or plan of and laying out  
27 new or proposed streets, as council may deem necessary.

28 (6) Reporting a grade for any proposed or new streets,  
29 as council may deem necessary.

30 (7) Making reports, as deemed expedient by the city

1 engineer or as council shall direct, of the surveys and plans  
2 of city streets in convenient locations without awaiting the  
3 completion of the entire survey.

4 (8) Keeping and maintaining books and records and  
5 providing for certified copies of books and records, as  
6 provided by council or required by law.

7 § 11504. Certifying commencement and completion of municipal  
8 improvements.

9 (a) Certification.--Within a reasonable time after the  
10 completion of any municipal improvement, the cost and expense of  
11 which, in whole or in part, is to be paid by the abutting  
12 property owner, the city engineer or employees designated by the  
13 city engineer shall:

14 (1) certify the day or time of the completion of work;

15 (2) file the certification under paragraph (1) with the  
16 city clerk, who shall maintain a centralized book or listing  
17 of certifications; and

18 (3) provide notice of the filing to the city solicitor.

19 (b) Evidence of completion.--Information filed with the city  
20 clerk under subsection (a) (2) shall be conclusive evidence of  
21 the day or time when the improvement commenced and was  
22 completed.

23 (c) Definition.--As used in this section, the term "the day  
24 or time of the completion of the work" means the time of the  
25 completion of the whole contract for the improvement.

26 § 11505. Entering upon property for surveys.

27 For the purposes of carrying out authorized surveys, laying  
28 out streets or other engineering work of the city, the city  
29 engineer or other persons engaged in city engineering work may  
30 enter upon any property occupied by any person within the city.

1 CHAPTER 116

2 CITY SOLICITOR

3 Sec.

4 11601. Appointment of city solicitor.

5 11602. Direction of legal matters.

6 11603. Duties.

7 11604. Written opinions to be furnished.

8 11607. Satisfaction of liens due city.

9 11609. Assistant solicitor.

10 11610. Special counsel.

11 § 11601. Appointment of city solicitor.

12 Council shall provide, by ordinance, for the manner of  
13 appointment and compensation of the city solicitor, which may be  
14 a law firm.

15 § 11602. Direction of legal matters.

16 The city solicitor shall have the direction and control of  
17 the legal matters of the city. Unless authorized by council, a  
18 department of the city may not employ or retain any additional  
19 counsel in any matter or cause.

20 § 11603. Duties.

21 The city solicitor shall have the following duties:

22 (1) Overseeing, as directed by resolution or ordinance,  
23 the preparation of all bonds, obligations, contracts, leases,  
24 conveyances and assurances to which the city or a municipal  
25 department is a party.

26 (2) Overseeing litigation by or against the city or a  
27 municipal officer, in the municipal officer's official  
28 capacity, including:

29 (i) filing of a municipal claim or lien; and

30 (ii) administrative practice.

1           (3) Performing any action incident to the office which  
2 the city solicitor may be lawfully authorized and required to  
3 do by the mayor or by any ordinance or resolution of  
4 council.

5           (4) Performing duties as council directs.

6 § 11604. Written opinions to be furnished.

7           (a) Opinions.--Subject to regulation by council in  
8 accordance with subsection (b), the city solicitor shall submit  
9 a written opinion on questions of law submitted by any of the  
10 following:

11           (1) Council.

12           (2) The mayor.

13           (3) Any other elected city official.

14           (4) Any appointed city official designated by council as  
15 authorized to request a written legal opinion.

16           (b) Regulation.--Council may provide for the regulation of  
17 the manner in which questions are presented to the city  
18 solicitor by any elected or appointed city official and may  
19 limit the questions submitted in the manner as council may  
20 direct.

21 § 11607. Satisfaction of liens due city.

22           Upon the payment of any lien or other debt of record due to  
23 the city to a city employee, city official or any other person  
24 authorized to receive the payment, the person who received the  
25 payment shall, as soon as practicable, notify the city  
26 solicitor. The city solicitor or the solicitor's designee, as  
27 soon as practicable, shall cause the satisfaction to be entered  
28 upon the proper record of the lien or debt of record.

29 § 11609. Assistant solicitor.

30           Council may appoint one or more assistant city solicitors to

1 assist the city solicitor in the performance of all duties and  
2 shall provide for the compensation of assistant solicitors by  
3 resolution.

4 § 11610. Special counsel.

5 Council may retain special counsel for particular proceedings  
6 or matters of the city and shall provide for the compensation of  
7 special counsel by resolution.

8 CHAPTER 117

9 CITY CONTROLLER AND INDEPENDENT AUDITOR

10 Subchapter

11 A. City Controller

12 B. Independent Auditor

13 SUBCHAPTER A

14 CITY CONTROLLER

15 Sec.

16 11701. Qualifications, bond and compensation.

17 11704. Powers and duties of city controller.

18 11704.1. Deputy controller and employees.

19 11704.2. Temporary deputy controller.

20 11704.3. Continuation of office.

21 § 11701. Qualifications, bond and compensation.

22 (a) Qualifications.--The qualifications for the position of  
23 city controller shall be as follows:

24 (1) The individual must be an accountant.

25 (2) The individual must be at least 21 years of age.

26 (3) The individual must be a resident of the city for at  
27 least one year before the individual's election to the  
28 position of city controller.

29 (4) Before being sworn into office, the elected city  
30 controller must present a signed affidavit to the city clerk

1 certifying that the individual is in accordance with the  
2 requirement under paragraph (3).

3 (5) An elected city controller must reside in the city  
4 throughout the individual's term of office.

5 (b) Bond.--The city controller shall provide a bond in  
6 accordance with section 10907 (relating to surety bonds,  
7 insurance and premiums) for the faithful performance of official  
8 duties as the city controller. The bond shall cover the full  
9 term of office and shall be conditioned upon the following:

10 (1) The accounting for and paying over of all money  
11 received as city controller.

12 (2) The safekeeping and payment over of all public money  
13 entrusted to the city controller's care.

14 (c) Salary.--The city controller shall receive a fixed  
15 annual salary set by ordinance in an amount not less than the  
16 compensation paid to members of council.  
17 § 11704. Powers and duties of city controller.

18 (a) Payment authorization.--The city controller shall  
19 countersign all documents authorizing the payment of money from  
20 the city treasury, if satisfied of the legality of the payment.

21 (b) Oaths or affirmations.--The city controller may  
22 administer oaths or affirmations in relation to any matter  
23 pertaining to the authentication of any account, claim or demand  
24 of or against the city. The city controller may not receive any  
25 fee for administering oaths or affirmations under this  
26 subsection.

27 (c) Account examination.--The city controller may examine  
28 the following accounts:

29 (1) The accounts in which the city is concerned, either  
30 as a debtor or creditor.

1           (2) The accounts of all city bureaus, officers and  
2           departments which collect, receive and disburse public money  
3           or are charged with management, control or custody of public  
4           money.

5           (3) The accounts of a city officer upon the death,  
6           resignation, removal or expiration of the term of the  
7           officer.

8           (4) The accounts of any library to which the city makes  
9           appropriations, any institution owned by the city and any  
10          Pennsylvania National Guard units to which the city makes an  
11          appropriation.

12          (d) Subpoenas.--In the same manner in which subpoenas may be  
13          issued and enforced in accordance with section 10917 (relating  
14          to powers of subpoena and compelling testimony), the city  
15          controller may issue subpoenas to obtain the attendance of  
16          officers whose accounts the city controller is authorized to  
17          examine and any other individuals whom it may be necessary to  
18          examine as witnesses.

19          (e) Statements.--The city controller may present council  
20          with annual or periodic statements concerning the results of the  
21          city controller's examination of accounts, which shall be public  
22          records in accordance with the act of February 14, 2008 (P.L.6,  
23          No.3), known as the Right-to-Know Law.

24          § 11704.1. Deputy controller and employees.

25          The city controller may appoint a deputy controller and may  
26          select individuals to serve as assistants and employees in the  
27          city controller's office. The number of assistants and employees  
28          permitted, if any, shall be fixed by council. Assistants and  
29          employees in the city controller's office shall, in all other  
30          respects, be considered employees of the city. The deputy

1 controller, assistants and employees appointed under this  
2 section shall be bonded and their compensation shall be fixed by  
3 council.

4 § 11704.2. Temporary deputy controller.

5 In case of the sickness, absence or inability of a city  
6 controller to perform the city controller's duties, if no deputy  
7 controller has been appointed by the city controller, council  
8 may appoint a temporary deputy controller to serve during the  
9 sickness, absence or inability of the city controller or until  
10 the city controller shall appoint a deputy controller. A deputy  
11 controller shall be bonded and receive the compensation fixed by  
12 council.

13 § 11704.3. Continuation of office.

14 The appointment of an independent auditor in accordance with  
15 Subchapter B (relating to independent auditor) shall not abolish  
16 the office of city controller. The elected controller shall  
17 continue to exercise the powers retained for the controller in  
18 this subchapter.

19 SUBCHAPTER B

20 INDEPENDENT AUDITOR

21 Sec.

22 11704.11. Appointment of independent auditor.

23 11704.12. Powers and duties of independent auditor.

24 11705. Annual report to council and appeals.

25 § 11704.11. Appointment of independent auditor.

26 Council shall provide, by resolution, for the appointment of  
27 an independent auditor. The independent auditor may be a  
28 certified public accountant or a firm of certified public  
29 accountants.

30 § 11704.12. Powers and duties of independent auditor.

1 (a) Annual audit.--The independent auditor shall conduct an  
2 annual audit of all accounts of city officers, departments and  
3 offices which collect, receive and disburse public money or are  
4 authorized with the management, control or custody of public  
5 money on which the independent auditor is required to report  
6 under this subchapter. The annual audit, as directed by council,  
7 shall also include any accounts subject to examination by the  
8 city controller under Subchapter A (relating to city  
9 controller).

10 (b) Subpoenas.--The independent auditor may issue subpoenas  
11 to obtain the attendance of officers whose accounts the  
12 independent auditor is authorized to examine and any other  
13 individuals whom it may be necessary to examine as witnesses.  
14 § 11705. Annual report to council and appeals.

15 (a) Audit report.--

16 (1) At council's first meeting in March of each year,  
17 the independent auditor shall submit a report to council that  
18 includes the audits made of the accounts of the officers  
19 authorized with the custody, control or disbursement of  
20 public money. The report shall provide the balance of each  
21 officer's accounts.

22 (2) Within 90 days of the end of each fiscal year, the  
23 independent auditor shall file a copy of the annual report  
24 under paragraph (1) with the clerk of court or the  
25 prothonotary, as provided by local rule of court.

26 (b) Financial condition report.--The independent auditor  
27 shall submit an annual report to council summarizing the fiscal  
28 condition of the affairs of the city. Council may require  
29 advisory interim reports from the independent auditor.

30 (b.1) Right-to-know.--Reports prepared under this section

1 shall be public in accordance with the act of February 14, 2008  
2 (P.L.6, No.3), known as the Right-to-Know Law.

3 (c) Appeals.--Not later than 45 days after the annual report  
4 to council has been filed, the city, a taxpayer of the city on  
5 the city's behalf or any officer whose account is settled or  
6 audited may file an appeal from the settlement or audit to the  
7 court of common pleas of the county in which the city is  
8 located. If the appellant is a taxpayer of the city or an  
9 officer, the taxpayer of the city or the officer shall file a  
10 bond, with one or more sufficient sureties, conditioned to pay  
11 reasonable attorney fees and court costs if the appellant fails  
12 in the appeal.

13 CHAPTER 118

14 ACCOUNTS AND FINANCES

15 Sec.

16 11801. Fiscal year.

17 11802. Powers and duties of chief fiscal officer.

18 11803. Deputy chief fiscal officer.

19 11804. Regulations concerning appropriation.

20 11804.1. Investment of city money.

21 11805. Countersigning documents, money available and evidence  
22 required.

23 11806. Record of assets, property, trusts, debts due, receipts  
24 and expenditures.

25 11807. Supervision of accounts of departments.

26 11808. Suggestions for improvement of city finances.

27 11809. Annual budget, presentation to council, notice, revision  
28 and adoption.

29 11810. Amending budget and notice.

30 11811. Appropriations, tax rate and limitations.

1 11811.2. Borrowing in anticipation of current revenue.

2 11812. Annual reports, publication, filing report with

3 Department of Community and Economic Development and  
4 penalty.

5 11813. Committee to prepare uniform forms.

6 11814. Annual reports to council on insurance and bonds.

7 § 11801. Fiscal year.

8 The fiscal year of each city shall begin on January 1 and end  
9 on December 31.

10 § 11802. Powers and duties of chief fiscal officer.

11 (a) Appointment.--Council shall appoint a chief fiscal  
12 officer. In filling the position of chief fiscal officer,  
13 council may appoint the director of the department of accounts  
14 and finance or the city administrator if one is appointed under  
15 Chapter 111 (relating to the executive department) or 112A  
16 (relating to city administrator).

17 (b) Bond.--The chief fiscal officer shall furnish a bond in  
18 accordance with section 10907 (relating to surety bonds,  
19 insurance and premiums).

20 (c) Powers.--

21 (1) The chief fiscal officer may administer oaths and  
22 affirmations pertaining to the authentication of an account  
23 with the city or a claim by or demand against the city.

24 (2) The chief fiscal officer may not receive any  
25 additional compensation for the administration or oath and  
26 affirmations under paragraph (1).

27 § 11803. Deputy chief fiscal officer.

28 (a) Appointment.--Council may authorize the chief fiscal  
29 officer to appoint, subject to the approval of council, a deputy  
30 chief fiscal officer whose compensation shall be fixed by

1 council.

2 (b) Bond.--The deputy chief fiscal officer shall furnish a  
3 bond in accordance with section 10907 (relating to surety bonds,  
4 insurance and premiums).

5 (c) Powers.--

6 (1) The deputy chief fiscal officer may administer oaths  
7 and affirmations pertaining to the authentication of an  
8 account with the city or a claim by or demand against the  
9 city.

10 (2) The deputy chief fiscal officer may not receive any  
11 additional compensation for the administration or oath and  
12 affirmations under paragraph (1).

13 (d) Temporary deputy chief fiscal officer.--If no deputy  
14 chief fiscal officer has been appointed, council may appoint a  
15 temporary deputy chief fiscal officer to serve during the chief  
16 fiscal officer's illness, absence or inability to serve. The  
17 temporary deputy chief fiscal officer may be required to furnish  
18 a bond as required by council.

19 § 11804. Regulations concerning appropriation.

20 (a) Debt.--Debt may not be incurred by any department of the  
21 city except in accordance with law.

22 (b) Appropriations.--Money may not be paid out of the city  
23 treasury except by an appropriation made in accordance with law  
24 and a document authorizing payment drawn by the proper officer.

25 (c) Expenditures.--The city may not hire employees, purchase  
26 materials, execute contracts or issue orders for the payment of  
27 any money if it would result in the total expenditure of money  
28 for a specific purpose to exceed the amount appropriated for  
29 that purpose.

30 (d) Expense reports.--If an appropriation is entirely

1 expended and the object of the appropriation is not completed,  
2 not later than the next regularly scheduled council meeting, the  
3 chief fiscal officer shall report the fact to council and  
4 accompany the report with a statement of the money which have  
5 been drawn on the appropriation and the particular purpose for  
6 which the money were drawn.

7 (e) Supplemental appropriations.--Council may, by ordinance,  
8 make supplemental appropriations for any lawful purpose from any  
9 money in the city treasury or estimated to be deposited in the  
10 city treasury within the fiscal year and not appropriated for  
11 any other purpose, including the proceeds of any borrowing  
12 authorized by law.

13 (f) Transfers.--

14 (1) Council may authorize the transfer of any unexpended  
15 balance of an appropriation item.

16 (2) Before authorizing a transfer under paragraph (1),  
17 council shall seek comments from any director of a department  
18 negatively affected by the proposed transfer.

19 (g) Methods of transfers.--Council shall determine the  
20 manner and method of all intradepartmental and interdepartmental  
21 financial transfers.

22 § 11804.1. Investment of city money.

23 (a) General rule.--Council shall have power to provide the  
24 following:

25 (1) The investment of city sinking funds as authorized  
26 by 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and  
27 borrowing).

28 (2) The investment of money in the general fund and in  
29 special funds of the city, other than the sinking funds as  
30 authorized by this chapter.

1           (3) The liquidation of any investment, in whole or in  
2 part, by disposing of securities or withdrawing money on  
3 deposit. Any action taken to make or to liquidate any  
4 investment shall be made by the officers designated by action  
5 of council.

6           (b) Investment.--Council shall invest city money consistent  
7 with sound business practices.

8           (c) Restrictions.--Council shall provide for an investment  
9 program subject to restrictions contained in this chapter and in  
10 any other applicable statute and any rules and regulations  
11 adopted by council.

12           (d) Authorized investments.--Authorized types of investments  
13 of city money shall be any of the following:

14               (1) United States Treasury bills.

15               (2) Short-term obligations of the United States  
16 Government or its agencies or instrumentalities.

17               (3) Deposits in savings accounts, time deposits, other  
18 than certificates of deposit, or share accounts of  
19 institutions insured by the Federal Deposit Insurance  
20 Corporation or the National Credit Union Share Insurance Fund  
21 to the extent that the accounts are so insured and, for any  
22 amounts above the insured maximum, provided that approved  
23 collateral as prescribed by law shall be pledged by the  
24 depository.

25               (4) Obligations of:

26                   (i) The United States Government or any of its  
27 agencies or instrumentalities backed by the full faith  
28 and credit of the United States.

29                   (ii) The Commonwealth or any of its agencies or  
30 instrumentalities backed by the full faith and credit of

1 the Commonwealth.

2 (iii) Any political subdivision of the Commonwealth  
3 or any of its agencies or instrumentalities backed by the  
4 full faith and credit of the political subdivision.

5 (5) Shares of an investment company registered under the  
6 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. §  
7 80a-1 et seq.), whose shares are registered under the  
8 Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et  
9 seq.), provided that the only investments of the company are  
10 in the authorized investments of city money under paragraphs  
11 (1), (2), (3) and (4).

12 (6) Certificates of deposit purchased from institutions  
13 insured by the Federal Deposit Insurance Corporation or the  
14 National Credit Union Share Insurance Fund to the extent that  
15 the accounts are so insured. However, for any amounts above  
16 the insured maximum, the certificates of deposit shall be  
17 collateralized by a pledge or assignment of assets of the  
18 institution and the collateral may include loans, including  
19 interest in pools of loans, secured by first mortgage liens  
20 on real property. Certificates of deposit purchased from  
21 commercial banks shall be limited to an amount equal to 20%  
22 of a bank's total capital and surplus. Certificates of  
23 deposit purchased from savings and loan associations or  
24 savings banks shall be limited to an amount equal to 20% of  
25 an institution's assets minus liabilities.

26 (7) For any pension or retirement fund, any investment  
27 authorized by 20 Pa.C.S. Ch. 73 (relating to municipalities  
28 investments).

29 (8) Repurchase agreements which are fully collateralized  
30 by obligations of the United States Government or its

1 agencies or instrumentalities, which are free from other  
2 liens and backed by the full faith and credit of the United  
3 States or are rated in the highest category by a nationally  
4 recognized statistical rating organization.

5 (9) Deposits in investment pools established by the  
6 State Treasurer or established by local governments pursuant  
7 to 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
8 cooperation) and related statutes, provided that the  
9 investment pools are rated in the highest category by a  
10 nationally recognized statistical rating organization.

11 (e) Authority.--In making investments of city money, council  
12 shall have authority to do any of the following:

13 (1) Permit assets pledged as collateral under subsection  
14 (d) (3) to be pooled in accordance with the act of August 6,  
15 1971 (P.L.281, No.72), entitled "An act standardizing the  
16 procedures for pledges of assets to secure deposits of public  
17 funds with banking institutions pursuant to other laws;  
18 establishing a standard rule for the types, amounts and  
19 valuations of assets eligible to be used as collateral for  
20 deposits of public funds; permitting assets to be pledged  
21 against deposits on a pooled basis; and authorizing the  
22 appointment of custodians to act as pledgees of assets."

23 (2) Combine money from more than one fund under city  
24 control for the purchase of a single investment, provided  
25 that each of the funds shall be accounted for separately in  
26 all respects and that the earnings from the investment are  
27 separately and individually computed and recorded and  
28 credited to the accounts from which the investment was  
29 purchased.

30 (3) Join with one or more other political subdivisions

1 and municipal authorities in accordance with 53 Pa.C.S. Ch.  
2 23, Subch. A, in the purchase of a single investment,  
3 provided that the requirements of paragraph (2) are adhered  
4 to.

5 § 11805. Countersigning documents, money available and evidence  
6 required.

7 (a) General rule.--The chief fiscal officer shall  
8 countersign all documents, in the form approved by council,  
9 authorizing payment from the city treasury.

10 (b) Prohibition.--In countersigning documents authorizing  
11 payment from the city treasury, the chief fiscal officer shall  
12 not permit any appropriation made by council to be overdrawn and  
13 shall not countersign unless there is money in the treasury to  
14 pay the appropriation.

15 (c) Evidence.--Except in the case of documents authorizing  
16 payment to volunteer fire companies, whenever a document  
17 authorizing payment from the city treasury is presented to the  
18 chief fiscal officer to be countersigned, the person presenting  
19 the document shall be required to produce evidence of each of  
20 the following:

21 (1) That the amount expressed in the document is due to  
22 the person in whose favor it is drawn.

23 (2) That the supplies, services or other consideration  
24 for payment have been furnished, performed or given according  
25 to law and the terms of the contract, if any, were satisfied.

26 § 11806. Record of assets, property, trusts, debts due,  
27 receipts and expenditures.

28 The chief fiscal officer or other official or employee of the  
29 city designated by council shall have charge and keep a record  
30 of accounts, under appropriate titles, to show separately and

1 distinctly the following:

2 (1) All of the assets and property vested in the city.

3 (2) All trusts in care of the city.

4 (3) Debts owed by the city.

5 (4) All of the receipts and expenditures of the various  
6 departments.

7 § 11807. Supervision of accounts of departments.

8 The chief fiscal officer shall have the supervision and  
9 control of the accounts of all of the departments and may  
10 require at any time a statement in writing of all money or  
11 property of the city under any department's control.

12 § 11808. Suggestions for improvement of city finances.

13 The chief fiscal officer may, and when council directs shall,  
14 suggest plans to council for the management and improvement of  
15 the city finances.

16 § 11809. Annual budget, presentation to council, notice,  
17 revision and adoption.

18 (a) Introduction.--Each year at the last stated meeting in  
19 November, the chief fiscal officer shall, on behalf of council,  
20 present to council for introduction a proposed budget ordinance.  
21 The proposed budget ordinance shall show the estimated receipts,  
22 expenditures and liabilities for the ensuing year, with the  
23 balance of unexpended appropriations and all other information  
24 of value as a basis for fixing the levy and tax rate for the  
25 next fiscal year. Council shall, upon introducing the proposed  
26 budget ordinance, fix a date for adoption, which shall be not  
27 later than December 31 of that year.

28 (b) Estimate.--The departments of the city government shall,  
29 before the proposed budget ordinance is introduced as provided  
30 under subsection (a), furnish to council an estimate of the

1 probable receipts and expenditures and an estimate of the amount  
2 required by each of the departments for public service during  
3 the ensuing fiscal year as a basis for making the annual  
4 appropriations.

5 (c) Inspection.--

6 (1) When the proposed budget ordinance is submitted to  
7 council and has been introduced, the city clerk shall  
8 immediately make the proposed budget ordinance available for  
9 public inspection at the city clerk's office and shall  
10 publish a notice to that effect once in a newspaper of  
11 general circulation in accordance with the provisions of  
12 section 10109 (relating to publication of notices).

13 (2) The notice shall state the date fixed by council for  
14 enactment of the proposed budget ordinance and notice shall  
15 be published at least 20 days prior to the time fixed by  
16 council for enactment of the proposed budget ordinance. The  
17 proposed budget ordinance shall be available for public  
18 inspection at the city clerk's office for at least 10 days  
19 after the newspaper notice is published.

20 (d) Enactment.--Council shall, after making the changes and  
21 modifications as appear proper, enact the budget and any  
22 appropriation measures required to put it into effect upon the  
23 date fixed for enactment. The budget shall reflect as nearly as  
24 possible the estimated revenues and expenditures of the city for  
25 the year for which the budget is prepared. Should it appear upon  
26 any revision of the budget that the estimated expenditures in  
27 the enacted budget would be increased more than 10% in the  
28 aggregate or more than 25% in any individual item over the  
29 proposed budget, the budget shall not be enacted with any of the  
30 increases unless the budget is made available for public

1 inspection for a period of at least 10 days after notice to that  
2 effect is published as provided under subsection (c).

3 § 11810. Amending budget and notice.

4 (a) General rule.--During the month of January following the  
5 expiration of a past fiscal year, in furthering its fiduciary  
6 responsibility, council may amend the budget and the levy and  
7 tax rate to conform to its amended budget ordinance. A period of  
8 10 days' public inspection at the city clerk's office of the  
9 proposed amended budget ordinance, after notice by the city  
10 clerk to that effect is published in a newspaper of general  
11 circulation as provided in section 10109 (relating to  
12 publication of notices), shall intervene between council's  
13 introduction of the proposed amended budget ordinance and its  
14 enactment. Any amended budget ordinance must be enacted by  
15 council on or before February 15.

16 (b) Prohibition.--After introduction, no proposed amended  
17 budget ordinance shall be revised upward in excess of 10% in the  
18 aggregate or as to an individual item in excess of 25% of the  
19 amount of the individual item in the proposed amended budget  
20 ordinance.

21 § 11811. Appropriations, tax rate and limitations.

22 (a) General rule.--When all estimates for the receipts,  
23 liabilities and expenditures for the ensuing year are made,  
24 council shall proceed to make the annual appropriations and  
25 shall fix the tax rate at the figure that will, in combination  
26 with all other estimated receipts of the city, fully meet and  
27 cover the aggregate amount of the estimates of liabilities and  
28 expenditures for the ensuing year.

29 (b) Exceptions.--

30 (1) No appropriation shall be made for any purpose until

1 the following are provided for:

2 (i) Interest accruing on the funded debt of the city  
3 and the principal of that part of the debt as may be  
4 coming due in that fiscal year.

5 (ii) The salaries of officers.

6 (iii) The ordinary and necessary expenses of the  
7 city.

8 (2) No appropriation shall be made for any purpose in  
9 excess of the estimated receipts and revenues for the fiscal  
10 year for which the appropriations are made.

11 § 11811.2. Borrowing in anticipation of current revenue.

12 In accordance with 53 Pa.C.S. Pt. VII Subpt. B (relating to  
13 indebtedness and borrowing), cities may:

14 (1) borrow money in anticipation of current revenues to  
15 an amount of not more than the anticipated current revenues,  
16 which shall be pledged for the payment of the loan or loans;  
17 and

18 (2) issue notes or other forms of obligation in evidence  
19 of the debt.

20 § 11812. Annual reports, publication, filing report with

21 Department of Community and Economic Development and  
22 penalty.

23 (a) Annual report.--The chief fiscal officer shall make a  
24 report, verified by oath or affirmation to council at a stated  
25 meeting in April in each year, of the public accounts of the  
26 city and of the trusts in its care for the preceding fiscal  
27 year, exhibiting all of the expenditures of the accounts,  
28 respectively, and the sources from which the revenue and funds  
29 are derived and in what measures the revenue and funds have been  
30 disbursed. Each account shall be accompanied by a statement

1 detailing all of the following:

2 (1) The appropriations made by council.

3 (2) The amount drawn and encumbered on each  
4 appropriation.

5 (3) The unencumbered balance outstanding to the debit or  
6 credit of the appropriation at the close of the fiscal year.

7 (b) Publication.--

8 (1) The report shall be accompanied by a concise  
9 financial statement setting forth all of the following:

10 (i) The balance in the treasury at the beginning of  
11 the fiscal year.

12 (ii) All revenues received during the fiscal year,  
13 by major classifications.

14 (iii) All expenditures made during the fiscal year,  
15 by major functions.

16 (iv) The current resources and liabilities of the  
17 city at the end of the fiscal year.

18 (v) The gross liability and the net debt of the  
19 city.

20 (vi) The amount of the assessed valuation of the  
21 taxable property in the city.

22 (vii) The assets of the city.

23 (viii) The character and value of the assets.

24 (ix) The date of the last maturity of the respective  
25 forms of funded debt.

26 (x) The assets in each sinking fund.

27 (2) The report and financial statement shall be  
28 published in a newspaper of general circulation as required  
29 by section 10109 (relating to publication of notices) at  
30 least 10 days prior to the April meeting scheduled pursuant

1 to subsection (a).

2 (3) Before the report or statement is made or published,  
3 it shall be approved by the independent auditor, who may  
4 approve it, subject to exceptions. Council may cause the  
5 statement to be printed in pamphlet form in addition to the  
6 publications made.

7 (c) Filing.--The chief fiscal officer shall annually report  
8 the financial condition of the city to the Department of  
9 Community and Economic Development within 90 days after the  
10 close of the fiscal year. The report shall be signed and duly  
11 verified by the oath of the chief fiscal officer and approved by  
12 the independent auditor, as provided above. Any chief fiscal  
13 officer appointed by the city refusing or willfully neglecting  
14 to file the report shall, upon conviction in a summary  
15 proceeding brought by the Department of Community and Economic  
16 Development, be sentenced to pay a fine of \$5 for each day  
17 delayed beyond 90 days and costs. All fines recovered shall be  
18 for use by the Commonwealth.

19 (d) Form.--The report to the Department of Community and  
20 Economic Development shall be presented in a form as provided  
21 for in section 11813 (relating to committee to prepare uniform  
22 forms).

23 § 11813. Committee to prepare uniform forms.

24 (a) General rule.--The uniform financial report forms under  
25 this chapter shall be prepared by a committee consisting of four  
26 representatives of the Pennsylvania Municipal League and the  
27 Secretary of Community and Economic Development, or the  
28 secretary's agent or designee who shall be an individual trained  
29 in the field of municipal finance.

30 (b) Appointment.--The representatives shall be appointed by

1 the president of the Pennsylvania Municipal League within 60  
2 days of notification by the Secretary of Community and Economic  
3 Development or the secretary's agent or designee that the  
4 committee will convene. The representatives shall be chosen from  
5 among chief fiscal officers of cities or other officers of  
6 cities who have knowledge of fiscal procedures and shall be  
7 chosen to represent cities in the various population groups. The  
8 president of the Pennsylvania Municipal League and other  
9 designated participants shall supply to the Secretary of  
10 Community and Economic Development the names and addresses of  
11 the representatives immediately upon their appointment.

12 (c) Compensation and meetings.--The representatives shall  
13 serve without compensation, but they shall be reimbursed by the  
14 Commonwealth for all necessary expenses incurred in attending  
15 meetings of the committee. The committee shall meet at the call  
16 of the Secretary of Community and Economic Development, or the  
17 secretary's agent or designee, who shall serve as chairperson of  
18 the committee.

19 (d) Duty of secretary.--It shall be the duty of the  
20 Secretary of Community and Economic Development, or the  
21 secretary's agent or designee, to ensure the forms required by  
22 this chapter are prepared in cooperation with the committee. In  
23 the event that the committee should for any reason fail to  
24 furnish the cooperation, the Secretary of Community and Economic  
25 Development, or the secretary's agent or designee, shall  
26 complete the preparation of the forms. After their preparation,  
27 the Secretary of Community and Economic Development, or the  
28 secretary's agent or designee, shall issue the forms and  
29 distribute them annually, as needed, to the designated officers  
30 of each city.

1 (e) Change or alteration.--No change or alteration in the  
2 forms prescribed shall be made by the Secretary of Community and  
3 Economic Development or the secretary's agent or designee,  
4 except by a majority approval of the committee, unless upon  
5 reasonable notice two or more representatives of the committee  
6 fail to attend the committee meetings. In voting upon any change  
7 or alteration, each representative and the chairperson of the  
8 committee shall have one vote.

9 § 11814. Annual reports to council on insurance and bonds.

10 The chief fiscal officer shall prepare or cause to be  
11 prepared and submit to council, as council shall direct, a  
12 complete and itemized report of all policies of insurance  
13 contracted by the city for the information and consideration of  
14 council. The chief fiscal officer shall prepare a report, as  
15 council shall direct, of all bonds given for the protection of  
16 the city in whole or in part.

17 CHAPTER 119

18 CONTRACTS

19 Sec.

20 11901. Power to make and regulate contracts.

21 11901.1. Contracts or purchases in excess of base amount of  
22 \$18,500.

23 11901.2. Contracts or purchases not in excess of base amount of  
24 \$18,500.

25 11901.3. Determining amount of contract.

26 11901.4. Contracts or purchases not requiring advertising or  
27 bidding.

28 11901.5. Receipt, opening, award or rejection of bids.

29 11901.6. Bid, performance and payment security.

30 11901.7. Compliance with other laws.

1 11901.8. Prohibitions.  
2 11901.9. Lowest responsible bidder.  
3 11902. Evasion of advertising requirements.  
4 11903.1. Adjustments to base amount based on Consumer Price  
5 Index for All Urban Consumers.  
6 11906. Designation of appropriations, certification in excess  
7 of appropriation and contracts for governmental  
8 services for more than one year.  
9 11908.1. Purchase contracts for petroleum products, fire company  
10 and participation.  
11 11909. Separate bids for plumbing, heating, ventilating and  
12 electrical work, elevators and escalators.  
13 11910. Acceptance by contractor of Workers' Compensation Act.  
14 11911. Contracts for improvements and assignment of  
15 assessments.  
16 11912. Architects and engineers in employ of city, prohibitions  
17 from bidding on public works and penalty.  
18 11916. Contracts with passenger or transportation companies.  
19 § 11901. Power to make and regulate contracts.  
20 (a) General rule.--Each city may execute contracts for the  
21 purpose of carrying out the provisions of this part and the laws  
22 of the Commonwealth. In addition to and consistent with the  
23 requirements of this chapter, council shall, by ordinance,  
24 provide for and regulate the procedures for the award of all  
25 contracts, including the purchase of supplies and materials.  
26 (b) Real and personal property.--Contracts for the sale of  
27 real and personal property shall conform to the provisions of  
28 section 12402.1 (relating to city property and affairs).  
29 § 11901.1. Contracts or purchases in excess of base amount of  
30 \$18,500.

1 (a) General rule.--Except as provided in section 11901.4(b)  
2 (relating to contracts or purchases not requiring advertising or  
3 bidding), all contracts or purchases in excess of the base  
4 amount of \$18,500, subject to adjustment under section 11903.1  
5 (relating to adjustments to base amount based on Consumer Price  
6 Index for All Urban Consumers), shall be subject to advertising  
7 and competitive bidding as provided in this chapter.

8 (b) Contract.--All services and personal properties required  
9 by any city municipal department, where the amount exceeds the  
10 base amount of \$18,500, subject to adjustment under section  
11 11903.1, shall be furnished and performed under written  
12 contract. The contract shall be awarded and given to the lowest  
13 responsible bidder after advertising two times, each publication  
14 on a different day, in not more than two newspapers of general  
15 circulation, in accordance with the provisions of section 10109  
16 (relating to publication of notices). The bids shall not be  
17 opened until at least 10 days have elapsed after the first  
18 advertisement is published. A copy of the advertisement for  
19 contracts or purchases shall be posted in the city office  
20 designated by council.

21 § 11901.2. Contracts or purchases not in excess of base amount  
22 of \$18,500.

23 With regard to all contracts or purchases not in excess of  
24 the base amount of \$18,500, subject to adjustment under section  
25 11903.1 (relating to adjustments to base amount based on  
26 Consumer Price Index for All Urban Consumers), the following  
27 shall apply:

28 (1) The purchases or contracts shall be evidenced by  
29 note or memorandum in writing, signed by the officer or  
30 employee making the purchase or contract.

1           (2) Council, or the officer designated by council, shall  
2           approve all purchases or contracts, except council need not  
3           approve those purchases or contracts within the category of  
4           small or routine purchases or incidental expenses, as defined  
5           by ordinance.

6 § 11901.3. Determining amount of contract.

7           The amount of the contract shall be the entire amount which  
8           the city pays to the successful bidder or the successful  
9           bidder's assigns in order to obtain the services or property, or  
10          both, and shall not be construed to mean only the amount which  
11          is paid to acquire title or to receive any other particular  
12          benefit or benefits of the whole bargain.

13 § 11901.4. Contracts or purchases not requiring advertising or  
14            bidding.

15          (a) Not in excess of base amount.--City contracts or  
16          purchases, if not in excess of the base amount of \$18,500,  
17          subject to adjustment under section 11903.1 (relating to  
18          adjustments to base amount based on Consumer Price Index for All  
19          Urban Consumers), shall not require advertising or bidding.

20          (b) In excess of base amount.--The following city contracts  
21          or purchases involving an expenditure over the base amount of  
22          \$18,500, subject to adjustment under section 11903.1, do not  
23          require advertising or bidding:

24            (1) Contracts for maintenance, repairs or replacements  
25            for water, electric light or other public works of the city,  
26            provided they do not constitute new additions, extensions or  
27            enlargements of existing facilities and equipment. Security  
28            may be required by council as in other cases of work done.

29            (2) Contracts for improvements, repairs and maintenance  
30            of any kind made or provided by any city through its own

1 employees, except that this exception shall not apply to  
2 construction materials used in a street improvement.

3 (3) Contracts for new equipment, articles, apparatus,  
4 appliances or vehicles which are patented or copyrighted  
5 products.

6 (4) Contracts involving any policies of insurance or  
7 surety company bonds.

8 (5) Contracts for public utility service and  
9 electricity, natural gas or telecommunication services,  
10 provided that, in the case of utilities not under tariff with  
11 the Pennsylvania Public Utility Commission, contracts made  
12 without advertising and bidding shall be made only after  
13 receiving written or telephonic price quotations from at  
14 least three qualified and responsible providers. In lieu of  
15 price quotations, a memorandum shall be kept on file showing  
16 that fewer than three qualified providers exist in the market  
17 area within which it is practicable to obtain quotations. A  
18 written record of telephonic price quotations shall be made  
19 and shall contain at least the date of the quotation, the  
20 name of the provider and the provider's representative, the  
21 type of service that was the subject of the quotation and the  
22 price. Written price quotations, written records of  
23 telephonic price quotations and memoranda shall be retained  
24 for a period of three years.

25 (6) Contracts entered into with the Federal Government,  
26 the Commonwealth, another political subdivision or a county,  
27 any agency of the Federal Government or the Commonwealth, any  
28 municipal authority, including the sale, leasing or loan of  
29 any supplies or materials by the Federal Government or the  
30 Commonwealth, or their agencies, but the price shall not be

1 in excess of that fixed by the Federal Government, the  
2 Commonwealth or their agencies.

3 (7) Contracts involving personal or professional  
4 services.

5 (8) Contracts executed during a state of emergency  
6 declared by the mayor in accordance with section 11203  
7 (relating to execution of laws, powers of sheriff conferred  
8 and emergency powers) or those made during a disaster  
9 emergency declared by the Governor or during a local  
10 emergency in accordance with 35 Pa.C.S. Pt. V (relating to  
11 emergency management services).

12 § 11901.5. Receipt, opening, award or rejection of bids.

13 (a) Advertisement.--If advertisement and bidding are  
14 required, the advertisement shall specify the time and place  
15 bids will be received and the time and place for the opening of  
16 bids.

17 (b) Bids.--Bids received pursuant to advertisement shall be  
18 opened publicly by council or its designated agent. The amount  
19 of each bid and any other relevant information as may be  
20 specified by council, together with the name of each bidder,  
21 shall be disclosed and recorded and the record shall be open to  
22 public inspection.

23 (c) Award or rejection.--At a public meeting of council, not  
24 more than 60 days after the receipt of bids, council shall  
25 either award the contract or reject all bids.

26 § 11901.6. Bid, performance and payment security.

27 (a) Bid security.--The following shall apply to bid  
28 security:

29 (1) Council may require that bids received pursuant to  
30 advertisement be accompanied by bid security, in a reasonable

1 amount, which shall be in the form of a certified or bank  
2 check or a bond provided by a surety company authorized to do  
3 business in this Commonwealth or another form of security as  
4 specified in the advertisement for bids.

5 (2) In the event the successful bidder shall, upon award  
6 of the contract, fail to comply with the requirements of  
7 subsection (b) as to performance security, the bid security  
8 shall be forfeited to the city as liquidated damages.

9 (b) Performance security.--The following shall apply to  
10 performance security:

11 (1) In the case of a contract that had been subject to  
12 advertising and bidding, the successful bidder shall be  
13 required to furnish performance security in the form of a  
14 bond or irrevocable letter of credit in an amount equal to  
15 100% of the contract price with suitable reasonable  
16 requirements guaranteeing the performance of the contract.  
17 Performance security shall be provided within 20 days after  
18 the contract has been awarded, unless council prescribes a  
19 shorter period of not less than 10 days. Failure to furnish  
20 the security within the required time period shall void the  
21 award.

22 (2) The provisions of this subsection requiring  
23 successful bidders to furnish performance security shall not  
24 be mandatory as to contracts for the purchase of motor  
25 vehicles or other pieces of equipment but only as to those  
26 contracts which involve furnishing of labor and materials.  
27 Council may, in all cases of contracts or purchases, require  
28 security for performance, delivery or other terms.

29 (c) Payment security.--The following shall apply to payment  
30 security:

1       (1) In conformity with the act of December 20, 1967  
2       (P.L.869, No.385), known as the Public Works Contractors'  
3       Bond Law of 1967, it shall be the duty of every city to  
4       require any individual, partnership, association or  
5       corporation entering into a contract with the city for the  
6       construction, erection, installation, completion, alteration,  
7       repair of or addition to any public work or improvement of  
8       any kind, where the amount of the contract is in excess of  
9       \$10,000, before commencing work under the contract, to  
10       provide payment security in a form acceptable to and approved  
11       by the city, which may include, but need not be limited to,  
12       any of the following equal to 100% of the contract amount:

13               (i) A bond.

14               (ii) Federal or Commonwealth-chartered lending  
15               institution irrevocable letters of credit.

16               (iii) Restrictive or escrow accounts in the lending  
17               institutions under subparagraph (ii).

18       (2) The payment security shall be solely for the  
19       protection of claimants supplying labor or materials to the  
20       prime contractor to whom the contract was awarded, or to any  
21       of the prime contractor's subcontractors, in the execution of  
22       the work provided for in the contract. The payment security  
23       shall be conditioned for the prompt payment of all material  
24       furnished or labor supplied or performed in the execution of  
25       the work under the contract.

26       § 11901.7. Compliance with other laws.

27       Every contract subject to this chapter shall comply, as  
28       applicable, with the provisions of the act of August 15, 1961  
29       (P.L.987, No.442), known as the Pennsylvania Prevailing Wage  
30       Act, the act of December 20, 1967 (P.L.869, No.385), known as

1 the Public Works Contractors' Bond Law of 1967, the act of  
2 January 23, 1974 (P.L.9, No.4), referred to as the Public  
3 Contract Bid Withdrawal Law, the act of March 3, 1978 (P.L.6,  
4 No.3), known as the Steel Products Procurement Act, the act of  
5 February 17, 1994 (P.L.73, No.7), known as the Contractor and  
6 Subcontractor Payment Act, and 62 Pa.C.S. Chs. 37 Subch. B  
7 (relating to motor vehicles), 39 (relating to contracts for  
8 public works) and 45 (relating to antibid-rigging).

9 § 11901.8. Prohibitions.

10 No individual, consultant, firm or corporation contracting  
11 with a city for purposes of rendering personal or professional  
12 services to the city shall share with any city officer or  
13 employee, and no city officer or employee shall accept, any  
14 portion of the compensation or fees paid by the city for the  
15 contracted services provided to the city.

16 § 11901.9. Lowest responsible bidder.

17 For purposes of this chapter, the lowest responsible bidder  
18 need not be the bidder submitting the lowest dollar amount bid.  
19 The city may also consider the quality of goods or services  
20 supplied, ease of repair, compatibility with other city  
21 equipment or services, responsiveness, past performance of the  
22 bidder and any other reasonable factors specified in the  
23 advertisement for bids.

24 § 11902. Evasion of advertising requirements.

25 The following shall apply:

26 (1) No elected or appointed official or officials of any  
27 city shall evade the provisions of this chapter requiring  
28 advertising for bids by purchasing or contracting for  
29 services and personal properties piecemeal for the purpose of  
30 obtaining prices under the base amount of \$18,500, subject to

1 adjustment under section 11903.1 (relating to adjustments to  
2 base amount based on Consumer Price Index for All Urban  
3 Consumers), upon transactions which should, in the exercise  
4 of reasonable discretion and prudence, be conducted as one  
5 transaction amounting to more than the base amount of  
6 \$18,500, subject to adjustment under section 11903.1.

7 (2) Paragraph (1) is intended to make unlawful the  
8 practice of evading advertising requirements by making a  
9 series of purchases or contracts, each for less than the  
10 advertising requirement price, or by making several  
11 simultaneous purchases or contracts, each below the price,  
12 when, in either case, the transactions involved should have  
13 been made as one transaction for one price.

14 (3) Any elected or appointed official who acts in  
15 violation of paragraph (1), knowing that the transaction upon  
16 which the elected or appointed official acts is or ought to  
17 be a part of a larger transaction and that it is being  
18 divided in order to evade the requirements as to advertising  
19 for bids, shall be jointly and severally subject to surcharge  
20 for 10% of the full amount of the contract or purchase.

21 Wherever it shall appear that an elected or appointed  
22 official may have acted in violation of this section but the  
23 purchase or contract on which the elected or appointed  
24 official acted was not executed, this section shall be  
25 inapplicable.

26 § 11903.1. Adjustments to base amount based on Consumer Price  
27 Index for All Urban Consumers.

28 Adjustments to the base amounts specified under sections  
29 11901.1 (relating to contracts or purchases in excess of base  
30 amount of \$18,500), 11902 (relating to evasion of advertising

1 requirements) and 11909 (relating to separate bids for plumbing,  
2 heating, ventilating and electrical work, elevators and  
3 escalators) shall be made as follows:

4 (1) The Department of Labor and Industry shall determine  
5 the percentage change in the Consumer Price Index for All  
6 Urban Consumers: All Items (CPI-U) for the United States City  
7 Average as published by the United States Department of  
8 Labor, Bureau of Labor Statistics, for the 12-month period  
9 ending September 30.

10 (2) If the Department of Labor and Industry determines  
11 that there is no positive percentage change, no adjustment to  
12 the base amounts shall occur for the relevant time period  
13 provided for in this section.

14 (3) (i) If the Department of Labor and Industry  
15 determines that there is a positive percentage change in  
16 the first year that the determination is made under  
17 paragraph (1), the positive percentage change shall be  
18 multiplied by each base amount, the products shall be  
19 added to the base amounts, respectively, and the sums  
20 shall be preliminary adjusted amounts.

21 (ii) The preliminary adjusted amounts shall be  
22 rounded to the nearest \$100 to determine the final  
23 adjusted base amounts for purposes of sections 11901.1  
24 and 11902.

25 (4) In each successive year in which there is a positive  
26 percentage change in the CPI-U for the United States City  
27 Average, the positive percentage change shall be multiplied  
28 by the most recent preliminary adjusted amounts and the  
29 products shall be added to the preliminary adjusted amount of  
30 the prior year to calculate the preliminary adjusted amounts

1 for the current year. The sums shall be rounded to the  
2 nearest \$100 to determine the new final adjusted base amounts  
3 for purposes of sections 11901.1 and 11902.

4 (5) The determinations and adjustments required under  
5 this section shall be made annually after October 1 and  
6 before November 15.

7 (6) The final adjusted base amounts and new final  
8 adjusted base amounts obtained under paragraphs (3) and (4)  
9 shall become effective January 1 for the calendar year  
10 following the year in which the determination required under  
11 paragraph (1) is made.

12 (7) The Department of Labor and Industry shall publish  
13 notice in the Pennsylvania Bulletin prior to January 1 of  
14 each calendar year of the annual percentage change determined  
15 under paragraph (1) and the unadjusted or final adjusted base  
16 amounts determined under paragraphs (3) and (4) at which  
17 competitive bidding is required under section 11901.1 and  
18 advertising is required under section 11902 or separate bids  
19 are required under section 11909 for the calendar year  
20 beginning the first day of January after publication of the  
21 notice. The notice shall include a written and illustrative  
22 explanation of the calculations performed by the Department  
23 of Labor and Industry in establishing the unadjusted or final  
24 adjusted base amounts under this section for the ensuing  
25 calendar year.

26 (8) The annual increase in the preliminary adjusted base  
27 amounts obtained under paragraphs (3) and (4) shall not  
28 exceed 3%.

29 § 11906. Designation of appropriations, certification in excess  
30 of appropriation and contracts for governmental

1 services for more than one year.

2 With regard to any contract, council may direct the city  
3 administrator, chief fiscal officer or other designated official  
4 or employee to furnish information concerning the availability  
5 of appropriated money to satisfy required payments under the  
6 contract. Nothing in this section shall prevent the making of  
7 contracts for governmental services for a period exceeding one  
8 year, but any contract shall be executed only for the amounts  
9 agreed to be paid for the services to be rendered in succeeding  
10 fiscal years.

11 § 11908.1. Purchase contracts for petroleum products, fire  
12 company and participation.

13 Council of each city shall have power to permit, subject to  
14 any terms and conditions as the city may impose, any fire  
15 company, rescue company and ambulance company in the city to  
16 participate in purchase contracts for petroleum products entered  
17 into by the city. Fire company, rescue company and ambulance  
18 company participation in purchase contracts for petroleum  
19 products shall be subject to the condition that all prices shall  
20 be F.O.B. If permitted by council, a fire company, rescue  
21 company or ambulance company may participate in designated  
22 petroleum product contracts entered into by the city, subject to  
23 the fire company, rescue company or ambulance company:

24 (1) Having filed with the city clerk a request that it  
25 be authorized to participate in contracts for the purchase of  
26 petroleum products of the city.

27 (2) Having agreed that it will be bound by any terms and  
28 conditions imposed by the city.

29 (3) Having agreed that it will be responsible for  
30 payment directly to the vendor under each purchase contract.

1 § 11909. Separate bids for plumbing, heating, ventilating and  
2 electrical work, elevators and escalators.

3 The following shall apply:

4 (1) In the preparation of specifications for the  
5 erection, construction and alteration of any public building,  
6 when the entire cost of the work shall exceed the base amount  
7 of \$18,500, subject to adjustment under section 11903.1  
8 (relating to adjustments to base amount based on Consumer  
9 Price Index for All Urban Consumers), the architect, engineer  
10 or other person preparing the specifications shall prepare  
11 only the following separate specifications:

12 (i) Plumbing.

13 (ii) Heating.

14 (iii) Ventilating.

15 (iv) Electrical work.

16 (v) Elevators and escalators.

17 (vi) One complete set of specifications for all the  
18 other work to be done in the erection, construction and  
19 alteration.

20 (2) The project manager, construction manager or other  
21 person authorized by council to enter into contracts for the  
22 erection, construction or alteration of the public buildings  
23 shall receive separate bids upon each of the branches of work  
24 and council or the appropriate city officer shall award the  
25 contract to the lowest responsible bidder for each of the  
26 branches, including the balance of the work, in addition to  
27 the plumbing, heating, ventilating and electrical work and  
28 elevators and escalators. Where it is desired to install an  
29 air conditioning unit, the heating and ventilating may be  
30 regarded as one branch of work having only one set of

1 specifications, and bids may be received and a contract  
2 awarded on that set as provided under this chapter.

3 § 11910. Acceptance by contractor of Workers' Compensation Act.

4 (a) General rule.--All contracts executed by any city which  
5 involve the construction or performance of any work involving  
6 the employment of labor shall contain a provision that the  
7 contractor shall accept and file with the city, proof of  
8 compliance with or exemption from the act of June 2, 1915  
9 (P.L.736, No.338), known as the Workers' Compensation Act,  
10 insofar as the work covered by the contract is concerned.

11 (b) Certificate of exemption.--A certificate of exemption  
12 from issuance may be issued on the basis of either individual  
13 self-insurance or group self-insurance.

14 (c) Exception.--A contractor shall file with the city any  
15 proof that the Department of Labor and Industry, with respect to  
16 certain employees, has accepted the application to be excepted  
17 from the provisions of the Workers' Compensation Act on  
18 religious grounds.

19 (d) Violation.--Any contract executed in violation of this  
20 section is void.

21 § 11911. Contracts for improvements and assignment of  
22 assessments.

23 Where the whole or any part of the cost of an improvement is  
24 to be paid by assessments upon the property abutting or  
25 benefited, the city may enter into an agreement with the  
26 contractor, pursuant to which the contractor shall take an  
27 assignment of the assessments in payment of the amount due under  
28 the terms of the contract and the city shall not be otherwise  
29 liable under the contract.

30 § 11912. Architects and engineers in employ of city,

1 prohibitions from bidding on public works and  
2 penalty.

3 (a) Bidding.--It shall be unlawful for any architect or  
4 engineer in the employ of any city to bid on any public work of  
5 the city.

6 (b) Award.--It shall be unlawful for the officers of any  
7 city, charged with the duty of letting any public work, to award  
8 a contract to any architect or engineer in the employ of the  
9 city.

10 (c) Violation.--Any person violating these provisions  
11 commits a misdemeanor and shall, upon conviction, be subject to  
12 forfeiting office, in accordance with section 10901 (relating to  
13 appointment, removal and prohibition), and sentenced to pay a  
14 fine of not more than \$500, or to imprisonment for not less than  
15 six months, or both. Any contract made in violation of the  
16 provisions of this section shall be null and void.

17 (d) Construction.--The provisions of this section shall be  
18 in addition to any prohibition in 65 Pa.C.S. Ch. 11 (relating to  
19 ethics standards and financial disclosure).

20 § 11916. Contracts with passenger or transportation companies.

21 Except as may be prohibited by 66 Pa.C.S. Pt. I (relating to  
22 public utility code) or Federal or other State regulation of  
23 transportation or commerce, a city may, as it deems necessary  
24 for the public benefit and convenience, contract with a person  
25 owning a public transportation service, railroad company, street  
26 railway, motor power company or passenger or transportation  
27 company.

28 CHAPTER 120

29 POLICE FORCE

30 Sec.

1 12001. Appointment, number, rank, compensation and  
2 qualifications of police officers.

3 12002. Designation of chief.

4 12003. Extra police officers and compensation.

5 12005. Powers of police officers to arrest.

6 12006. Service of process, fees and payment into treasury.

7 12007. Supervision by mayor.

8 12008. Extra compensation prohibited, exception and penalty.

9 12009. Compensation or insurance for volunteer police officer.

10 12010. School crossing guards.

11 § 12001. Appointment, number, rank, compensation and  
12 qualifications of police officers.

13 (a) General rule.--Council shall fix, by ordinance, the  
14 number, grades and compensation of the members of the city  
15 police force, who shall, except as provided in section 12002  
16 (relating to designation of chief), be appointed in accordance  
17 with the civil service provisions of this chapter.

18 (b) Demotion.--No member of the city police force having  
19 been promoted in conformity with the civil service provisions of  
20 this chapter shall be demoted in rank or discharged from the  
21 police force except upon proper cause shown as set forth under  
22 the civil service provisions of this chapter and section 12002.

23 (c) Prohibition.--No police officer, after the police  
24 officer's appointment and qualification, shall hold at the same  
25 time the office of constable.

26 (d) Rules and regulations.--Council shall promulgate rules  
27 and regulations for the organization and governing of the police  
28 force.

29 § 12002. Designation of chief.

30 The chief of police shall be designated by the mayor from

1 within the ranks and may be demoted without cause in the same  
2 manner, but not to any rank lower than the rank which was held  
3 at the time of designation as chief of police. In the event that  
4 no qualified officer from within the ranks has applied for the  
5 designation, the chief of police shall be designated by the  
6 mayor from outside the ranks. The officers, other than the chief  
7 of police, shall be designated in accordance with Chapter 144  
8 (relating to civil service).

9 § 12003. Extra police officers and compensation.

10 The mayor may appoint extra police officers, whenever it is  
11 necessary in the judgment of the mayor for the public safety or  
12 to preserve order, to serve for a period designated by council,  
13 not to exceed 30 days and whose compensation shall be fixed by  
14 council.

15 § 12005. Powers of police officers to arrest.

16 Police officers shall be ex-officio constables of the city,  
17 and shall enforce the laws of the Commonwealth or otherwise  
18 perform the functions of their office in accordance with 42  
19 Pa.C.S. §§ 8952 (relating to primary municipal police  
20 jurisdiction) and 8953 (relating to Statewide municipal police  
21 jurisdiction) and upon property owned or controlled by the city  
22 or by a municipal authority created by the city. A police  
23 officer may, without warrant and upon view, arrest and commit  
24 for hearing any and all individuals:

25 (1) Guilty of:

26 (i) breach of the peace;

27 (ii) vagrancy;

28 (iii) riotous or disorderly conduct; or

29 (iv) drunkenness.

30 (2) Engaged in the commission of any unlawful act

1 tending to imperil the personal security or endanger the  
2 property of the citizens.

3 (3) Violating any of the ordinances of the city for the  
4 violation of which a fine or penalty is imposed.

5 § 12006. Service of process, fees and payment into treasury.

6 Police officers shall have authority to serve and to execute  
7 criminal process or processes issued for the violation of city  
8 ordinances and shall charge the same fees and costs as pertain  
9 by law to the constables of the city for similar services, but  
10 the fees and costs shall be paid into the city treasury monthly.

11 § 12007. Supervision by mayor.

12 The chief of police shall obey the orders of the mayor and  
13 make report to the mayor, which shall be presented monthly by  
14 the mayor to council.

15 § 12008. Extra compensation prohibited, exception and penalty.

16 No police officer shall ask, demand or receive any  
17 compensation or reward for the police officer's services other  
18 than compensation provided by ordinance, except rewards offered  
19 for the arrest of persons accused of crimes committed outside of  
20 the city in which the police officer is employed. A police  
21 officer violating any of the provisions of this section commits  
22 a misdemeanor of the third degree and shall, upon conviction, be  
23 sentenced to pay a fine or imprisonment, or both, to be followed  
24 by dismissal from office.

25 § 12009. Compensation or insurance for volunteer police  
26 officer.

27 Each city may make necessary appropriations to provide  
28 compensation or insurance for volunteer police officers injured  
29 or killed while engaged in the performance of duties as may be  
30 assigned to them in the city.

1 § 12010. School crossing guards.

2 (a) Request.--Upon request of the board of school directors  
3 of the school district in which a city is located, council may  
4 appoint school crossing guards who shall control and direct  
5 traffic at or near schools. They shall serve at the pleasure of  
6 council, except as provided for in subsection (b). The  
7 compensation of the school crossing guards, if any, shall be  
8 fixed by council and shall be jointly paid by council and the  
9 board of school directors, in a ratio to be determined by  
10 council and the board of school directors. If council and the  
11 board of school directors are unable to determine the ratio of  
12 compensation of the school crossing guards to be paid by  
13 council and the board, each shall pay one-half of the  
14 compensation of the school crossing guards.

15 (b) Ordinance.--

16 (1) Council may enact an ordinance allowing a board of  
17 school directors to assume the hiring and oversight of the  
18 school crossing guards. Before council may enact the  
19 ordinance, the board of directors of the school district  
20 shall adopt a resolution requesting the authority to assume  
21 the hiring and oversight of the school crossing guards. The  
22 ordinance enacted by council shall outline how the city  
23 police department will provide any necessary training and  
24 assistance to the school crossing guards while on duty.

25 (2) School crossing guards shall not fall under the  
26 bargaining unit of the school district or be classified as an  
27 employee or under any benefits as provided under the act of  
28 March 10, 1949 (P.L.30, No.14), known as the Public School  
29 Code of 1949. For the purposes of this paragraph, the term  
30 employee shall have the same meaning given to the term

1 "employee" under section 1101-A of the Public School Code of  
2 1949.

3 (3) After the ordinance is enacted by council, the  
4 school district shall assume the cost of compensation,  
5 including fixing the compensation, if any, of the school  
6 crossing guards. The board of school directors shall notify  
7 council, the mayor and the police chief or commissioner of  
8 those hired to serve as school crossing guards and request  
9 the necessary training or assistance be provided as outlined  
10 by the ordinance.

11 (c) Duties.--Whether council appoints school crossing guards  
12 upon the request of the board of school directors or whether  
13 council enacts an ordinance allowing a board of school directors  
14 to assume the hiring and oversight of the school crossing  
15 guards, the following shall apply to school crossing guards:

16 (1) Their duties and authority shall be restricted to  
17 the management of traffic and pedestrians in and around areas  
18 identified by the city police force and the school district  
19 superintendent or a designee.

20 (2) They shall be in suitable and distinctive uniforms  
21 while performing their duties as school crossing guards.

22 (3) They shall not be subject to the civil service  
23 provisions of this chapter.

24 (4) They shall not be entitled to participate in any  
25 city or school district pension or benefit plan or plans.

26 (5) Auxiliary police officers lawfully appointed may be  
27 designated by council or hired by the school district, as  
28 applicable, to serve as school crossing guards.

29 CHAPTER 121

30 FIRE BUREAU

1 Sec.

2 12101. Organization of fire bureau, maintenance and apparatus.

3 12101.1. Appointment and demotion of fire chief.

4 12102. Paid fire bureau, election of officers and companies.

5 12103. Platoon system and hours of service.

6 12104. Fire marshal.

7 12105. Obstructing fire marshal.

8 12106. Investigation of cause of fire and power of mayor.

9 12107. Fire chief ex-officio fire marshal.

10 12108. Compensation insurance for injured volunteer

11 firefighters or special fire police.

12 12109. Salary of nonunion city fire officers.

13 § 12101. Organization of fire bureau, maintenance and

14 apparatus.

15 With regard to a city fire bureau, council shall have the

16 authority to:

17 (1) establish and organize a fire bureau by ordinance;

18 (2) make appropriations for the maintenance of the fire

19 bureau;

20 (3) promulgate regulations for the governing of the

21 officers and companies belonging to the fire bureau; and

22 (4) purchase equipment and apparatus for the

23 extinguishment, prevention and investigation of fires and for

24 the public safety.

25 § 12101.1. Appointment and demotion of fire chief.

26 The mayor, by and with approval and consent of council, shall

27 appoint the fire chief who may be demoted without cause but not

28 to any rank lower than the rank which the fire chief held within

29 the fire bureau at the time of designation as fire chief. In the

30 event that no qualified employee of the fire bureau has applied

1 for the appointment, the fire chief shall be appointed by the  
2 mayor, by and with approval and consent of council, from outside  
3 the ranks.

4 § 12102. Paid fire bureau, election of officers and companies.

5 When a paid fire bureau is organized by any city, council,  
6 except as provided by section 12101.1 (relating to appointment  
7 and demotion of fire chief), may provide for the election or  
8 appointment of the officers and companies belonging to the fire  
9 bureau by ordinance in accordance with civil service provisions,  
10 where applicable. The minimum annual starting salary or  
11 compensation to be paid to officers and firefighters by any city  
12 shall be established by council.

13 § 12103. Platoon system and hours of service.

14 (a) General rule.--The director of the department having  
15 charge of the fire bureau in a city may divide the officers and  
16 members of companies of the uniformed fire force in the employ  
17 of the city, and any other firefighters and drivers regularly  
18 employed and paid by the city, except the chief engineer and  
19 assistant chiefs, and those employed subject to call, into  
20 shifts, bodies or platoons to perform service during the hours  
21 as the director shall fix. In cases of riot, serious  
22 conflagration, times of war, public celebrations or other  
23 emergency, the fire chief or officer in charge at any fire shall  
24 have the power to assign all the members of the fire force to  
25 continuous duty or to continue any member of the fire force on  
26 duty, if necessary.

27 (b) Schedule after May 19, 2014.--Except as provided in  
28 subsection (c), no schedule shall require a member of any shift,  
29 body or platoon to perform continuous service for a consecutive  
30 period of 24 hours, except in cases of emergency or as otherwise

1 agreed to through collective bargaining or an award pursuant to  
2 the act of June 24, 1968 (P.L.237, No.111), referred to as the  
3 Policemen and Firemen Collective Bargaining Act. The provisions  
4 of this subsection shall not be deemed to alter or affect any  
5 schedules in existence prior to May 19, 2014.

6 (c) Schedule before May 19, 2014.--In a city where the work  
7 schedule in existence prior to May 19, 2014, required a work  
8 shift of less than 24 hours, no schedule shall require a member  
9 of any shift, body or platoon to perform continuous service for  
10 a consecutive period of 24 hours, except in cases of emergency  
11 or as otherwise voluntarily agreed through collective  
12 bargaining. Once so modified, no further work schedule may  
13 contain provisions reinstating a restriction on duty of less  
14 than 24 hours of continuous service.

15 § 12104. Fire marshal.

16 (a) General rule.--A city may, by ordinance, provide for the  
17 creation of the office of fire marshal who shall be appointed by  
18 the mayor, by and with the approval and consent of council,  
19 biennially.

20 (b) Powers.--

21 (1) The fire marshal and any authorized assistant shall  
22 inspect all construction or buildings within the city or upon  
23 property owned or controlled by the city or a municipal  
24 authority of the city within this Commonwealth and shall  
25 enforce all laws of the Commonwealth and ordinances of the  
26 city relating to the construction or buildings, for the  
27 prevention, containment or investigation of fire and fire  
28 hazards, both as to the construction or buildings and as to  
29 their contents or occupancies.

30 (2) The fire marshal or the fire marshal's assistants

1 shall report to the director of public safety or to council  
2 or other designated official, as council shall by ordinance  
3 provide, any faulty or dangerous construction or building or  
4 like condition in any building that may constitute a fire  
5 hazard or any proposed use or occupation of any construction,  
6 building or premises which would create or increase a hazard  
7 of fire.

8 (3) The fire marshal shall investigate and keep a  
9 permanent record of the cause, origin and circumstances of  
10 every fire and the damage resulting from the fire occurring  
11 within the fire marshal's jurisdiction immediately after the  
12 occurrence of the fire.

13 (4) The records of the fire marshal shall be open to  
14 public inspection, except as exempted in accordance with the  
15 act of February 14, 2008 (P.L.6, No.3), known as the Right-  
16 to-Know Law. The fire marshal shall submit to council an  
17 annual report consolidating the information contained in the  
18 records as directed by council.

19 (5) If a fire is deemed suspicious, the fire marshal  
20 shall have the authority to investigate the fire.

21 § 12105. Obstructing fire marshal.

22 (a) General rule.--It shall be unlawful for any person to  
23 obstruct or prevent or attempt to obstruct or prevent the fire  
24 marshal in the discharge of the fire marshal's duties.

25 (b) Penalties.--Council may, by ordinance, establish the  
26 types or grades of the criminal conduct and may establish fines  
27 or imprisonment, or both, for the violations. No fine may exceed  
28 \$1,000 for any single violation and no imprisonment shall exceed  
29 90 days.

30 § 12106. Investigation of cause of fire and power of mayor.

1 The mayor of any city may issue a subpoena in the name of the  
2 Commonwealth to an individual requiring the attendance of the  
3 individual before the mayor or the fire marshal at the time and  
4 place as may be named in the subpoena, then and there to  
5 testify, under oath or affirmation, which the fire marshal in  
6 the absence of the mayor is empowered to administer, as to:

7 (1) the origin of any fire occurring within the bounds  
8 of the city; and

9 (2) any facts or circumstances that may be deemed  
10 important to secure the detection and conviction of any party  
11 guilty of the offense of arson or attempted arson.

12 § 12107. Fire chief ex-officio fire marshal.

13 The fire chief of a city shall be ex-officio fire marshal if  
14 the office is not separately filled pursuant to ordinance in the  
15 city and, in that case, all the powers and duties given to or  
16 imposed upon the fire marshal under this chapter shall be  
17 enjoyed and exercised by the fire chief.

18 § 12108. Compensation insurance for injured volunteer  
19 firefighters or special fire police.

20 A city may make appropriations to secure insurance or  
21 compensation for volunteer firefighters killed or injured while  
22 engaged in the performance of their duties or as special fire  
23 police.

24 § 12109. Salary of nonunion city fire officers.

25 A fire chief or head of a fire department of a city who has  
26 been removed from bargaining units under the act of June 24,  
27 1968 (P.L.237, No.111), referred to as the Policemen and Firemen  
28 Collective Bargaining Act, by rulings of the Pennsylvania Labor  
29 Relations Board shall receive not less than the same dollar  
30 increase, including fringe benefits but excluding overtime and

1 holiday pay, as received by the highest-ranking fire officer  
2 participating in the bargaining unit.

3 CHAPTER 122

4 SURVEYS AND SURFACE SUPPORT IN

5 COAL MINING AREAS

6 Sec.

7 12203. Survey of mines.

8 12204. Operators to furnish maps and contents.

9 12205. Extensions to be placed on maps.

10 12206. Certain surface supports not to be removed.

11 12207. Penalty for surface support violations.

12 12209. Enactment of ordinances.

13 § 12203. Survey of mines.

14 (a) General rule.--For the purpose of conducting a survey as  
15 may be required by council, the city engineer or other  
16 registered professional engineer employed by the city may:

17 (1) enter and survey a mine or colliery within the  
18 limits of the city, in whole or in part, at all reasonable  
19 times, either by day or night, without impeding or  
20 obstructing the workings of the mine or colliery; and

21 (2) take with them other persons necessary for the  
22 purpose of making a survey.

23 (b) Duty to provide entry, survey and exit.--The owner,  
24 operator or superintendent of the mine or colliery shall furnish  
25 the means necessary for the entry, survey and exit.

26 § 12204. Operators to furnish maps and contents.

27 The owner, operator or superintendent of a coal mine or  
28 colliery within the limits of the city, in whole or in part,  
29 shall, at the request of council, make or cause to be made and  
30 furnished to the city engineer an accurate map or plan of the

1 workings or excavations of each coal mine or colliery within the  
2 limits of the city.

3 § 12205. Extensions to be placed on maps.

4 (a) Duty to update.--Not less than once every three months,  
5 a map that has been provided to a city, at the request of  
6 council, pursuant to section 12204 (relating to operators to  
7 furnish maps and contents) shall be updated at the direction of  
8 the mine owner, operator or superintendent.

9 (b) Contents.--The updated map shall show all the extensions  
10 made in any mine within the limits of the city, in whole or in  
11 part, and not already so placed upon the map, except those made  
12 within 30 days immediately preceding the time of placing the  
13 extensions upon the map.

14 § 12206. Certain surface supports not to be removed.

15 It shall be unlawful for an individual, partnership,  
16 association or corporation to dig, mine, remove or carry away  
17 the coal, rock, earth or other minerals or materials forming the  
18 natural support of the surface beneath the streets and places of  
19 a city to an extent and in a manner as to remove the necessary  
20 support of the surface, without having first placed or  
21 constructed an artificial permanent support sufficient to uphold  
22 and preserve the stability of the surfaces of the streets and  
23 places.

24 § 12207. Penalty for surface support violations.

25 An individual, corporation or association violating the  
26 provisions of this chapter concerning surface support of streets  
27 and places within the city commits a misdemeanor and shall, upon  
28 conviction, be sentenced to pay a fine not to exceed \$1,000 or  
29 imprisonment for a period not to exceed 90 days, or both. Each  
30 day in which the violation continues shall constitute an

1 additional and separate offense.

2 § 12209. Enactment of ordinances.

3 Council may enact ordinances necessary for the enforcement of  
4 the provisions of this chapter and provide penalties for the  
5 violation.

6 CHAPTER 123

7 PUBLIC HEALTH

8 Subchapter

9 A. Board of Health

10 B. Public Nuisances Detrimental to Public Health

11 C. Corporations Acting as Boards of Health

12 D. Penalty

13 SUBCHAPTER A

14 BOARD OF HEALTH

15 Sec.

16 12300. Definitions.

17 12301. Board of health.

18 12302. Members of appointed boards of health.

19 12303. Oath of office.

20 12304. Duties of secretary.

21 12305. Health officer.

22 12306. Duties of health officer.

23 12307. Duties of board of health.

24 12308. Powers of board of health.

25 12309. Effect of rules and regulations.

26 12310. Fees and penalties.

27 12311. Proceedings of board of health to be public.

28 § 12300. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Public nuisance" or "nuisance." A nuisance detrimental to  
3 the public health, unless a different meaning is specified.

4 § 12301. Board of health.

5 A city shall have a board of health. Council may, by  
6 ordinance, create a board of health or council shall be the  
7 board of health. If council is the board of health, members of  
8 council shall receive no additional compensation for serving on  
9 the board.

10 § 12302. Members of appointed boards of health.

11 (a) General rule.--Council shall appoint five members to a  
12 board of health created by ordinance. Appointed members shall  
13 serve without compensation. Except in the case of an appointed  
14 member who is a licensed or certified health care professional  
15 with a principal office in the city, members of the appointed  
16 board of health must be residents of the city.

17 (b) Qualifications.--

18 (1) Two members of the board must be licensed or  
19 certified health care professionals, unless council cannot  
20 identify two professionals who are willing to serve, in which  
21 case, one member must be a licensed or certified health care  
22 professional.

23 (2) If no licensed or certified health care professional  
24 can be identified to serve on the board, council may appoint  
25 an individual who has experience or is knowledgeable of  
26 public health issues.

27 (c) Licensure and certification required.--Health care  
28 professionals pursuant to this section must be licensed or  
29 certified by:

30 (1) the State Board of Medicine;

- 1           (2) the State Board of Examiners of Nursing Home
- 2           Administrators;
- 3           (3) the State Board of Podiatry;
- 4           (4) the State Board of Veterinary Medicine;
- 5           (5) the State Board of Occupational Therapy Education
- 6           and Licensure;
- 7           (6) the State Board of Osteopathic Medicine;
- 8           (7) the State Board of Pharmacy;
- 9           (8) the State Board of Physical Therapy;
- 10           (9) the State Board of Nursing;
- 11           (10) the State Board of Social Workers, Marriage and
- 12           Family Therapists and Professional Counselors;
- 13           (11) the State Board of Chiropractic;
- 14           (12) the State Board of Dentistry;
- 15           (13) the State Board of Optometry;
- 16           (14) the State Board of Psychology; or
- 17           (15) the State Board of Examiners in Speech-Language and
- 18           Audiology.

19           (d) Terms.--After the creation of the board, for initial  
20 membership, council shall, by ordinance, designate one appointee  
21 for a term of one year, one for a term of two years, one for a  
22 term of three years, one for a term of four years and one for a  
23 term of five years. For subsequent membership, one member of the  
24 board shall be appointed annually to serve for a term of five  
25 years from the first Monday of January succeeding the member's  
26 appointment.

27           (e) Removal.--Council may remove appointed members of the  
28 board for official misconduct or neglect of duty.

29           (f) Vacancies.--A vacancy on an appointed board shall be  
30 filled by council. Council shall appoint a qualified individual

1 to membership on the board for the unexpired term of the  
2 individual whose membership had been vacated.

3 § 12303. Oath of office.

4 (a) General rule.--Each member of the board of health shall  
5 take the oath of office prescribed in section 10905 (relating to  
6 oath of office, violation of oath and penalty).

7 (b) Organization.--The board of health shall organize  
8 annually on the first Monday of January and shall elect a  
9 president annually from among its members.

10 (c) Appointment of secretary.--Council shall appoint a  
11 secretary of the board of health who is not a member of the  
12 board of health. The secretary shall receive a salary as  
13 approved by council.

14 § 12304. Duties of secretary.

15 The secretary of the board shall:

16 (1) Keep the minutes of the proceedings of the board and  
17 accurate accounts of the expenditures of the board.

18 (2) Draw all requisitions for the payment of money on  
19 account of the board of health from appropriations made by  
20 council to the board and shall present the requisitions to  
21 the president of the board for the president's approval.

22 (3) Render statements of the expenditures to the board  
23 at each stated meeting or as frequently as the board may  
24 require.

25 (4) Prepare, under the direction of the board, the  
26 annual report to council, together with the estimate of  
27 appropriations needed for the ensuing year.

28 (5) Make reports to the Department of Health as  
29 required by law, rule or regulation of the department.

30 (6) Make other reports and perform other duties as

1 required by law or by the board of health.

2 § 12305. Health officer.

3 (a) Selection and oath.--

4 (1) Council shall, by ordinance, determine the manner  
5 and method of selection of a health officer who shall be an  
6 individual with experience or training in public health work  
7 and who shall be or shall become certified for the office of  
8 health officer by the State Department of Health within six  
9 months of taking the oath of office.

10 (2) The health officer shall take the oath required of  
11 members of the board.

12 (3) The health officer shall be the agent of the board  
13 of health, but shall not serve as a member of the board of  
14 health.

15 (b) Qualifications.--

16 (1) Council may appoint, as the principal health officer  
17 of the city, the manager or chief administrator employed and  
18 compensated by a nonprofit corporation which may be appointed  
19 as a board of health in accordance with Subchapter C  
20 (relating to corporations acting as boards of health).

21 (2) The manager or chief administrator, to be eligible  
22 for appointment, must be a reputable physician with at least  
23 five years' experience in the practice of the physician's  
24 profession or in public health work.

25 (3) The principal health officer, appointed pursuant to  
26 this subsection, shall have all the powers, authority and  
27 duties prescribed by law upon principal health officers.

28 § 12306. Duties of health officer.

29 (a) General rule.--The health officer shall:

30 (1) Attend all regular and special meetings of the board

1 of health.

2 (2) Be available for the prompt performance of the  
3 health officer's official duties.

4 (3) Quarantine places of communicable diseases in  
5 accordance with law and with the rules and regulations of the  
6 Department of Health or of the city board of health.

7 (4) Execute all laws, rules and regulations for the  
8 disinfection of quarantined places.

9 (5) Serve written notice on teachers and persons in  
10 charge of public, parochial, Sunday and other schools  
11 requiring the exclusion of children from school who are  
12 suffering from or who reside with individuals who are  
13 suffering from communicable diseases.

14 (6) Make sanitary inspections subject to constitutional  
15 standards in a similar manner as provided in section 12308  
16 (relating to powers of board of health).

17 (7) Execute the orders of the board of health and all  
18 other laws, rules, regulations and orders pertaining to the  
19 health officer's office.

20 (b) Issuance of citations.--The health officer shall, to the  
21 extent the health officer's duties allow, have the power to  
22 issue citations for the violation of applicable laws or  
23 ordinances.

24 § 12307. Duties of board of health.

25 (a) General rule.--The board of health shall prevent or  
26 diminish the introduction or further spread of infectious or  
27 contagious diseases and otherwise to protect and increase the  
28 public health by:

29 (1) regulating access to places of infection or  
30 contagion;

1           (2) isolating carriers of infection or contagion or  
2 individuals who have been exposed to any infectious or  
3 contagious disease;

4           (3) abating or removing all nuisances which the board  
5 deems prejudicial to the public health; and

6           (4) enforcing vaccination laws.

7           (5) promulgating regulations, as it deems proper, for  
8 the preservation or improvement of public health, consistent  
9 with this chapter and the laws of the Commonwealth.

10       (b) Enforcement.--In carrying out its duties under this  
11 chapter, the board of health shall, if authorized, enforce the  
12 laws of the Commonwealth that are relevant to and relate to its  
13 duties.

14       (c) Transmittal of information.--The board of health shall  
15 transmit to the Department of Health all of its reports and  
16 publications and other information regarding public health in  
17 the city as may be requested or required by the department.  
18 § 12308. Powers of board of health.

19       The board of health shall:

20           (1) If authorized by council, employ agents and  
21 employees at rates of compensation approved by council.

22           (2) Enter upon any premises within the city, as a body  
23 or by committee or by its agents or employees, which are  
24 suspected of infectious or contagious disease or of any other  
25 nuisance prejudicial to the public health or which pose  
26 danger, for the purpose of examining the premises or of  
27 preventing, confining or abating public nuisances. The  
28 following apply:

29           (i) In the event that entry upon any premises is  
30 refused by an owner, an agent of an owner or tenant, the

1 board of health shall obtain an administrative search  
2 warrant from a magisterial district judge within the  
3 judicial district where the premises to be inspected is  
4 located.

5 (ii) It shall be sufficient to support the issuance  
6 of a warrant for the board of health to provide to the  
7 magisterial district judge evidence of any of the  
8 following:

9 (A) Reasonable standards and an administrative  
10 plan for conducting inspections.

11 (B) The condition of the premises or general  
12 area and the passage of time since the last  
13 inspection.

14 (C) Facts, supported by an oath or affirmation,  
15 alleging that probable cause exists that a law,  
16 regulation or ordinance subject to enforcement by the  
17 board of health has been violated.

18 (3) Conduct investigations and hold public hearings in  
19 the performance of its duties and powers. In a hearing under  
20 this paragraph, the president and secretary of the board may  
21 administer oaths and affirmations, but shall receive no fee  
22 for administration, and the board of health may require the  
23 attendance of witnesses and their books and papers in  
24 accordance with section 10917 (relating to powers of subpoena  
25 and compelling testimony).

26 (4) Publish and enforce its rules and regulations as  
27 approved by council.

28 (5) If approved by council, provide for or cooperate in  
29 providing for general and gratuitous vaccination,  
30 disinfection and other public health control programs and

1 make medical relief available to benefit public health.

2 (6) Provide, in accordance with Subchapter B (relating  
3 to public nuisances detrimental to public health), for the  
4 prevention, abatement and removal of conditions found to be  
5 detrimental to public health as public nuisances or to  
6 declare and certify to council that the premises or places  
7 harboring the detrimental condition are public, not private,  
8 nuisances.

9 § 12309. Effect of rules and regulations.

10 Rules and regulations adopted by the board of health shall be  
11 presented to council for its approval subject to the following:

12 (1) Council may approve, by ordinance, the rules and  
13 regulations submitted by the board of health.

14 (2) Upon approval by council, the rules and regulations  
15 of the board of health shall have the force and effect of  
16 ordinances of the city.

17 (3) The ordinance approving the rules and regulations  
18 may incorporate them by reference.

19 (4) Council shall provide a place for the public to view  
20 the rules and regulations.

21 (5) The ordinance approving the rules and regulations  
22 shall prescribe the penalties, fines or imprisonment for  
23 violations.

24 § 12310. Fees and penalties.

25 All fees and penalties collected or received by the board of  
26 health or a board officer acting in an official capacity shall  
27 be paid to the city treasurer for use by the city.

28 § 12311. Proceedings of board of health to be public.

29 The proceedings of the board of health shall be public and  
30 its journal of proceedings shall be open to public inspection.



1 health, shall be pursued if the criteria set forth in section  
2 127A02(d)(2) exists.

3 (2) If summary abatement is not pursued, proceed with  
4 abatement with prior notice in accordance with Chapter 127A.

5 SUBCHAPTER C

6 CORPORATIONS ACTING AS BOARDS OF HEALTH

7 Sec.

8 12330. Board of directors of corporation to be appointed  
9 members of board of health.

10 12332. Power of board.

11 12333. Health officer.

12 12334. Secretary.

13 12335. Filling of vacancies.

14 12337. No compensation for members.

15 12338. Applicability of subchapter.

16 § 12330. Board of directors of corporation to be appointed  
17 members of board of health.

18 (a) General rule.--Council may, by ordinance, appoint the  
19 members of a board of directors of a nonprofit corporation as  
20 the board of health for the city for a term of five years,  
21 provided that the nonprofit corporation:

22 (1) Has as its principal purpose to substantially  
23 preserve and promote the public health of the city and to  
24 control and eliminate disease.

25 (2) Has sufficient means to render valuable assistance  
26 to the city's public health affairs, in the opinion of  
27 council and the Department of Health.

28 (3) Is properly organized and managed.

29 (4) Has not fewer than five and not more than nine  
30 members on the board of directors.

1       (5) Has at least two reputable physicians on the board,  
2       each of whom has not less than five years' experience in the  
3       practice of the physician's profession.

4       (b) Vacancies.--When the office of any member of the board  
5       of directors is terminated, pursuant to the nonprofit  
6       corporation's charter or bylaws, the office of the member of the  
7       board of health shall also terminate with the resulting vacancy  
8       to be filled under subsection (c).

9       (c) Additional members to board of health.--

10       (1) If the number of the board of directors of the  
11       nonprofit corporation increases, subject to the limitation of  
12       a maximum of nine members, council may appoint any individual  
13       added to the corporation's board of directors as an  
14       additional member of the board of health for a term equal to  
15       the unexpired term of the other members.

16       (2) An additional appointment under this subsection shall  
17       be subject to any subsequent termination resulting from a  
18       limitation in the corporation's charter and bylaws.

19       § 12332. Power of board.

20       The board of health under this subchapter shall have all the  
21       power and authority and perform the duties prescribed by law  
22       upon boards of health of cities.

23       § 12333. Health officer.

24       Pursuant to section 12305(b) (relating to health officer),  
25       council may appoint the manager or chief administrator of a  
26       nonprofit corporation as the principal health officer of the  
27       city.

28       § 12334. Secretary.

29       The secretary of the board of directors of the nonprofit  
30       corporation under this subchapter may serve as secretary of the

1 board of health.

2 § 12335. Filling of vacancies.

3 (a) General rule.--Council may appoint successors for  
4 vacancies on the board of health that occur:

5 (1) As five-year terms of board members expire. The  
6 successors shall serve for five-year terms.

7 (2) For any other reason, but a successor appointment  
8 shall be for the unexpired portion of the five-year term.

9 (b) Selection.--Successors, whether appointed for a five-  
10 year term or the unexpired portion of a five-year term, shall be  
11 selected from the members of the nonprofit corporation's board  
12 of directors.

13 § 12337. No compensation for members.

14 The members of the board of health under this subchapter  
15 shall serve without compensation from the city.

16 § 12338. Applicability of subchapter.

17 This subchapter shall be effective only under the  
18 circumstances set forth in section 12330 (relating to board of  
19 directors of corporation to be appointed members of board of  
20 health).

21 SUBCHAPTER D

22 PENALTY

23 Sec.

24 12340. Penalty.

25 § 12340. Penalty.

26 Any person who:

27 (1) violates any provision of this chapter or any order  
28 or regulation of the board of health made under the authority  
29 of this chapter;

30 (2) violates any law, regulation or ordinance referred

1 to or authorized by this chapter;  
2 (3) obstructs or interferes with any person in the  
3 execution of any order or regulation of the board; or  
4 (4) willfully and illegally refuses to obey any order or  
5 regulation of the board;  
6 commits a summary offense punishable in accordance with sections  
7 11018.16 (relating to enforcement of ordinances, recovery and  
8 payment of fines and penalties) and 11018.17 (relating to  
9 penalty).

10 CHAPTER 124

11 CORPORATE POWERS

12 Sec.

13 12402. Powers of cities.

14 12402.1. City property and affairs.

15 12403. Payment of debts and expenses.

16 12404. Creation of reserve funds.

17 12405. Hiring of employees and salaries.

18 12406. Creation of necessary offices or boards.

19 12407. Lockups.

20 12408. Market places.

21 12409. Accumulation of ashes, garbage, solid waste and refuse  
22 materials.

23 12410. Regulation of pets and feral animals.

24 12411. Inspection and regulation of fireplaces and chimneys and  
25 smoke regulations.

26 12412. Fireworks and inflammable articles.

27 12413. Regulation of division fences, party walls and  
28 foundations.

29 12414. Nuisances.

30 12415. Regulation of encroachments.

- 1 12416. Shade trees.
- 2 12417. Numbering of buildings.
- 3 12418. Transportation stands.
- 4 12419. Police force.
- 5 12420. Police regulations.
- 6 12421. Rewards.
- 7 12422. Prevent riots.
- 8 12423. Regulate discharge of guns and deadly weapons.
- 9 12424. Racing and dangerous practices.
- 10 12425. Bathing, recreational swimming establishments and boat  
11 houses and bath houses.
- 12 12426. Musical entertainment.
- 13 12427. Aid to historical societies.
- 14 12428. Establishment of institutions to collect educational  
15 collections.
- 16 12429. Ambulances and rescue and lifesaving services.
- 17 12430. Insurance.
- 18 12431. Parking lots.
- 19 12432. Disorderly conduct.
- 20 12433. Official expenses on city business.
- 21 12434. Municipal authorities and cooperation with other  
22 political subdivisions.
- 23 12435. Local self-government.
- 24 12436. Historical property.
- 25 12437. Appropriations for handling, storage and distribution of  
26 surplus foods.
- 27 12438. Junk dealers and junk yards.
- 28 12439. Appropriations for industrial development.
- 29 12440. Nondebt revenue bonds.
- 30 12441. Appropriations for urban common carrier mass

1           transportation.

2 12442. Appropriation for nonprofit art corporation.

3 12443. Ratification and validation of real estate sales.

4 12444. Validation and maintenance of certain records.

5 12445. Rights within streets and rights-of-way.

6 12446. Emergency services.

7 12447. Charitable purposes.

8 12448. Observances, celebrations and recognition.

9 § 12402. Powers of cities.

10       (a) General rule.--A city is declared to be a body corporate  
11 and politic, shall have perpetual succession and may:

12           (1) Sue and be sued.

13           (2) Have and use a corporate seal and alter the seal.

14       The seal shall have upon it the word "Pennsylvania," the name  
15 of the city and the year of its original incorporation.

16           (3) Display the flag of the United States, the  
17 Commonwealth or of any county, city, borough or other  
18 municipality in this Commonwealth on the public buildings of  
19 the city.

20           (4) Appropriate money and accept gifts or grants of  
21 money, other property or services from public or private  
22 sources for the exercise of powers expressed or implied in  
23 this chapter or any other applicable law.

24       (b) Exercise of powers.--The powers granted in this chapter  
25 shall be exercised in the manner provided in this chapter.

26 § 12402.1. City property and affairs.

27       (a) General rule.--In exercising its discretion to make  
28 decisions that further the public interest under terms it deems  
29 most beneficial to the city, council may, subject to any  
30 restrictions, limitations or exceptions stated in this chapter:

1           (1) Purchase, hold, use and manage real and personal  
2 property.

3           (2) Exchange personal property.

4           (3) Lease, sell and convey real and personal property  
5 owned by the city.

6           (4) Make contracts and do all other acts respecting city  
7 property and affairs as council may deem conducive to the  
8 public interest and necessary to the exercise of the city's  
9 corporate and administrative powers.

10 (b) Sales of real estate.--

11           (1) No real estate owned by the city may be sold except  
12 upon approval of council by resolution and no real estate  
13 owned by the city may be sold for a consideration in excess  
14 of \$1,500, except to the highest bidder after due notice by  
15 advertisement for bids or advertisement of a public auction  
16 in one newspaper of general circulation in the city.

17           (2) The advertisement shall be published once not less  
18 than 10 days prior to the date fixed for the opening of bids  
19 or public auction and the date for opening bids or public  
20 auction shall be announced in the advertisement.

21           (3) The award of contracts shall be made only by public  
22 announcement at a regular or special meeting of council or at  
23 the public auction.

24           (4) All bids shall be accepted on the condition that  
25 payment of the purchase price in full shall be made within 60  
26 days of the acceptance of bids.

27           (5) Council may reject all bids which it deems to be  
28 less than the fair market value of the real property.

29           (6) In the case of a public auction, council may  
30 establish a minimum bid based on the fair market value of the

1 real property.

2 (7) If no compliant bids are received after  
3 advertisement, the applicable procedures in the act of  
4 October 27, 1979 (P.L.241, No.78), entitled "An act  
5 authorizing political subdivisions, municipality authorities  
6 and transportation authorities to enter into contracts for  
7 the purchase of goods and the sale of real and personal  
8 property where no bids are received," shall be followed.

9 (8) Real estate owned by a city may be sold at a  
10 consideration of \$1,500 or less without advertisement or  
11 competitive bidding only after council estimates the value of  
12 the real estate upon receipt of an appraisal by a qualified  
13 real estate appraiser.

14 (9) (i) This section shall not apply if council  
15 exercises its authority to exchange real property of the  
16 city for real property of equal or greater value,  
17 provided that the property being acquired by the city is  
18 to be used for municipal purposes.

19 (ii) If council chooses to exercise its power of  
20 real property exchange pursuant to this section, it shall  
21 be by resolution adopted by council.

22 (iii) Notice of the resolution, including a  
23 description of the properties to be exchanged, shall be  
24 published once in one newspaper of general circulation  
25 not more than 60 days nor fewer than seven days prior to  
26 adoption.

27 (c) Sale of personal property.--

28 (1) No personal property of the city shall be disposed  
29 of, by sale or otherwise, except upon approval of council by  
30 resolution.

1           (2) Council shall estimate the sale value of the entire  
2 lot to be disposed of.

3           (3) If council estimates the sale value to be less than  
4 \$1,000, council may sell the property, in whole or in part,  
5 for the best price or prices obtainable.

6           (4) If council estimates the sale value to be \$1,000 or  
7 more, the entire lot shall be advertised for sale in at least  
8 one newspaper of general circulation in accordance with the  
9 provisions of section 10109 (relating to publication of  
10 notices) and sale of the property advertised shall be made to  
11 the best responsible bidder.

12           (5) The bids shall not be opened until at least 10 days  
13 after the newspaper advertisement is published.

14           (6) The provisions of this subsection shall not be  
15 mandatory where personal property of the city is to be traded  
16 in or exchanged for other personal property.

17           (7) Council may sell any personal property of the city  
18 at auction pursuant to subsection (d), but shall observe the  
19 same notice requirements as contained in this subsection.

20           (d) Online or electronic auction of personal property.--In  
21 regards to the sale of personal property of the city, an auction  
22 may be conducted by means of an online or electronic auction  
23 sale subject to the following:

24           (1) Bids shall be accepted electronically at the time  
25 and in the manner designated in the advertisement pursuant to  
26 the notice requirements in subsection (c).

27           (2) Each bidder shall have the capability to view the  
28 bidder's bid rank or the high bid price.

29           (3) Bidders may increase their bid prices during the  
30 electronic auction.

1           (4) The record of the electronic auction shall be  
2 available for public inspection.

3           (5) The purchase price shall be paid by the high bidder  
4 immediately or at a reasonable time after the conclusion of  
5 the electronic auction, as determined by council.

6           (6) In the event that shipping costs are incurred, they  
7 shall be paid by the high bidder.

8           (7) A city that has complied with the advertising  
9 requirements of subsection (c) may provide additional public  
10 notice of the sale by bid or auction in any manner deemed  
11 appropriate by council.

12           (8) The newspaper advertisement for electronic auction  
13 sales authorized in this section shall include the Internet  
14 address or means of accessing the electronic auction and the  
15 date, time and duration of the electronic auction.

16           (e) Nonapplicability.--Any requirement for advertising for  
17 bids and sale to the highest bidder imposed by this part or by a  
18 city pursuant to this section shall not apply where real or  
19 personal property of the city is sold to the following, provided  
20 that when any real property is no longer used for the purpose of  
21 the conveyance, the real property shall revert to the city:

22           (1) The Federal Government, the Commonwealth, a  
23 municipality, home rule municipality, institution district or  
24 school district.

25           (2) A volunteer fire company, volunteer ambulance  
26 service or volunteer rescue squad located within the city or  
27 providing emergency services in the city.

28           (3) A municipal authority, a housing authority created  
29 pursuant to the act of May 28, 1937 (P.L.955, No.265), known  
30 as the Housing Authorities Law, an urban redevelopment

1 authority created pursuant to the act of May 24, 1945  
2 (P.L.991, No.385), known as the Urban Redevelopment Law, a  
3 parking authority created under 53 Pa.C.S. Ch. 55 (relating  
4 to parking authorities) or under the former act of June 5,  
5 1947 (P.L.458, No.208), known as the Parking Authority Law,  
6 or a port authority created pursuant to the act of December  
7 6, 1972 (P.L.1392, No.298), known as the Third Class City  
8 Port Authority Act.

9 (4) A nonprofit corporation engaged in community  
10 industrial development.

11 (5) A nonprofit corporation organized as a public  
12 library.

13 (6) A nonprofit medical service corporation.

14 (7) A nonprofit housing corporation.

15 (8) A nonprofit museum or historical organization.

16 (f) Nominal consideration acceptable.--When real or personal  
17 property is sold pursuant to subsection (e)(5), (6) or (7), the  
18 city may accept nominal consideration as it shall deem  
19 appropriate.

20 § 12403. Payment of debts and expenses.

21 Council may provide for the payment of the debts and expenses  
22 of the city and appropriate money for the payment.

23 § 12404. Creation of reserve funds.

24 (a) Capital reserve fund.--

25 (1) Council may create and maintain a separate capital  
26 reserve fund for any anticipated capital expenses, which  
27 shall be designated for a specific purpose or purposes when  
28 created. The money in the fund shall be used for no other  
29 purpose unless council declares that conditions in the city  
30 make other expenses more urgent than those for which the fund

1 was created.

2 (2) Council may appropriate money from the general city  
3 fund to be paid into the capital reserve fund or place in the  
4 fund any money received from the sale, lease or other  
5 disposition of any property of the city or from any other  
6 source.

7 (b) Operating reserve fund.--With regard to an operating  
8 reserve fund, the following shall apply:

9 (1) Council shall have the power to create and maintain  
10 a separate operating reserve fund in order to:

11 (i) minimize future revenue shortfalls and deficits;

12 (ii) provide greater continuity and predictability  
13 in the funding of vital government services;

14 (iii) minimize the need to increase taxes to balance  
15 the budget in times of fiscal distress; and

16 (iv) provide the capacity to undertake long-range  
17 financial planning and to develop fiscal resources to  
18 meet long-term needs.

19 (2) Council may annually make appropriations from the  
20 general city fund to the operating reserve fund, but no  
21 appropriation shall be made to the operating reserve fund if  
22 the effect of the appropriation would cause the fund to  
23 exceed 25% of the estimated revenues of the city's general  
24 fund in the current fiscal year.

25 (3) Council may, at any time by resolution, make  
26 appropriations from the operating reserve fund for the  
27 following purposes only:

28 (i) to address emergencies involving the health,  
29 safety or welfare of the residents of the city;

30 (ii) to counterbalance potential budget deficits

1 resulting from shortfalls in anticipated revenues or  
2 program receipts from any source;

3 (iii) to counterbalance potential budget deficits  
4 resulting from increases in anticipated costs for goods  
5 or services; or

6 (iv) to provide for anticipated operating  
7 expenditures related either to the planned growth of  
8 existing projects or programs or to the establishment of  
9 new projects or programs if, for each project or program,  
10 appropriations have been made and allocated to a separate  
11 restricted account established within the operating  
12 reserve fund.

13 (c) Investment and administration.--The operating reserve  
14 fund shall be invested, reinvested and administered in a manner  
15 consistent with the provisions of this part relating to the  
16 investment of city funds generally.

17 § 12405. Hiring of employees and salaries.

18 Council may provide for and regulate the manner of hiring and  
19 discharging employees and the fixing of their salaries or  
20 compensation, consistent with applicable Federal and State law.

21 § 12406. Creation of necessary offices or boards.

22 In addition to the city departments established in accordance  
23 with Chapter 111 (relating to the executive department), council  
24 may create any city office, public board, bureau or commission,  
25 which it may deem necessary for the good of government and  
26 interests of the city, and, with regard to an office or  
27 membership on a board, bureau or commission, unless otherwise  
28 provided by this part, council may make appointments and  
29 regulate and prescribe the terms, duties and compensation.

30 § 12407. Lockups.

1 (a) General rule.--Council may provide for lockup facilities  
2 as deemed necessary for the detention and confinement of  
3 individuals.

4 (b) Restriction.--No city shall erect or construct a city  
5 jail or lockup or use any existing building or lockup for the  
6 first time that will be or is located within 500 feet of a  
7 public school building.

8 § 12408. Market places.

9 Council may:

10 (1) Purchase, lease and own ground for market places.

11 (2) Erect, maintain and establish market places.

12 (3) Provide for and enforce suitable general market  
13 regulations.

14 (4) Contract with any person for the erection and  
15 regulation of market places on terms and conditions and in  
16 the manner as council may prescribe.

17 (5) Levy and collect a license fee from every person who  
18 may be authorized by council to occupy any portion of the  
19 streets, sidewalks or city property for temporary market  
20 purposes.

21 § 12409. Accumulation of ashes, garbage, solid waste and refuse  
22 materials.

23 (a) General rule.--Council in the manner authorized by the  
24 act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste  
25 Management Act, and the act of July 28, 1988 (P.L.556, No.101),  
26 known as the Municipal Waste Planning, Recycling and Waste  
27 Reduction Act, may prohibit accumulations of ashes, garbage,  
28 solid waste and other refuse materials upon private property,  
29 including the imposition and collection of reasonable fees and  
30 charges for the collection, removal and disposal.

1 (b) Collection and removal.--

2 (1) Council may collect and remove, by contract or  
3 otherwise, ashes, garbage, solid waste and other refuse  
4 materials and recyclables and prescribe penalties for the  
5 enforcement.

6 (2) A contract with refuse haulers may be made for an  
7 initial period not to exceed five years with optional renewal  
8 periods of up to five years.

9 (3) The limitation in paragraph (2) does not apply to a  
10 contract with a county or municipal corporation.

11 (c) Disposal.--

12 (1) Council may dispose of, by contract or otherwise,  
13 ashes, garbage, solid waste or other refuse materials.

14 (2) A contract with the owner of a private facility for  
15 the disposal or incineration of ashes, garbage, solid waste  
16 or other refuse materials may be made for a period not to  
17 exceed 20 years.

18 (3) The limitation in paragraph (2) does not apply to a  
19 contract with a county or municipal corporation.

20 (d) Acquisition of real property and facilities.--

21 (1) Council may acquire any real property and erect,  
22 maintain, improve, operate and lease, either as lessor or  
23 lessee, facilities for incineration, landfill or other  
24 methods of disposal, either inside or outside the limits of  
25 the city, including equipment, either separately or jointly,  
26 with a county or municipal corporation in order to provide  
27 for the collection, removal, disposal and destruction of  
28 ashes, garbage, solid waste or other refuse materials, for  
29 the collection and storage of recyclable materials or for the  
30 composting of leaf and yard waste.

1       (2) Council may provide for the payment of the cost out  
2 of the funds of the city.

3       (3) Council may acquire land for landfill purposes,  
4 either amicably or by exercising the power of eminent domain,  
5 and may maintain lands and places for the dumping of ashes,  
6 garbage, solid waste or other refuse materials.

7       (4) If council acquires land outside the limits of the  
8 city by exercising the power of eminent domain, the taking  
9 shall be subject to the limitations in 26 Pa.C.S. § 206  
10 (relating to extraterritorial takings).

11 (e) Rates and charges.--

12       (1) Council may establish, alter, charge and collect  
13 rates and other charges for:

14           (i) the collection, removal and disposal of ashes,  
15 garbage, solid waste, other refuse materials and  
16 recyclable materials; and

17           (ii) the cost of including the payment of any  
18 indebtedness incurred for the construction, purchase,  
19 improvement, repair, maintenance and operation of any  
20 facilities for collection, removal and disposal; and

21           (iii) the amount due under a contract with a county  
22 or municipal corporation furnishing the services or  
23 facilities.

24       (2) The rates and other charges shall be collected  
25 pursuant to the Municipal Claim and Tax Lien Law or by a  
26 civil action.

27 (f) Appropriations.--Council may make appropriations to a  
28 county or municipal corporation for the construction, purchase,  
29 improvement, repair, maintenance and operation of a facility for  
30 the collection, removal, disposal or marketing of ashes,

1 garbage, solid waste, other refuse materials, recyclable  
2 materials or composted leaf and yard waste.

3 (g) Exclusion from other laws.--A city shall not be subject  
4 to requirements otherwise imposed by law for the sale of  
5 personal property owned by the city when selling recyclable  
6 materials or materials separated, collected, recovered or  
7 created by recycling, as provided in the act of April 9, 1992  
8 (P.L.70, No.21), entitled "An act excluding the sale of  
9 recyclable material from political subdivision personal property  
10 sale restrictions relating to advertising and bidding."

11 § 12410. Regulation of pets and feral animals.

12 Council may, by ordinance, prohibit and regulate the running  
13 at large of dogs, cats, other pets and feral animals.

14 § 12411. Inspection and regulation of fireplaces and chimneys  
15 and smoke regulations.

16 In conformity with Federal and State laws and regulations,  
17 council may regulate and inspect fireplaces, chimneys and other  
18 sources of smoke and fly-ash to control the production and  
19 emission of unnecessary smoke and fly-ash.

20 § 12412. Fireworks and inflammable articles.

21 In conformity with Federal and State laws and regulations,  
22 council may:

23 (1) Regulate and prohibit the manufacture of fireworks  
24 or inflammable or dangerous articles.

25 (2) Grant permits for supervised public displays of  
26 fireworks and adopt rules and regulations governing the  
27 displays.

28 (3) Adopt rules and regulations not inconsistent with  
29 State regulations relating to the storage of inflammable  
30 articles.

1           (4) Impose other safeguards concerning inflammable  
2           articles as may be necessary.

3 § 12413. Regulation of division fences, party walls and  
4           foundations.

5           (a) Authority.--

6           (1) Subject to the provisions of and regulations adopted  
7           pursuant to the Pennsylvania Construction Code Act and other  
8           applicable law, council may provide regulations for party  
9           walls and division fences, the foundations of buildings and  
10           entering upon the land or lands, lot or lots, of any person  
11           within the city at all reasonable hours by its duly appointed  
12           city engineer or building inspectors in order to enforce the  
13           regulations and set out foundations.

14           (2) Council may prescribe reasonable fees for the service  
15           of city officers in the inspection and regulation of party  
16           walls, division fences and foundations and may enforce the  
17           payment of the fees.

18           (3) Council may provide fines or penalties for  
19           violations of an ordinance enacted pursuant to this section.

20           (b) Specifications.--

21           (1) In setting out foundations and regulating party  
22           walls as to breadth and thickness, the city shall require the  
23           foundations to be laid equally upon the lands of the persons  
24           between whom the party wall is to be made.

25           (2) The cost of the foundation and party wall shall be  
26           divided proportionately among the property owners sharing the  
27           wall. The property owners shall either share the expense when  
28           the foundation is laid and the party wall is erected or when  
29           the subsequent building is erected if all buildings are not  
30           erected at the same time.

1 § 12414. Nuisances.

2 Council may prohibit and abate public nuisances in accordance  
3 with Subchapter B of Chapter 123 (relating to public nuisances  
4 detrimental to public health).

5 § 12415. Regulation of encroachments.

6 In compliance with applicable State laws and city ordinances,  
7 council may provide for the regulation of all encroachments in,  
8 under or upon sidewalks or other portions of streets in the  
9 city.

10 § 12416. Shade trees.

11 (a) Power to regulate.--

12 (1) Council may, by ordinance, regulate the manner and  
13 method, if any, for the planting, trimming, removing,  
14 maintaining and protection of shade trees in, on and along or  
15 extending over the public streets, sidewalks and rights-of-  
16 way of the city and provide for penalties for violations.

17 (2) The cost of the activities under paragraph (1) may,  
18 at council's discretion, be assessed against the owners of  
19 the properties abutting the street, sidewalk or right-of-way  
20 upon which any tree is located pursuant to Chapter 145A  
21 (relating to assessments for public improvements), except  
22 that the cost and expense of caring for trees after they have  
23 been planted shall be paid by the city.

24 (b) Shade tree commission.--

25 (1) Council may, by ordinance, provide for the creation  
26 of a shade tree commission, its composition, powers and  
27 duties and delegate council's authority for regulating shade  
28 trees to the commission.

29 (2) In lieu of an ordinance under paragraph (1), council  
30 may delegate its regulatory powers for shade trees to an

1 existing department.

2 (3) If a shade tree commission is established, its  
3 meeting shall be subject to the provisions of 65 Pa.C.S. Ch.  
4 7 (relating to open meetings).

5 § 12417. Numbering of buildings.

6 Council may require and regulate the numbering of buildings  
7 and lots.

8 § 12418. Transportation stands.

9 Council may establish stands for taxis, buses, automobiles  
10 and other vehicles for hire and enforce the observance and use  
11 of the stands.

12 § 12419. Police force.

13 (a) General rule.--Council may establish and maintain a  
14 police force and define the duties of the force in accordance  
15 with Chapter 120 (relating to police force).

16 (b) Method of providing police services.--Subject to the  
17 requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to  
18 intergovernmental cooperation), council may provide for police  
19 services as follows:

20 (1) by municipal police officers under a contract;

21 (2) through the purchase of the police services; or

22 (3) by joining or developing a consolidated regional  
23 police service.

24 § 12420. Police regulations.

25 Council may establish and enforce suitable police regulations  
26 for the protection of individuals and property.

27 § 12421. Rewards.

28 Council may offer rewards for the arrest and conviction of  
29 individuals guilty of capital or other crimes within the city.

30 § 12422. Prevent riots.

1 Council may prevent and restrain riots, noises, disturbances  
2 or disorderly assemblies in any street, house or place in the  
3 city.

4 § 12423. Regulate discharge of guns and deadly weapons.

5 To the extent permitted by Federal and other State law,  
6 council may regulate, prohibit and prevent the discharge of guns  
7 and prevent the carrying of concealed deadly weapons.

8 § 12424. Racing and dangerous practices.

9 With regard to streets and public places in the city, council  
10 may regulate or prohibit racing or fast driving of vehicles and  
11 all games, practices or amusements likely to result in danger or  
12 damage to any individual or property.

13 § 12425. Bathing, recreational swimming establishments and boat  
14 houses and bath houses.

15 To the extent permitted by the act of June 23, 1931 (P.L.899,  
16 No.299), known as the Public Bathing Law, council may regulate  
17 the time and place of bathing in rivers and other public water  
18 in and adjoining the city and may construct, maintain and manage  
19 municipal boat houses, bath houses and recreational swimming  
20 establishments.

21 § 12426. Musical entertainment.

22 Council may appropriate money to defray the expenses of  
23 musical entertainment held under the auspices of the city and  
24 for the purpose of having music in any public park or place.

25 § 12427. Aid to historical societies.

26 Council may make annual appropriations for the support and  
27 maintenance of the principal historical society located in the  
28 city, which shall be incorporated under the laws of the  
29 Commonwealth, and shall maintain permanent quarters for the  
30 society and keep them open to the public.

1 § 12428. Establishment of institutions to collect educational  
2 collections.

3 (a) General rule.--Council may establish institutions  
4 authorized to collect and hold certain scientific, educational  
5 and economic collections, the object of each being the  
6 instruction of the public concerning commerce, manufacturing,  
7 mining and agriculture.

8 (b) Powers.--The institutions may purchase or accept, by  
9 gift, any real estate, money or personal property necessary for  
10 use and promotion. The institutions may use, convey or transfer  
11 the property as if they were bodies corporate and shall be  
12 governed by boards of trustees, nominated, appointed and  
13 confirmed in the manner council may determine.

14 § 12429. Ambulances and rescue and lifesaving services.

15 Council may:

16 (1) Acquire, operate and maintain motor vehicles for the  
17 purposes of transporting sick and injured individuals to and  
18 from hospitals.

19 (2) Appropriate money toward ambulances and rescue and  
20 lifesaving services.

21 (3) Make contracts relating to rescue and lifesaving  
22 services.

23 § 12430. Insurance.

24 (a) Contracts authorized.--Council, in its discretion or as  
25 required by law or a collective bargaining agreement, may make  
26 contracts of insurance and contracts for annuities or pensions,  
27 including the following:

28 (1) Contracts of insurance with any mutual or other fire  
29 insurance company, association or exchange, duly authorized  
30 by law to transact insurance business in this Commonwealth,

1 on any building or property owned by the city and contracts  
2 to insure against burglary or theft of city property, fire,  
3 other disaster and public liability.

4 (2) Contracts of insurance with any insurance company,  
5 nonprofit hospitalization corporation or nonprofit medical  
6 service corporation authorized to transact insurance business  
7 within this Commonwealth, insuring elected or appointed  
8 officers, officials and employees of the city, or their  
9 dependents, under a policy or policies of group insurance  
10 covering life, health, hospitalization, medical service or  
11 accident insurance.

12 (3) Contracts to purchase annuities or pensions for  
13 elected or appointed officers, officials and employees.

14 (b) Payment of premium and charges.--In the case of a  
15 contract for the benefit of elected or appointed officers,  
16 officials and employees of the city, or their dependents, the  
17 city may, as determined by council or as required by law or a  
18 collective bargaining agreement, pay part or all of the premiums  
19 or charges for the contract.

20 § 12431. Parking lots.

21 Council may acquire, by lease, purchase or condemnation  
22 proceedings, land that in its judgment may be necessary and  
23 desirable for the purpose of establishing and maintaining lots  
24 for the sole purpose of parking motor vehicles. Council may  
25 regulate the use of the land, including the posting of signs,  
26 and may establish or designate areas exclusively reserved for  
27 parking by individuals with disabilities. Regulation of parking  
28 lots shall be consistent with 75 Pa.C.S. (relating to vehicles)  
29 and the act of October 27, 1955 (P.L.744, No.222), known as the  
30 Pennsylvania Human Relations Act.

1 § 12432. Disorderly conduct.

2 Council may, by ordinance, prohibit disorderly conduct within  
3 the limits of the city and provide for the imposition of  
4 penalties in accordance with this part. If an ordinance is  
5 enacted, it shall define disorderly conduct in a manner  
6 substantially similar to the provisions of 18 Pa.C.S. § 5503  
7 (relating to disorderly conduct).

8 § 12433. Official expenses on city business.

9 Council may make appropriations for the reasonable expenses  
10 of city officials incurred in the conduct of city business.

11 § 12434. Municipal authorities and cooperation with other  
12 political subdivisions.

13 (a) Municipal authorities.--Council may, by ordinance,  
14 individually or in cooperation with other municipalities or  
15 school districts, form municipal authorities as authorized under  
16 53 Pa.C.S. Ch. 56 (relating to municipal authorities).

17 (b) Cooperative agreements.--Council may, by ordinance, make  
18 cooperative agreements with regard to the performance of a  
19 city's powers, duties and functions in accordance with the  
20 provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to  
21 intergovernmental cooperation).

22 § 12435. Local self-government.

23 Council shall have the power to enact, make, adopt, modify,  
24 repeal and enforce, in accordance with this part, ordinances,  
25 resolutions, rules and regulations not inconsistent with or  
26 restrained by the Constitution of Pennsylvania and laws of the  
27 Commonwealth that are either of the following:

28 (1) Expedient or necessary for the proper management,  
29 care and control of the city and its finances and the  
30 maintenance of the peace, good government, safety and welfare

1 of the city and its trade, commerce and manufactures.

2 (2) Necessary to the exercise of the powers and  
3 authority of local self-government in municipal affairs.

4 § 12436. Historical property.

5 Council may acquire, by purchase or gift, repair, supervise,  
6 operate and maintain landmarks and other historical properties  
7 that are either eligible for listing or listed in the National  
8 Register of Historic Places or certified by the Pennsylvania  
9 Historical and Museum Commission as having historical  
10 significance.

11 § 12437. Appropriations for handling, storage and distribution  
12 of surplus foods.

13 (a) Appropriations.--Council may appropriate from city funds  
14 money for the handling, storage and distribution of surplus  
15 foods obtained through a Federal, State or local agency.

16 (b) Validity of previous appropriations.--All appropriations  
17 of money previously made by council for the handling, storage  
18 and distribution of surplus foods obtained, through a Federal,  
19 State or local agency, are validated.

20 § 12438. Junk dealers and junk yards.

21 Council may regulate and license junk dealers and the  
22 establishment and maintenance of junk yards and scrap yards,  
23 including automobile junk or grave yards.

24 § 12439. Appropriations for industrial development.

25 Council may make appropriations to an industrial development  
26 organization as defined in section 2301 of the act of June 29,  
27 1996 (P.L.434, No.67), known as the Job Enhancement Act, when  
28 the city is located within the area for which the industrial  
29 development organization has been authorized to make application  
30 to and receive grants from the Department of Community and

1 Economic Development for the purposes specified in Chapter 23 of  
2 the Job Enhancement Act.

3 § 12440. Nondebt revenue bonds.

4 Consistent with and without limitation of any power conferred  
5 or duty imposed by 53 Pa.C.S. Pt. VII Subpt. B (relating to  
6 indebtedness and borrowing), council may issue nondebt revenue  
7 bonds pursuant to the provisions of 53 Pa.C.S. Pt. VII Subpt. B.  
8 § 12441. Appropriations for urban common carrier mass  
9 transportation.

10 Council may make appropriations for urban common carrier mass  
11 transportation from current revenues and make annual  
12 contributions to county departments of transportation or to  
13 urban common carrier mass transportation authorities to assist  
14 the departments or the authorities to meet costs of operation,  
15 maintenance, capital improvements and debt service and to enter  
16 into long-term agreements providing for the payment of the  
17 contributions.

18 § 12442. Appropriation for nonprofit art corporation.

19 (a) Appropriation.--Council may appropriate money annually,  
20 of not more than an amount equal to one mill of the real estate  
21 tax, to any nonprofit art corporation for the conduct of its  
22 artistic and cultural activities.

23 (b) Definitions.--As used in this section, the following  
24 words and phrases shall have the meanings given to them in this  
25 subsection:

26 "Artistic and cultural activities." Shall include the  
27 display or production of theater, music, dance, painting,  
28 architecture, sculpture, arts and crafts, photography, film,  
29 graphic arts and design and creative writing.

30 "Nonprofit art corporation." A local arts council,

1 commission or coordinating agency or any other nonprofit  
2 corporation engaged in the production or display of works of  
3 art, including the visual, written or performing arts.

4 § 12443. Ratification and validation of real estate sales.

5 (a) Ratification and validation.--A deed conveying title to  
6 real estate or interests in real estate from a city to any other  
7 party is valid and conveys the property and interests described  
8 in the deed in accordance with the terms of the deed if:

9 (1) the deed is executed and delivered pursuant to an  
10 ordinance or resolution of council; and

11 (2) the deed is not contested by an action filed in the  
12 court of common pleas of the county in which the city is  
13 located within six years of the date the deed is recorded.

14 (b) Incontestability.--A deed shall not, after the time  
15 period specified in subsection (a), be subject to attack in any  
16 court, agency or proceeding.

17 § 12444. Validation and maintenance of certain records.

18 (a) Validation of records.--Except as otherwise provided by  
19 law, city records that are required to be recorded or copied  
20 shall be deemed valid if recorded or transcribed by any digital,  
21 photostatic, photographic, microphotographic, microfilm,  
22 microcard, miniature photographic, optical, electronic or other  
23 process that accurately reproduces the original and forms a  
24 durable medium for recording, storing and reproducing the  
25 original in accordance with standards, policies and procedures  
26 for the creation, maintenance, transmission or reproduction of  
27 images of records approved by the county or local government  
28 records committees, as applicable, and as otherwise provided by  
29 law. Where recording in a specific book is required, except for  
30 minutes or the proceedings of council, the records may be

1 recorded, transcribed or otherwise assembled in an appropriate  
2 book, disk or other medium approved by resolution of council,  
3 and all records recorded and assembled in any manner are  
4 validated.

5 (b) Maintenance of records.--A city shall not be required to  
6 retain original or paper copies of documents after the documents  
7 are archived by any of the methods provided for in subsection  
8 (a) or as otherwise provided by law.

9 § 12445. Rights within streets and rights-of-way.

10 (a) Rights within streets.--Council may consent to a person  
11 using city streets and other properties, whether the use is  
12 within, on or over the streets or public property in question,  
13 for transportation purposes or for the purpose of installing and  
14 maintaining pipes, wires, fibers, cables or any other utility or  
15 service medium. Council may define a reasonable district within  
16 which all electric or telephone wires, cables or any other  
17 utility or service medium are to be placed underground.

18 (b) Compliance with other law.--The power granted to a city  
19 in subsection (a) shall be exercised in compliance with Federal  
20 and State law and shall be subject to the power of the  
21 Pennsylvania Public Utility Commission under 66 Pa.C.S. Pt. I  
22 (relating to public utility code) to regulate the business,  
23 facilities and service of public utilities, including  
24 determining the location and installation of utility facilities.

25 (c) Rights-of-way.--A city shall pay just compensation to  
26 any property owner whose land has been acquired by the city for  
27 use as a right-of-way for purposes of this section. Just  
28 compensation shall be determined pursuant to 26 Pa.C.S.  
29 (relating to eminent domain).

30 § 12446. Emergency services.

1 (a) Provision of emergency services.--A city shall be  
2 responsible for ensuring that fire and emergency medical  
3 services are provided within the city by the means and to the  
4 extent determined by the city, including the appropriate  
5 financial and administrative assistance for these services.

6 (b) Consultation with providers.--The city shall consult  
7 with fire and emergency medical services providers to discuss  
8 the emergency service needs of the city.

9 (c) Expenditure report.--The city shall require any  
10 emergency services providers receiving city money to provide an  
11 annual itemized listing of all expenditures of city money before  
12 the city may consider budgeting additional funding to the  
13 provider.

14 § 12447. Charitable purposes.

15 (a) Creation of city bureau or agency.--Council may, by  
16 ordinance, create a city bureau or agency to receive, in trust,  
17 all property bestowed upon the bureau or agency for charitable  
18 purposes. Council may control the property for the purposes of  
19 the trust.

20 (b) Appropriations.--Council may make appropriations to the  
21 agency or bureau for charitable purposes, except as limited by  
22 the Constitution of Pennsylvania and laws of the Commonwealth.

23 (c) Definition.--As used in this section, the term  
24 "charitable purposes" shall mean the relief of poverty, the  
25 advancement of education, the promotion of health, governmental  
26 or municipal purposes and other purposes which benefit the  
27 community.

28 § 12448. Observances, celebrations and recognition.

29 (a) Appropriation.--Council may appropriate funds for any of  
30 the following:

1       (1) The observance of a holiday, centennial or other  
2 anniversary, for a city celebration or for a civic project or  
3 program.

4       (2) Flowers, a plaque or other token of tangible  
5 personal property other than cash, gift certificates or  
6 equivalent items, in an amount not to exceed \$100,  
7 recognizing the service or passing of a city official,  
8 employee or volunteer.

9       (b) Value.--The value of tangible personal property received  
10 by a public official, employee or volunteer as provided under  
11 subsection (a) (2) shall be considered of de minimis economic  
12 impact, as defined in 65 Pa.C.S. § 1102 (relating to  
13 definitions), and shall not be subject to reporting under 65  
14 Pa.C.S. § 1105 (relating to statement of financial interests).

15                                   CHAPTER 125

16                                   TAXATION

17 Subchapter

18       A. Assessments of Property for Taxation

19       B. Levy and Collection

20       C. Sales of Real Estate for Delinquent Taxes

21                                   SUBCHAPTER A

22                                   ASSESSMENTS OF PROPERTY FOR TAXATION

23 Sec.

24 12522. Assessment powers.

25 § 12522. Assessment powers.

26       (a) Power to appoint assessors.--With regard to the valuing  
27 and assessing of property for taxation within a city, the  
28 following shall apply:

29       (1) If, on May 19, 2014, a city is utilizing the county  
30 assessment office for the valuation and assessment of

1 property, the city shall continue to utilize the county  
2 assessment office for this purpose.

3 (2) If paragraph (1) does not apply, council may appoint  
4 and employ persons to value and assess property for taxation  
5 within a city, following the procedures and methodologies set  
6 forth in the assessment law applicable in the county in which  
7 the city is located, provided that the act of April 16, 1992  
8 (P.L.155, No.28), known as the Assessors Certification Act,  
9 shall apply to persons hired pursuant to this paragraph.

10 (3) If paragraph (2) applies, a city may subsequently  
11 elect to utilize the county assessment office to value and  
12 assess property.

13 (4) The following shall apply with respect to the  
14 established predetermined ratio:

15 (i) A city, conducting its own assessments as  
16 authorized by paragraph (2), or utilizing the county  
17 assessment office pursuant to paragraph (1) or (3), may,  
18 by ordinance, adopt an established predetermined ratio  
19 different from that used by the county. The city shall  
20 apply the ratio selected to the actual valuation supplied  
21 by the county to determine assessed value for tax  
22 purposes. The established predetermined ratio selected by  
23 the city may not exceed 100% of actual value.

24 (ii) As used in this paragraph, the term  
25 "established predetermined ratio" shall mean the ratio of  
26 assessed value to market value established by council and  
27 uniformly applied in determining assessed value in any  
28 year.

29 (5) A city that is utilizing the county assessment  
30 office in accordance with paragraph (1) or that elects to

1 utilize the county assessment office in accordance with  
2 paragraph (3) may not appoint and employ persons to value and  
3 assess property in accordance with paragraph (2).

4 (b) City-appointed assessors.--In any case in which a city  
5 appoints persons to value and assess property, the following  
6 shall apply:

7 (1) If the property being assessed is not wholly within  
8 the city limits, it shall be assessed in the same manner and  
9 within the same jurisdiction as if the property were being  
10 assessed for county purposes.

11 (2) If a city has established a registry of real estate  
12 for purposes of assessment, a city may obtain, from the  
13 official in charge of the registry, available information as  
14 to the registered owners of real estate, under rules and  
15 regulations as may be established by ordinance. It shall be a  
16 sufficient description of any real estate in any assessment  
17 books or duplicates to designate the real estate by the city  
18 lot number, other number or designation, as is used on the  
19 registry.

20 (3) For purposes of assessment appeals, council shall  
21 constitute the board of revision of taxes and appeals and the  
22 city clerk shall serve as clerk of the board.

23 (4) Except as authorized in this section, the city shall  
24 not exercise powers contrary to or in limitation or expansion  
25 of powers granted by statutes that provide the substantive  
26 rules governing the making of assessments and valuations of  
27 property that are applicable to the assessment of property  
28 for taxation purposes under the county assessment law  
29 applicable in the county in which the city is located.

30 (5) A city conducting its own assessments pursuant to

1 subsection (a) (2) shall establish and follow procedures that  
2 are consistent with similar procedures provided in the  
3 assessment law or laws applicable in the county in which the  
4 city is located, including providing notice of an opportunity  
5 to appeal assessments, for taking appeals to and from the  
6 board of revision of taxes and appeals and for the conduct of  
7 proceedings before the board.

8 (c) Temporary tax exemption for residential construction.--A  
9 temporary tax exemption for residential construction shall be  
10 subject to the following:

11 (1) New single and multiple dwellings constructed for  
12 residential purposes and improvements to existing unoccupied  
13 dwellings or improvements to existing structures for purposes  
14 of conversion to dwellings shall not be valued or assessed  
15 for purposes of real property taxes until:

16 (i) occupied;

17 (ii) conveyed to a bona fide purchaser; or

18 (iii) one year from the first day of the month in  
19 which falls the 60th day after the building permit was  
20 issued or, if no building permit or other notification of  
21 improvement was required, then from the date construction  
22 commenced.

23 (2) The assessment of any multiple dwelling because of  
24 occupancy shall be upon the proportion which the value of the  
25 occupied portion bears to the value of the entire multiple  
26 dwelling.

27 (3) As used in this subsection, the term "dwelling"  
28 means a building or portion of a building intended for  
29 permanent use as a home or residence.

30 SUBCHAPTER B

1 LEVY AND COLLECTION

2 Sec.

3 12531. Tax levies.

4 12531.1. Exemptions from taxation.

5 12531.2. Certification of schedule.

6 § 12531. Tax levies.

7 (a) Property tax.--Council may, by ordinance, levy and, in  
8 accordance with this part, provide for the collection of taxes  
9 on all property within the city that is made taxable for city  
10 purposes and subject to valuation and assessment by the county  
11 assessment office or the city, as provided in Subchapter A  
12 (relating to assessments of property for taxation), as follows:

13 (1) A tax for general revenue purposes of not more than  
14 30 mills.

15 (2) An annual tax sufficient to pay interest and  
16 principal on any indebtedness incurred pursuant to 53 Pa.C.S.  
17 Pt. VII Subpt. B (relating to indebtedness and borrowing) or  
18 any prior or subsequent act governing the incurrence of  
19 indebtedness of the city.

20 (3) An annual tax, not to exceed five mills, to light  
21 the highways, roads and other public places in the city.

22 (4) An annual tax for the purpose of maintaining and  
23 operating recreation places and programs.

24 (5) An annual tax, not to exceed the sum of one-tenth of  
25 one mill, for the purpose of defraying the cost and expense  
26 of caring for shade trees and the administrative expenses  
27 connected with the care, or council may provide for the  
28 expenses by appropriation from the city general fund.

29 (b) Residence tax.--Council may, by ordinance, levy and, in  
30 accordance with this part, provide for the collection of a

1 residence tax for general revenue purposes, of not more than \$5  
2 annually, on all inhabitants who are 18 years of age or older.

3 (c) Property tax rules.--With regard to the taxes authorized  
4 in subsection (a), the following shall apply:

5 (1) Special purpose levies authorized in this section  
6 shall not be included in calculating the 30-mill limit  
7 imposed by subsection (a).

8 (2) Any ordinance fixing the rate of taxation for any  
9 year at a millage rate shall also include a statement  
10 expressing the rate of taxation in dollars and cents on each  
11 \$100 of assessed valuation of taxable property.

12 (3) Council may, by ordinance, in any year levy separate  
13 and different rates of taxation for city purposes on all real  
14 estate classified as land, exclusive of the buildings on the  
15 real estate, and on all real estate classified as buildings  
16 on land. When real estate tax rates are so levied:

17 (i) The rates shall be determined by the  
18 requirements of the city budget as approved by council.

19 (ii) The respective rates levied on land and  
20 buildings do not have to be equal but must be fixed so as  
21 not to constitute a greater levy in the aggregate than a  
22 rate of 30 mills on both land and buildings.

23 (iii) The rates shall be uniform as to all real  
24 estate within the classification.

25 (4) Where council, by a majority action upon due cause  
26 shown, petitions the court of common pleas for the right to  
27 levy additional millage for general revenue purposes, the  
28 court, after public notice as it may direct and after  
29 hearing, may order a greater rate than 30 mills but not more  
30 than five additional mills to be levied.

1       (5) (i) Notwithstanding council's power to authorize  
2       the transfer of an unexpended balance of an appropriation  
3       item pursuant to section 11804 (relating to regulations  
4       concerning appropriation), when money are collected for  
5       any special purpose, a city treasurer or council member  
6       may not apply the money for any purpose other than that  
7       for which it was collected.

8               (ii) Any city treasurer or council member who  
9       violates subparagraph (i) commits a misdemeanor of the  
10       third degree and, in addition to the fine or penalty that  
11       may be imposed upon conviction, shall be required to pay  
12       restitution in the amount of money improperly spent.

13 § 12531.1. Exemptions from taxation.

14       Council may, by ordinance or resolution, exempt any  
15       individual whose total income from all sources is less than  
16       \$12,000 per annum from any per capita or residence tax levied  
17       under this chapter. This exemption shall not apply to real  
18       property taxes.

19 § 12531.2. Certification of schedule.

20       For the purpose of delinquent tax collection and the filing  
21       of liens on property upon which the taxes, assessed and levied,  
22       have not been paid and have become delinquent, the city  
23       treasurer shall certify schedules of unpaid taxes. The  
24       certification shall be made to the person designated by each  
25       taxing district for which the city treasurer collects taxes.

26                               SUBCHAPTER C

27                               SALES OF REAL ESTATE FOR DELINQUENT TAXES

28 Sec.

29 12542.1. Public sale of property to satisfy tax claims.

30 12543. Certification of schedules to city treasurer.

1 12546. Record of sales, purchase and resale.

2 12552.1. Conduct of tax sales.

3 § 12542.1. Public sale of property to satisfy tax claims.

4 (a) Public sale.--Property upon which city real estate taxes  
5 have not been paid and have become delinquent may become subject  
6 to public sale in accordance with one of the following:

7 (1) The act of July 7, 1947 (P.L.1368, No.542), known as  
8 the Real Estate Tax Sale Law.

9 (2) The Municipal Claim and Tax Lien Law.

10 (b) Other remedies.--The remedies authorized in this section  
11 shall be in addition to other remedies provided for the  
12 collection of delinquent city taxes, including an action in  
13 assumpsit.

14 (c) Date of delinquency.--Unless otherwise provided for  
15 under the statutes listed under subsection (a), taxes shall  
16 become delinquent 30 days after the final deadline for payment  
17 of the taxes for the current tax year.

18 § 12543. Certification of schedules to city treasurer.

19 At the request of the city treasurer, any person acting on  
20 behalf of the city who possesses a schedule of unpaid city taxes  
21 shall certify the schedule to the city treasurer along with the  
22 description of property against which the unpaid taxes were  
23 assessed.

24 § 12546. Record of sales, purchase and resale.

25 (a) Record of sales.--The city treasurer shall keep in the  
26 treasurer's office, or in another place as council may direct, a  
27 record of all the sales made pursuant to section 12542.1  
28 (relating to public sale of property to satisfy tax claims).

29 (b) Purchase of property at tax sale.--Notwithstanding any  
30 other provision of law, the city shall have the right to bid on

1 and purchase properties sold pursuant to section 12542.1.

2 (c) Resale of property.--Properties purchased by the city  
3 under subsection (b) may be sold in accordance with section  
4 12402.1(b) (relating to city property and affairs).

5 § 12552.1. Conduct of tax sales.

6 The procedures and requirements relating to the sale of  
7 property for delinquent taxes, including the advertisement for  
8 and the time and conduct of the sale, the payment of the  
9 purchase price, the distribution of proceeds, making the return  
10 and confirmation of sale and the delivery of deed, shall be  
11 governed by the act of July 7, 1947 (P.L.1368, No.542), known as  
12 the Real Estate Tax Sale Law, or the Municipal Claim and Tax  
13 Lien Law as utilized by the city in accordance with section  
14 12542.1 (relating to public sale of property to satisfy tax  
15 claims) and by any applicable rules of court governing  
16 procedures for tax sales.

17 CHAPTER 126

18 LICENSES AND LICENSE FEES

19 Sec.

20 12601. Licensing and regulatory powers.

21 12601.1. Registration of businesses or occupations.

22 12602. Regulation of motor vehicles.

23 12603. Licensing of plumbers.

24 12604. Power to regulate and license transient merchants.

25 12605. Regulation of special events.

26 12650. Regulation of parking lot and parking garage operators.

27 12651. Farmers.

28 12652. Insurance business.

29 12653. Persons taking orders by samples.

30 12654. Commonwealth licenses.

1 § 12601. Licensing and regulatory powers.

2 In addition to all other powers granted by this part and  
3 other laws, a city shall have the specific licensing and  
4 regulatory authority provided by this chapter.

5 § 12601.1. Registration of businesses or occupations.

6 (a) Registration.--Council may, by ordinance, designate the  
7 types or kinds of businesses or occupations located or carried  
8 out within the city that are subject to annual registration with  
9 the city.

10 (b) Annual fee.--Unless otherwise provided in this chapter,  
11 an ordinance requiring registration in accordance with this  
12 section may provide for an annual fee on businesses and  
13 occupations in an amount reasonably related to the  
14 administration of the registration program, not to exceed \$100.

15 § 12602. Regulation of motor vehicles.

16 (a) General rule.--Subject to subsection (b), a city may  
17 regulate transportation by motor vehicle.

18 (b) Exception.--A city shall have no authority to and shall  
19 not regulate transportation by motor vehicle in a manner that is  
20 preempted by or is inconsistent with applicable Federal and  
21 State laws and regulations, policies or orders of Federal and  
22 State regulatory agencies.

23 (c) Definitions.--The following words and phrases when used  
24 in this section shall have the meanings given to them in this  
25 subsection unless the context clearly indicates otherwise:

26 "Regulate." Licensing and making regulations for  
27 transportation by motor vehicle, including the designation of  
28 streets for transportation by motor vehicle.

29 "Transportation by motor vehicle." The transportation for  
30 pay of passengers and property, within the limits of the city or

1 from points in the city to points beyond the limits of the city,  
2 by a motor vehicle that is not operated on tracks.

3 § 12603. Licensing of plumbers.

4 Council may, as provided by ordinance or the laws of the  
5 Commonwealth, license and provide for the collection of a  
6 license fee from all persons certified as being qualified to  
7 engage in the business of plumbing or house drainage.

8 § 12604. Power to regulate and license transient merchants.

9 (a) General rule.--With regard to transient merchants, a  
10 city shall have power, by ordinance, to regulate and license the  
11 transient merchant, including requiring that a license be  
12 procured prior to commencement of transient merchant activity.

13 (b) Penalty.--An ordinance adopted pursuant to subsection  
14 (a) may impose a penalty of not more than \$500 for a violation  
15 of its provisions and may provide for other means of  
16 enforcement.

17 (c) License fee.--The fee for a transient merchant license  
18 shall not exceed \$250 for each month during which any sale or  
19 solicitation is continued.

20 (d) Definition.--As used in this section, the term  
21 "transient merchant" shall:

22 (1) include all of the following:

23 (i) Transient wholesale and transient retail  
24 businesses for the sale of goods, wares or merchandise  
25 within the city.

26 (ii) Transient charitable solicitors for the  
27 solicitation of charitable contributions within the city.

28 (2) not include any of the following:

29 (i) Farmers selling their own produce.

30 (ii) Persons selling donated goods, wares and

1 merchandise if the proceeds of the sale are to be applied  
2 to any charitable or philanthropic purpose.

3 (iii) A person selling bakery products, meat and  
4 meat products or milk and milk products, if that person  
5 is the manufacturer or producer of the products sold.

6 § 12605. Regulation of special events.

7 (a) Special events.--In addition to other licensing and  
8 regulatory powers authorized by this chapter, council shall have  
9 the authority, by ordinance, to require a permit for and to  
10 reasonably regulate the conduct of a special event, which may  
11 include, but are not limited to, the following:

12 (1) Music festivals.

13 (2) Concerts.

14 (3) Dances.

15 (4) Circuses.

16 (5) Carnivals.

17 (6) Arts and craft shows.

18 (7) Parades.

19 (8) Public assemblies.

20 (9) Demonstrations.

21 (10) Performances.

22 (11) Exhibitions.

23 (12) Community events.

24 (13) Block parties.

25 (b) Purpose of regulation.--Regulation of a special event  
26 pursuant to this section shall be for the purpose of protecting  
27 and preserving city and public property or for the purpose of  
28 promoting or protecting public health, safety or welfare.

29 (c) Permit requirement.--Pursuant to this section, a city  
30 may reasonably regulate and require a permit for any of the

1 following:

2 (1) A special event that will result in the obstruction  
3 of a city street or sidewalk or that would compromise the  
4 ability of the city to respond to a public safety emergency.

5 (2) A special event on any property wholly or partially  
6 owned or maintained by the city.

7 (3) A special event on private property, if, in  
8 connection with the event, the city will be providing city  
9 services, including those relating to public safety, fire and  
10 sanitary facilities, beyond what is routinely provided by the  
11 city.

12 § 12650. Regulation of parking lot and parking garage  
13 operators.

14 (a) General rule.--For the purpose of protecting the public,  
15 a city may enact suitable ordinances regulating the business of  
16 operating for-profit parking lots and for-profit parking garages  
17 within the city. Ordinances shall be consistent with 75 Pa.C.S.  
18 (relating to vehicles). A city may require for-profit parking  
19 lots and for-profit parking garages to reserve areas exclusively  
20 for parking by handicapped individuals. Nothing in this section  
21 shall be construed to limit the protections and prohibitions  
22 contained in section 202 of the Americans with Disabilities Act  
23 of 1990 (Public Law 101-336, 104 Stat. 327), the act of October  
24 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human  
25 Relations Act, and Federal and State rules and regulations  
26 implementing those acts. License and permit requirements may be  
27 imposed on for-profit parking lots and for-profit parking  
28 garages and license or permit fees may be charged and collected  
29 from the operators of the parking lots and parking garages.

30 (b) Liability insurance.--A city adopting a regulatory plan

1 applicable to for-profit parking lots and for-profit parking  
2 garages shall have the authority to require that each operator  
3 maintain insurance from an insurer legally authorized to conduct  
4 business in this Commonwealth in amounts not less than that  
5 which are prescribed by council for the protection of the public  
6 from loss of or damage to the vehicles parked, stored or placed  
7 under the jurisdiction of the operator and against liability  
8 arising out of the ownership or use of the parking lot or  
9 parking garage.

10 § 12651. Farmers.

11 A city may not levy or collect a license fee from a farmer  
12 upon sales of the farmer's own produce in or about the streets  
13 of the city. This section shall not restrict a city's power to  
14 regulate the conduct of a farmer's business.

15 § 12652. Insurance business.

16 A city may not levy or collect a license fee upon an  
17 insurance company or its agents or an insurance broker  
18 authorized to transact business under the laws of the  
19 Commonwealth.

20 § 12653. Persons taking orders by samples.

21 A city may not levy or collect a license fee or mercantile  
22 tax upon a person taking orders for merchandise by sample from a  
23 dealer or merchant for persons who pay a license or mercantile  
24 tax at their primary places of business. Nothing in this section  
25 shall authorize a person to sell by retail to persons other than  
26 dealers or merchants without payment of a license or permit fee.

27 § 12654. Commonwealth licenses.

28 This chapter shall not be construed to relieve a person from  
29 the duty of taking out a license or from the payment of any  
30 license tax or fee imposed or authorized by any other statute,

1 nor shall any Commonwealth license tax or fee preempt the  
2 registration, licensure or regulatory powers of a city in  
3 accordance with this chapter, unless the preemption is expressly  
4 authorized.

5 CHAPTER 127

6 REAL ESTATE REGISTRY

7 Sec.

8 12704. Real estate registry.

9 § 12704. Real estate registry.

10 (a) Registration requirement.--For the purpose of procuring  
11 accurate information on the ownership of all real estate,  
12 council may provide, by ordinance, for a real estate registry in  
13 accordance with the act of October 9, 2008 (P.L.1400, No.110),  
14 known as the Uniform Municipal Deed Registration Act. If  
15 required by the ordinance, every owner, subsequent purchaser,  
16 devisee or person acquiring title by partition, or otherwise, to  
17 real estate in the city shall furnish, at the designated city  
18 office, descriptions of their respective properties upon blanks  
19 to be furnished by the city and, at the same time, present their  
20 conveyance to be stamped by the designated city official or  
21 employee, without charge, as evidence of its registration. A  
22 person who fails to register real estate as required by this  
23 chapter shall be liable for a penalty established by ordinance,  
24 with costs of suit, in the name and for the use of the city, as  
25 penalties for the violation of city ordinances are recoverable.

26 (b) Registry.--A registry established in accordance with  
27 this section shall be in the form provided by council and may  
28 include books, maps and plans. The registry shall show the  
29 location and dimensions of each property in the city, as well as  
30 the street number of and the name of the owner of the

1 properties, and shall allow for the inclusion of the names of  
2 future owners and dates of future transfer of title.

3 (c) Access to records by city officials.--A city official or  
4 employee charged with acquiring information necessary to  
5 establish and maintain the registry shall have free access,  
6 without charge, to any of the public records where the  
7 information may be obtained. The official or employee may also  
8 search in any other place for documentary or other evidence of  
9 title not reported to the city official or employee pursuant to  
10 this section if it is necessary for the completion of the  
11 registry.

12 (d) Preservation of registry.--The registry shall be  
13 preserved in the manner council shall designate in accordance  
14 with 53 Pa.C.S. Ch. 13 Subch. F (relating to records).

15 (e) Certified copies of registry.--The city official or  
16 employee charged with the duty of maintaining the registry shall  
17 provide certified copies of any entries to the registry and the  
18 copies shall be received in evidence in the same manner as the  
19 original registry would be admissible. Certified copies also  
20 shall be furnished to any person for a reasonable fee.

21 (f) Properties sold at judicial sales.--The sheriff of the  
22 county in which the city is situated shall present for registry  
23 the deeds of all properties within the city limits sold by the  
24 sheriff at judicial sales, whether by execution, in partition or  
25 otherwise.

26 (g) Use of registry as source of owners' names.--A city's  
27 registry may be used as the lawful and proper source of property  
28 owners' or reputed owners' names for all lawful purposes,  
29 including the filing of municipal claims.

30 (h) Municipal and tax claims.--Nothing in this section shall

1 invalidate any municipal or tax claim by reason of the fact that  
2 the claim is not assessed or levied against the registered  
3 owner.

4 CHAPTER 127A

5 NUISANCE ABATEMENT

6 Sec.

7 127A01. Definitions.

8 127A02. Report and investigation of public nuisance.

9 127A03. Summary abatement.

10 127A04. Prior notice of abatement.

11 127A05. Abatement by owner.

12 127A06. Appeal after notice and hearing.

13 127A07. Abatement by city after notice and statement of costs.

14 127A08. Assistance in abatement.

15 127A09. Salvage of material.

16 127A10. Notice of assessment and appeal of charges.

17 127A11. Personal liability of owner.

18 127A12. Administrative fee and civil penalties.

19 § 127A01. Definitions.

20 The following words and phrases when used in this chapter  
21 shall have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 "Abatement." The removal, stoppage or destruction by any  
24 reasonable means of the cause or constitution of a public  
25 nuisance.

26 "Department." The department designated by council to  
27 determine the existence of and to abate a public nuisance in  
28 accordance with this chapter.

29 "Owner." With regard to the property on which the alleged  
30 public nuisance exists, the owner of record, based upon the

1 city's real estate registry if the city maintains a registry,  
2 or, if the city does not maintain a real estate registry on the  
3 tax assessment records of the city, or of the county in which  
4 the city is located. The term may include any person in whom is  
5 vested all or any part of the legal or equitable title to the  
6 property or who has charge, care or control of the property as  
7 agent, executor, administrator, assignee, receiver, trustee,  
8 guardian, lessee or mortgagee in possession.

9 "Property." Personal property or real property and any  
10 improvements to real property.

11 "Public nuisance."

12 (1) Conduct or property, or the condition or use of  
13 property, defined or declared to be a public nuisance under  
14 any provision of this part or other law.

15 (2) Conduct or property, or the condition or use of  
16 property, if the department determines that it endangers the  
17 health or safety of, or causes hurt, harm, inconvenience,  
18 discomfort, damage or injury to, a person or property in the  
19 city, by reason of the conduct or property, or the condition  
20 or use of the property, being any of the following:

21 (i) A menace, threat or hazard to the general health  
22 and safety of the community.

23 (ii) A fire hazard.

24 (iii) A building or structure that is unsafe for  
25 occupancy or use.

26 (iv) Property that is so inadequately or  
27 insufficiently maintained that it diminishes or  
28 depreciates the enjoyment and use of other property in  
29 its immediate vicinity to the extent that it is harmful  
30 to the community in which the property is situated.

1           (3) Unauthorized accumulations of garbage and rubbish  
2           and the unauthorized storage of abandoned or junked  
3           automobiles or other vehicles on private or public property,  
4           and the carrying on of any offensive manufacture or business.

5           "Summary abatement." Abatement of a public nuisance by the  
6           city without prior notice to the owner of the property in  
7           accordance with this chapter.

8           § 127A02. Report and investigation of public nuisance.

9           (a) Designation of department.--Council shall designate the  
10           department to which reports of the existence of a possible  
11           public nuisance shall be made.

12           (b) Criteria for investigating reports.--The department  
13           shall establish criteria for investigating reports to determine  
14           the existence of a public nuisance. The reports may be submitted  
15           by a member of the public, city employee or elected or appointed  
16           city official or result from inspections made by the department.

17           (c) Notification.--If the department, either as a result of  
18           a report or an investigation, reasonably believes the reported  
19           property involves a building that appears to be structurally  
20           unsafe, the department shall notify the city's building  
21           inspector or other appropriate official who shall cause the  
22           property to be inspected, subject to constitutional standards in  
23           a similar manner as provided in section 12308 (relating to  
24           powers of board of health) and submit a written report to the  
25           department.

26           (d) Determination.--Upon completing its investigation and  
27           receiving any written reports required under subsection (c), the  
28           department shall determine all of the following:

29                   (1) If a public nuisance exists.

30                   (2) If the public nuisance is of such a severe and

1 substantial nature that it presents a clear, immediate and  
2 substantial danger to public health or safety or to the  
3 health or safety of any occupant of a property on which a  
4 public nuisance exists or of any property in the vicinity of  
5 the public nuisance that it is sufficient to justify  
6 extraordinary and immediate action without prior notice to  
7 the owner of the property to avoid personal injury, death or  
8 substantial loss of property.

9 (e) Retention of records.--Following an investigation, the  
10 department shall retain a copy of its findings, including any  
11 reports and any photographs of the property or condition  
12 investigated, pursuant to 53 Pa.C.S. Ch. 13 Subch. F (relating  
13 to records).

14 § 127A03. Summary abatement.

15 (a) General rule.--A city shall have the power to utilize  
16 summary abatement in accordance with this section.

17 (b) Conditions.--In the case of a reported public nuisance,  
18 the department shall have authority to utilize summary abatement  
19 if all of the following occur:

20 (1) The department determines the existence of the  
21 criteria in section 127A02(d) (relating to report and  
22 investigation of public nuisance).

23 (2) The mayor or the mayor's designee provides express  
24 authorization to utilize summary abatement.

25 (c) Notice not required.--If summary abatement is  
26 implemented pursuant to subsection (b), the department shall  
27 have the authority to enter upon the property for the purpose of  
28 abatement without prior notice to the owner of the property or  
29 to the holders of liens on the property.

30 (d) Procedure.--The following shall apply:

1       (1) Within 10 days following a summary abatement, the  
2 department shall post on the property upon which the  
3 abatement has occurred a notice describing the action taken  
4 to abate the nuisance.

5       (2) Within 20 days following a summary abatement, the  
6 department shall determine the identity of the owner of the  
7 property by reference to the city's real estate registry if  
8 the city maintains a registry, or, in the absence of a  
9 registry, by reference to county assessment records, and the  
10 identity of the holders of all liens upon the property which  
11 are properly indexed among the records of the county and  
12 provide to the owner and to all lienholders written notice,  
13 by first class mail or hand delivery, of the action taken to  
14 abate the nuisance.

15       (3) Within 30 days following a summary abatement, the  
16 department shall file with the city treasurer or other  
17 financial officer of the city designated by council a  
18 statement of costs of the abatement, which shall include the  
19 administrative fee and civil penalty provided by this  
20 chapter. After filing with the city treasurer, notice of the  
21 statement of costs shall be provided to the owner and  
22 lienholders in accordance with section 127A04(b) (relating to  
23 prior notice of abatement).

24 § 127A04. Prior notice of abatement.

25       (a) Abatement authority.--The department shall have the  
26 authority to abate a public nuisance with prior notice as  
27 provided by this section if, after inspecting the property or  
28 condition reported to be a public nuisance, subject to  
29 constitutional standards in a similar manner as provided in  
30 section 12308 (relating to powers of board of health), the

1 department determines, as provided for in section 127A02(d)(1)  
2 (relating to report and investigation of public nuisance), that  
3 the public nuisance exists.

4 (b) Method of notice.--

5 (1) If the department proceeds with abatement pursuant  
6 to this section, it shall identify the owner of the property  
7 by reference to the city's real estate registry if the city  
8 maintains a registry, or, in the absence of a registry, by  
9 reference to county assessment records, and shall immediately  
10 serve a written notice on the owner by any of the following  
11 methods:

12 (i) Personal service.

13 (ii) Leaving a copy of the notice at the place of  
14 residence or business of the owner or the address of the  
15 owner shown in the city's real estate registry or in the  
16 records in the office of the recorder of deeds.

17 (iii) Mailing a copy by United States certified  
18 mail, return receipt requested, to the owner at the  
19 owner's current address shown in the city's real estate  
20 registry or in the records in the office of the recorder  
21 of deeds.

22 (2) If service of the written notice is unable to be  
23 perfected by any of the methods under paragraph (1), the  
24 department shall publish a copy of the notice in a newspaper  
25 of general circulation once a week for two consecutive weeks  
26 and shall provide a copy of the notice to the individual in  
27 possession of the property on which the department has  
28 determined that the public nuisance exists, or, if there is  
29 no individual in possession of the property, the department  
30 shall post a copy of the notice at the structure, location or

1 premises.

2 (3) The department shall determine from the records in  
3 the offices of the recorder of deeds the identities of all  
4 lienholders of the property and serve a written notice on all  
5 lienholders by United States certified mail, return receipt  
6 requested.

7 (c) Contents of notice.--The notice to the owner and  
8 lienholders shall state clearly and concisely the findings and  
9 determination of the department with respect to the existence of  
10 a public nuisance. The notice shall further state that the  
11 public nuisance shall be abated by the city at the expense of  
12 the owner unless it is otherwise abated within 30 days of the  
13 notice or within any extension of that period granted by the  
14 department.

15 (d) Liability.--A person who is the owner of the premises,  
16 location or structure at the time a notice to abate a public  
17 nuisance is issued and served upon the person shall be  
18 responsible for complying with the notice and shall be liable  
19 for any costs incurred by the city in connection with the  
20 notice, notwithstanding if the person conveyed the person's  
21 interest in the property to another after the notice was issued  
22 and served.

23 (e) Defense.--It shall not be a defense to the determination  
24 that a public nuisance exists that the property is boarded up or  
25 otherwise enclosed.

26 § 127A05. Abatement by owner.

27 (a) Duty of owner.--Within 30 days after written notice has  
28 been provided pursuant to section 127A04(b)(1) or (2) (relating  
29 to prior notice of abatement), the owner shall remove and abate  
30 the nuisance.

1 (b) Extension.--The department, upon written application by  
2 the owner within the 30-day period referred to in subsection  
3 (a), may grant additional time for the owner to effect the  
4 abatement of the public nuisance, if the extension is limited to  
5 a specific time period.

6 § 127A06. Appeal after notice and hearing.

7 (a) Hearing.--A city shall, by ordinance, provide a  
8 procedure by which an owner of the property who has been served  
9 with a notice pursuant to section 127A04(b)(1) or (2) (relating  
10 to prior notice of abatement) may request and have a timely  
11 hearing on the question of whether a public nuisance, in fact,  
12 exists.

13 (b) Appeal board.--Council, or a committee of three council  
14 members appointed by council, shall constitute the public  
15 nuisance appeals board which, if an appeal is taken, shall  
16 conduct the hearing on the question of whether a public  
17 nuisance, in fact, exists. The appeals board may uphold, amend  
18 or modify the determination of the department or extend the time  
19 for compliance with the department's order if the extension is  
20 limited to a specific time period.

21 (c) Time limitations.--An appeal under this section shall  
22 suspend the period of time within which the nuisance is to be  
23 abated until a decision is rendered by the appeals board.

24 § 127A07. Abatement by city after notice and statement of  
25 costs.

26 (a) Abatement by city after notice.--If a public nuisance  
27 has not been abated at the expiration of 30 days after notice  
28 has been provided or within additional time as the department or  
29 appeals board may grant, taking into consideration the  
30 provisions of section 127A06(c) (relating to appeal after notice

1 and hearing), the department shall have the authority to enter  
2 upon the property for the purpose of abatement.

3 (b) Statement of costs.--Upon abatement in accordance with  
4 this section, the department shall file with the city treasurer  
5 or other financial officer of the city designated by council a  
6 statement of costs of the abatement, which shall include the  
7 administrative fee and civil penalty provided by this chapter.  
8 § 127A08. Assistance in abatement.

9 In abating a public nuisance, the department may call upon  
10 any of the city departments or divisions for assistance, as  
11 shall be deemed necessary, or may abate the public nuisance by  
12 private contract.

13 § 127A09. Salvage of material.

14 If deemed practicable by the department, the department may  
15 salvage and sell at private or public sale any material derived  
16 from an abatement of a public nuisance. Pursuant to ordinance,  
17 all of the following shall apply to the proceeds obtained from  
18 the sale of any material salvaged as a result of an abatement:

19 (1) The proceeds shall be deposited as directed by  
20 ordinance.

21 (2) The proceeds may be applied against the amount of  
22 the costs, fees and penalties relating to the abatement.

23 (3) If the amount of the proceeds exceeds the amount of  
24 the costs, fees and penalties, any excess shall be paid to  
25 the owner.

26 § 127A10. Notice of assessment and appeal of charges.

27 (a) Notice of assessment.--Upon receipt of the statement of  
28 costs from the department, either for a summary abatement  
29 pursuant to section 127A03 (relating to summary abatement) or  
30 for an abatement with notice pursuant to section 127A04

1 (relating to prior notice of abatement), the city treasurer or  
2 other financial officer of the city designated by council shall,  
3 in accordance with section 127A04(b), give notice of the amount  
4 set forth in the statement of costs to the owner and lienholders  
5 of the property upon which the public nuisance has been abated.  
6 The notice shall state that the city proposes to assess against  
7 the property the amount set forth in the notice and that  
8 objections to the proposed assessment must be made in writing  
9 and received by the designated officer within 20 days from the  
10 date of mailing the notice.

11 (b) Lien.--Upon the expiration of the 20-day period, if no  
12 written objections have been received by the officer, the total  
13 amount of costs, fees and penalties specified in the statement  
14 of costs may be entered as a lien against the property on which  
15 the nuisance was abated and shall be collected in the manner  
16 provided for the collection of municipal claims and liens,  
17 subject to rights of appeal provided in this section.

18 (c) Administrative review.--If objections of the owner or a  
19 lienholder are received by the designated officer prior to the  
20 expiration of the 20-day period, the officer shall refer the  
21 matter to the department for administrative review.

22 (d) Procedure.--The city shall, by ordinance, provide a  
23 procedure by which the department shall make a determination  
24 regarding any timely filed objection and by which an appeal of  
25 the department's determination may be made to the appeals board  
26 referred to in section 127A06(b) (relating to appeal after  
27 notice and hearing).

28 (e) Final administrative decision.--The determination of the  
29 appeals board shall be a final administrative decision within  
30 the city.

1 (f) Reduction or cancellation of assessment.--The  
2 department, in administrative review, or the appeals board, on  
3 appeal, may reduce or cancel a proposed assessment if it is  
4 determined that any of the following did not conform to the  
5 provisions of this chapter:

6 (1) The notice to remove the nuisance.

7 (2) The work performed in abating the nuisance.

8 (3) The computation of charges.

9 (g) Elimination of civil penalty.--The department, in  
10 administrative review, or the appeals board, on appeal, may  
11 reduce a proposed assessment by eliminating the civil penalty  
12 portion of the statement of costs if any of the following apply:

13 (1) The current owner did not own the property at the  
14 time the notice required in section 127A04 (relating to prior  
15 notice of abatement) was posted.

16 (2) The owner did not receive the notice to remove the  
17 public nuisance, did not have knowledge of the public  
18 nuisance and could not, with the exercise of reasonable  
19 diligence, have had knowledge of the public nuisance.

20 § 127A11. Personal liability of owner.

21 Notwithstanding the right of the city to utilize in rem  
22 proceedings to pursue collection of the costs, fees and  
23 penalties in the statement of costs as a municipal claim, the  
24 person who is the owner of the property at the time of a summary  
25 abatement at which the notice required is given, or, in the case  
26 of an abatement pursuant to section 127A04 (relating to prior  
27 notice of abatement), the person who was the owner of the  
28 property at the time notice of the existence of the public  
29 nuisance was given, shall be personally liable for the amount of  
30 the assessment, including all interest, other charges and,

1 except as provided in section 127A10(g) (relating to notice of  
2 assessment and appeal of charges), civil penalties.  
3 § 127A12. Administrative fee and civil penalties.

4 Whenever a public nuisance is abated by the city, the  
5 statement of the costs of the public nuisance shall include the  
6 city's actual cost of abatement, plus an administrative fee, not  
7 to exceed 10%, and a civil penalty. For the first abatement of a  
8 public nuisance upon any owner's property within the city in any  
9 two-year period, the civil penalty shall be \$250. For second and  
10 subsequent abatements upon any properties of any owner within  
11 the city during any two-year period, the civil penalty shall be  
12 \$500. The increased civil penalty shall be imposed and collected  
13 regardless of whether the second and subsequent public nuisances  
14 upon property or properties of an owner involve the same  
15 property or the public nuisances are of the same or different  
16 character.

17 CHAPTER 128

18 EMINENT DOMAIN

19 Sec.

20 12801. Exercise of eminent domain.

21 12802. Restrictions as to certain property.

22 12803. Title acquired.

23 12824. Assessment awards.

24 § 12801. Exercise of eminent domain.

25 (a) General rule.--In addition to all other purposes for  
26 which a city may exercise the power of eminent domain as  
27 authorized by this part or by other laws of the Commonwealth and  
28 subject to the duty to provide just compensation, a city may  
29 acquire property by eminent domain, including entering upon,  
30 appropriating, taking, using and occupying private lands and

1 property for any of the following public purposes:

2 (1) The laying out, opening, widening, extending,  
3 vacating, grading or changing the grades or lines of streets.

4 (2) The construction of bridges and the piers, abutments  
5 and approaches for bridges.

6 (3) The construction of slopes, embankments and storm  
7 water sewers, including storm water drains.

8 (4) The erection and extension of waterworks, wharves  
9 and docks, public buildings, public works, filtration plants,  
10 sewage systems, sewage treatment works, waste disposal  
11 plants, including disposal of garbage, ashes and other refuse  
12 materials and transfer facilities, gas plants, electric power  
13 and light plants, fire houses, hospitals, public auditoriums,  
14 memorial buildings, public transportation facilities, comfort  
15 stations, homeless shelters, waiting stations, communications  
16 facilities, drinking fountains, libraries and other public  
17 buildings and public works.

18 (5) The establishing of recreation places.

19 (6) The changing of watercourses.

20 (7) The acquisition of lands, easements and property for  
21 use of the Pennsylvania National Guard in accordance with  
22 sections 144A13 (relating to eminent domain for National  
23 Guard purposes) and 144A14 (relating to land for armory  
24 purposes).

25 (b) Eminent domain proceedings.--Eminent domain proceedings  
26 shall be subject to and conform with the provisions of 26  
27 Pa.C.S. (relating to eminent domain).

28 § 12802. Restrictions as to certain property.

29 (a) General rule.--In addition to the restrictions made by  
30 other provisions of this part in particular cases or by any

1 other provision of law, no city shall exercise the right of  
2 eminent domain against:

3 (1) Land now occupied by any building which was used  
4 during the Colonial or Revolutionary period as a place of  
5 assembly by the Council of the Colony of Pennsylvania, the  
6 Supreme Executive Council of the Commonwealth of Pennsylvania  
7 or the Congress of the United States.

8 (2) Land occupied by any fort, redoubt or blockhouse  
9 erected during the Colonial or Revolutionary period or any  
10 building used as headquarters by the Commander-in-Chief of  
11 the Continental Army.

12 (3) The site of any building, fort, redoubt, blockhouse  
13 or headquarters, which are preserved for their historic  
14 associations and not for private profit.

15 (b) Colonial and Revolutionary period.--The Colonial and  
16 Revolutionary period shall be deemed to have ended on September  
17 3, 1783.

18 § 12803. Title acquired.

19 Except as otherwise provided by law, if land or other real or  
20 personal property is acquired by a city in eminent domain  
21 proceedings or is acquired by gift, purchase or otherwise, the  
22 title obtained by the city shall be in fee simple absolute or  
23 like absolute ownership unless the parties agree otherwise in  
24 writing and the agreement expressly appears in a recorded deed  
25 affecting any real property acquired by the city or in the  
26 notice of condemnation.

27 § 12824. Assessment awards.

28 In proceedings to assess damages and benefits, one of the  
29 following shall be awarded to or assessed against the owner of  
30 land and affected property:



1 12989. Assessment for improvements on property outside limits  
2 where street entirely within city.

3 § 12901. Map of streets.

4 (a) General rule.--Council may authorize and approve a  
5 comprehensive map of city streets, which may be part of an  
6 official map adopted in accordance with the Municipalities  
7 Planning Code.

8 (b) Amendment to comprehensive map.--If council adopts a  
9 comprehensive map of city streets, any street subsequently laid  
10 out in accordance with this chapter shall be deemed an amendment  
11 to the comprehensive map.

12 § 12902. Laying out streets.

13 (a) General rule.--A city may lay out streets by any of the  
14 following means:

15 (1) Identifying the street on a comprehensive map of  
16 city streets.

17 (2) Identifying the street in an amendment to the  
18 comprehensive map.

19 (3) Identifying the street in a recorded subdivision or  
20 land development plan.

21 (4) An ordinance laying out any area for future opening  
22 as a public street.

23 (b) Filing of ordinance.--If, at the time of the enactment  
24 of an ordinance in accordance with subsection (a)(4), the lines  
25 of the laid-out street include property not subject to use as a  
26 public passageway, the ordinance shall be filed with the  
27 recorder of deeds of the county where the city is located.

28 (c) Indexing of ordinances.--The recorder of deeds shall  
29 index the ordinance by the name of the city, the name of the  
30 property owner and, if applicable, the parcel number of the

1 property through which the proposed street is laid out.

2 § 12903. Effect of laying out street.

3 With regard to land not previously used by the city as a  
4 passageway for public travel, the laying out and locating of a  
5 street in accordance with this chapter shall not in and of  
6 itself do any of the following:

7 (1) Authorize the entry upon or the appropriation of any  
8 property.

9 (2) Constitute the opening of any street or the taking  
10 or acceptance of any land.

11 (3) Obligate the city to improve or maintain the street  
12 or land.

13 § 12904. Improvements within laid-out streets.

14 (a) General rule.--No permit shall be issued for any  
15 building within the lines of any street laid out pursuant to  
16 this chapter.

17 (b) Damages.--No person shall recover damages for the taking  
18 for public use of any building or improvements constructed  
19 within the lines of any street after the street has been  
20 included in the general plan or official map, and any building  
21 or improvement shall be removed at the expense of the owner.

22 § 12915. Power to open and alter streets.

23 (a) General rule.--With regard to any street or any part of  
24 a street within city limits, a city may, with or without any  
25 petition of property owners, do any of the following:

26 (1) Open, widen, straighten, alter, extend and improve.

27 (2) Establish or reestablish the grades.

28 (3) Keep in order and repair and in safe passable  
29 condition.

30 (4) Vacate and discontinue when deemed expedient for the

1 public good.

2 (5) With the approval of the Department of  
3 Transportation, vacate highways laid out by the Commonwealth  
4 within the city limits which have remained unopened for 30  
5 years.

6 (b) Payment.--A city may pay for any of the actions  
7 authorized in subsection (a), either in whole or in part, from  
8 the general revenues of the city.

9 § 12916. Ordinances when no petition is presented.

10 (a) General rule.--An ordinance shall be enacted for the  
11 opening, widening, straightening, extending or vacating of any  
12 street without petition of property owners by the affirmative  
13 vote of a majority of the whole number of members of council,  
14 plus one.

15 (b) Enactment of ordinance.--The following shall apply prior  
16 to the enactment of an ordinance pursuant to subsection (a):

17 (1) The expiration of 28 days from the date of its  
18 introduction.

19 (2) Prior to the end of the 28-day period in paragraph  
20 (1), copies of the ordinance shall be published in a  
21 newspaper of general circulation in the city once a week for  
22 three consecutive weeks immediately following the  
23 introduction of the ordinance.

24 (3) In case no newspaper is published in the city, then  
25 in the same manner in one newspaper published in the county  
26 as required by section 10109 (relating to publication of  
27 notices).

28 § 12917. Erection of improvements restricted.

29 (a) General rule.--Any ordinance widening or straightening  
30 any street shall fix the new line or lines.

1 (b) Conformation to new lines.--The ordinance may require  
2 that no owner or builder shall erect any new building or rebuild  
3 or alter the front of any building already erected without  
4 making it conform to the new lines.

5 (c) Right of action.--A land owner's right of action shall  
6 accrue only when the city actually enters on and occupies the  
7 land within the lines or the building is located or relocated to  
8 conform to the lines.

9 § 12918. Petition for opening.

10 (a) Presentment to council.--A petition may be presented to  
11 council for the opening, widening, straightening, altering,  
12 extending, vacating, establishing or reestablishing of the grade  
13 of any street.

14 (b) Majority of property owners required.--A petition made  
15 pursuant to this section shall be:

16 (1) Signed by a majority, in number and interest, of the  
17 owners of property abutting on the line of the proposed  
18 improvement or vacation as fixed at the time of presentation  
19 of the petition.

20 (2) Verified by affidavit of one or more of the  
21 petitioners.

22 (c) Majority in interest.--The majority in interest of  
23 owners of undivided interests in any piece of property shall be  
24 deemed as one person for the purposes of the petition.

25 § 12919. Notice of petition.

26 (a) General rule.--After a petition has been presented in  
27 accordance with section 12918 (relating to petition for opening)  
28 and council has determined the adequacy of the petition, but  
29 before final enactment of any ordinance enacted pursuant to the  
30 petition, notice shall be published in a newspaper of general

1 circulation once a week for three consecutive weeks as required  
2 by section 10109 (relating to publication of notices), and  
3 handbills shall be posted in conspicuous places along the line  
4 of the proposed improvement.

5 (b) Requirements.--The notice and handbills shall state  
6 that:

7 (1) The petition for the improvement was signed by a  
8 majority, in interest and number, of the owners of property  
9 abutting the line of the proposed improvement.

10 (2) Any person interested may provide comments at a  
11 public hearing to be held at a date, time and place as stated  
12 in the published notice and handbills.

13 (c) Notice of determination to proceed.--If, after a  
14 hearing, council determines to proceed with the consideration of  
15 an ordinance pursuant to the petition, it shall publish notice  
16 of the ordinance and incorporate reference to any maps or  
17 drawing, in accordance with Subchapter A.1 of Chapter 110  
18 (relating to ordinances).

19 § 12922. Assessment of damages and benefits.

20 If necessary, in any proceedings to exercise one of the  
21 powers given in section 12915 (relating to power to open and  
22 alter streets), viewers shall be appointed, damages awarded and  
23 benefits assessed as provided in 26 Pa.C.S. (relating to eminent  
24 domain) or as provided in this chapter for the assessment of  
25 benefits.

26 § 12930. Power to grade, pave and macadamize.

27 (a) General rule.--A city may grade, pave, macadamize or  
28 otherwise improve any street and the sidewalks of the street  
29 when included as a part of the improvement, have them set with  
30 curbs and provide for drainage.

1 (b) Improvement.--A city may provide for the following  
2 improvements of any street, in length, in the space between the  
3 curb, gutter or cartway and the property line:

4 (1) An original work or improvement.

5 (2) A change, repair, renewal or alteration in the  
6 street or curb.

7 (3) Parking spaces.

8 (4) Shade trees.

9 (5) Changing, altering, renewing, replanting, pruning or  
10 otherwise making improvements in an item listed under  
11 paragraph (1), (2), (3) or (4).

12 § 12931. Payment of cost of improvement.

13 (a) General rule.--The costs and expenses of the  
14 improvements done under section 12930 (relating to power to  
15 grade, pave and macadamize) shall be paid, in whole or in part,  
16 by the city or by the owners of real estate bounding and  
17 abutting the improvement.

18 (b) Assessment.--Cost and expense upon the abutting real  
19 estate shall be assessed in accordance with Chapter 145A  
20 (relating to assessments for public improvements).

21 § 12938. Preparation of streets for paving or repairing.

22 (a) General rule.--Council may provide, by ordinance, for  
23 the laying, renewing and repairing of all gas, water, steam or  
24 other pipes or conduits in any street before the paving,  
25 repaving or repairing of the street and for making the necessary  
26 connections with the pipes.

27 (b) Sewer improvement.--Council may provide for the  
28 necessary connections and branches leading into main or lateral  
29 sewers.

30 (c) Private utility companies.--With regard to connections

1 requiring extensions from sewers or from gas, water, steam or  
2 other pipes or conduits, council may not require private utility  
3 companies to make extensions beyond the inner line of the  
4 curbstone of the street unless it determines that it is  
5 necessary to do so as a sanitary measure.

6 (d) Recoupment of cost.--If, after notice to all persons and  
7 owners affected of the necessity for the laying, renewing and  
8 repairing of gas, water, steam or other pipes or conduits in a  
9 street and the necessity of making necessary connections prior  
10 to the proposed paving, repaving or repairing of the street,  
11 there is a failure to comply, council may perform work and may  
12 collect the cost of paving, repaving or repairing of the pipes  
13 or conduits, with interest, from the persons and owners  
14 affected.

15 (e) Liens.--The cost of the sewer connections shall be a  
16 first lien against the land for whose benefit the connections  
17 are made. A separate lien may be filed for the cost, or the  
18 sewer connection cost may be included in any lien filed for the  
19 cost of the street improvement, and the lien and the proceedings  
20 on the lien shall be as in the case of other municipal liens.  
21 § 12939. Highways in cities.

22 (a) Power over highways.--Powers, rights and duties given to  
23 a city over its streets shall extend to highways to the extent  
24 that the city is legally responsible for them, pursuant to  
25 agreement or otherwise.

26 (b) Damages.--A city shall not be responsible for damages to  
27 property owners abutting a highway under subsection (a) for acts  
28 of the Commonwealth unless the city shall assume them, under  
29 this chapter or the act of June 1, 1945 (P.L.1242, No.428),  
30 known as the State Highway Law.

1 § 12950. Grade crossing.

2 (a) Railroad crossings.--A city constructing a street across  
3 a railroad shall construct the street above or below the grade  
4 of the railroad, unless permitted by the Pennsylvania Public  
5 Utility Commission to construct the street at grade.

6 (b) New construction.--Any new construction of a street  
7 crossing a railroad or any vacation of any street crossing a  
8 railroad shall be constructed or vacated only in a manner  
9 consistent with the rules and regulations and under the  
10 jurisdiction of the Pennsylvania Public Utility Commission.

11 (c) Compensation to owners.--The compensation for damages to  
12 the owners of adjacent property taken, injured or destroyed by  
13 the construction of a street crossing a railroad or any vacation  
14 of any street crossing a railroad shall be ascertained, fixed  
15 and paid according to 66 Pa.C.S. Pt. I (relating to public  
16 utility code).

17 § 12955. Acquisition of unobstructed views.

18 Any city may acquire, by purchase or by the right of eminent  
19 domain, a free and unobstructed view down and across lands  
20 located at or near intersections or curves of streets, railroads  
21 or railways to assure a free and unobstructed view in all  
22 directions at the intersections or curves and to prevent the use  
23 of the lands over and across which the view was acquired for any  
24 purpose or in any manner which may interfere with or obstruct  
25 the vision of any person traveling upon any street within the  
26 city.

27 § 12960. Use of abutting lands for embankments, slopes, fills  
28 and culverts.

29 (a) General rule.--In the grading of any street, a city may  
30 use so much of the lots and lands abutting on the street for the

1 construction of embankments, slopes, fills and culverts, as may  
2 be necessary for the completion of the improvement.

3 (b) Compensation.--Compensation for damages, costs and  
4 expenses resulting from the use of lots and lands abutting on  
5 the street for the construction of embankments, slopes, fills  
6 and culverts shall be made in the same manner as compensation  
7 for using and occupying private lands for the grading of streets  
8 under section 12801 (relating to exercise of eminent domain).  
9 § 12970. Appropriation for connections with highways.

10 A city may, singly or jointly with other political  
11 subdivisions, appropriate money for the improvement of streets  
12 or roads beyond the limits of a city for the purpose of  
13 connecting improved streets in a city with a highway.  
14 § 12975. Street closings and detours.

15 (a) General rule.--The following shall apply to the closing  
16 of a street to vehicular traffic:

17 (1) No street shall be closed to vehicular traffic,  
18 except upon order of the department of streets and public  
19 improvements or other department of the city having  
20 jurisdiction over public streets, or, in cases of emergency,  
21 when immediate action is necessary to protect public safety,  
22 by order of the mayor, the police or the fire marshal.

23 (2) A street may not remain closed for a longer period  
24 than is necessary for the purpose for which the order to  
25 close was issued.

26 (3) Except in cases of emergency, when immediate action  
27 is necessary to protect public safety, no street shall be  
28 closed to vehicular traffic when the street has been  
29 designated as a detour by the Department of Transportation,  
30 unless the Secretary of Transportation has provided written

1 consent or council has, by resolution duly recorded on its  
2 minutes, declared the closing necessary for the safety of the  
3 public.

4 (4) When any street which forms a part or section of a  
5 State highway or has been designated as a detour by the  
6 Department of Transportation is closed to vehicular traffic,  
7 the city shall at once notify the Department of  
8 Transportation of the creation of a detour under this  
9 section. The Department of Transportation shall be notified  
10 immediately after the detour is removed.

11 (5) When any street is to be closed, it shall be the  
12 duty of the official or department that authorized the  
13 closing to designate a detour.

14 (6) While the detour is in use, legible signs shall be  
15 erected and maintained at reasonable intervals, indicating  
16 the proper direction and the detour shall be maintained in  
17 safe and passable condition.

18 (7) When the street that had been closed is opened for  
19 traffic, all detour signs shall be removed.

20 (b) Agreements with owners of private land.--A city may  
21 enter into an agreement with the owners of private lands  
22 covering the acquisition of right-of-way privileges for a detour  
23 over private property for the period when a street shall be  
24 closed to traffic. If the parties cannot reach an agreement, the  
25 city may proceed with the construction of the detour, with the  
26 owner of the property taken for the detour entitled to seek  
27 damages, if any, in the same manner as damages are now  
28 ascertained for the opening of streets in the city.

29 (c) Payment.--In the exercise of the rights conferred by  
30 this section relating to detours, council is empowered to pay

1 for the necessary maintenance, subsequent repair and land rental  
2 out of money available for the construction and maintenance of  
3 city streets.

4 (d) Penalty.--Any individual who willfully removes, defaces,  
5 destroys or disregards any barricade, light, danger sign, detour  
6 sign, signal or warning of any other type legally erected or  
7 placed or who drives on, over or across any street which has  
8 been closed by proper authority commits a summary offense  
9 punishable upon conviction in accordance with section 11018.16  
10 (relating to enforcement of ordinances, recovery and payment of  
11 finances and penalties).

12 (e) Fine for multiple offenses.--In addition to subsection  
13 (d), a person shall pay a fine of not less than \$500 or more  
14 than the maximum fine authorized in section 11018.17 (relating  
15 to penalty) for the second or any subsequent offense.

16 (f) Costs of prosecution.--An individual punished under  
17 subsection (d) or (e) shall pay the costs of prosecution  
18 together with the value of the property so removed, defaced or  
19 destroyed.

20 (g) Exception.--An individual who has no outlet due to the  
21 closing of a street may drive on, over or across the street,  
22 subject to reasonable conditions as may be prescribed by the  
23 city without being subject to the penalties imposed by this  
24 section.

25 (h) Collection of fines.--All fines collected under the  
26 provisions of this section shall be paid over to the city  
27 treasurer.

28 (i) Civil damages.--In addition to the penalties provided in  
29 subsections (d) and (e), the city, its agents or contractors  
30 may, in an action at law, recover damages from any person who

1 damages a street when it is closed to vehicular traffic.

2 § 12985. Maintenance of streets forming boundaries.

3 (a) General rule.--A street on the boundary line between a  
4 city and another municipal corporation shall be maintained  
5 jointly by the city and the other municipal corporation.

6 (b) Maintenance agreement.--The officers of the city and the  
7 municipal corporation maintaining a street under subsection (a)  
8 shall enter into an agreement providing for the division of the  
9 cost of maintenance between the city and other municipal  
10 corporation.

11 (c) Refusal to participate.--If a municipal corporation  
12 shall fail or refuse to enter into a contract under this  
13 section, the city or any taxpayer of the noncontracting  
14 municipal corporation may petition the court of common pleas of  
15 the county, setting forth the facts.

16 (d) Court decision.--The court, after hearing of which  
17 notice shall be given to all parties interested as the court may  
18 direct, shall make an order directing the manner of the  
19 maintenance and the division of the cost of maintenance between  
20 the city and the other municipal corporation.

21 § 12986. Streets, the center line of which is the boundary  
22 between city and another municipal corporation.

23 (a) General rule.--A city may enter into a contract with a  
24 municipal corporation to provide for the grading, curbing,  
25 draining, paving and macadamizing of any street that constitutes  
26 the dividing line between the city and the municipal  
27 corporation.

28 (b) Supervision.--The alterations and improvements shall be  
29 made under the supervision of the city or municipal corporation,  
30 or by contract let by the city or the municipal corporation, as

1 may be provided for in the contract between the city and the  
2 municipal corporation.

3 § 12988. Streets more than half of whose width is within city.

4 (a) Authority to improve entire street.--Whenever any  
5 street, more than one-half the width of which is within the  
6 limits of the city, shall divide the city from any other  
7 municipal corporation, the street may be improved by the city in  
8 the same manner as if the street were entirely located within  
9 the limits of the city.

10 (b) Assessment.--The property, within or outside the city,  
11 that abuts the street and benefits from the improvements may,  
12 for a depth of 150 feet plus one-half the width of the street  
13 measured from its center line, be assessed for any and all  
14 municipal improvements to or on the street in the same manner as  
15 the property would be assessed under the provisions of this  
16 chapter if it were entirely located within the limits of the  
17 city.

18 § 12989. Assessment for improvements on property outside limits  
19 where street entirely within city.

20 Whenever any street, entirely within the limits of any city,  
21 shall divide the city from any other municipal corporation, the  
22 property on the side of the street, within or outside the city,  
23 that abuts the street and benefits from the improvement may, for  
24 a depth of 150 feet from its center line, be assessed for any  
25 and all municipal improvements to or on the streets on which the  
26 property abuts, in the same manner as the property would be  
27 assessed under the provisions of this part if it were entirely  
28 located within the limits of the city.

29 CHAPTER 130

30 SIDEWALKS

1 Sec.

2 13001. Power to lay out and grade sidewalks and compel  
3 construction of sidewalks.

4 13002. Construction by cities upon failure of owner and  
5 collection of cost.

6 13002.1. Ordinances.

7 13003. Emergency repairs.

8 § 13001. Power to lay out and grade sidewalks and compel  
9 construction of sidewalks.

10 (a) General rule.--Any city may lay out, ordain and  
11 establish sidewalks, curbs, gutters and drains along any street,  
12 and may, with or without petition, require owners of property  
13 abutting any street to construct, pave, curb, repave and recurb  
14 the sidewalks and keep the sidewalks in good repair along their  
15 property at grades and under regulations and specifications as  
16 council may provide.

17 (b) State highways.--A city shall obtain written consent  
18 from the Department of Transportation if the highway is a State  
19 highway.

20 § 13002. Construction by cities upon failure of owner and  
21 collection of cost.

22 (a) General rule.--Upon failure of any owner of property  
23 abutting any street to construct, pave, curb, repave, recurb or  
24 maintain any sidewalk, in accordance with the notice required in  
25 subsection (f), the city, itself or by contract, may complete  
26 the construction, paving, curbing, repaving, recurbing or  
27 maintenance.

28 (b) Recoupment of costs.--A city may collect the following  
29 from an owner who has failed to complete the construction,  
30 paving, curbing, repaving, recurbing or maintenance of the

1 sidewalk pursuant to notice to do so:

2 (1) Costs incurred by the city pursuant to subsection  
3 (a).

4 (2) A penalty of 10% of the costs.

5 (3) All charges and expenses.

6 (c) Liens upon the property.--The costs, penalties, charges  
7 and expenses provided for in subsection (b) shall be a lien upon  
8 the property for which the notice to construct, pave, curb,  
9 repave, recurb or maintain the sidewalk was given.

10 (d) Duration of the lien.--The lien shall exist from the  
11 time of the completion of the work, which shall be certified in  
12 accordance with section 11504 (relating to certifying  
13 commencement and completion of municipal improvements).

14 (e) Filing of the lien.--The lien may be filed and proceeded  
15 in as provided by law in the case of municipal liens or may be  
16 collected from the owner by action in assumpsit. Alternatively,  
17 the cost may be borne by the city, in whole or in part, and, if  
18 in part, the rest to be collected as provided by this section.

19 (f) Service of notice.--Notice of the lien shall be served  
20 upon one of the following:

21 (1) The owner of property to construct, pave, curb,  
22 repave, recurb or maintain a sidewalk, if that can be done  
23 within the county.

24 (2) If service cannot be made under paragraph (1), then  
25 notice may be served upon the owner's agent or the party in  
26 possession.

27 (3) If service cannot be made under paragraph (1) or  
28 (2), notice may be served by posting conspicuously upon the  
29 premises.

30 (g) Failure to comply.--Council may, by ordinance, provide

1 that an owner shall be deemed to have failed to comply if the  
2 work is not completed within a specified period, which may be  
3 more but shall not be less than 45 days after the service or  
4 posting.

5 § 13002.1. Ordinances.

6 All reconstruction, repaving and recurbing of sidewalks may  
7 be included in the ordinance providing for the original  
8 construction, paving and curbing of sidewalks without the  
9 necessity for adopting a new ordinance.

10 § 13003. Emergency repairs.

11 (a) General rule.--Any city may make emergency repairs to  
12 sidewalks, within its corporate limits, if an officer or  
13 designated individual representing the department in charge of  
14 repairs to sidewalks upon inspection determines that a  
15 substantial and immediate danger exists to public health, safety  
16 and welfare.

17 (b) Written report.--The officer or individual shall prepare  
18 a written report of those conditions which shall be conclusive  
19 evidence of the existence of the emergency justifying the  
20 repair.

21 (c) Additional remedy for city.--This section is intended to  
22 provide an additional remedy for cities in connection with  
23 emergency repairs of sidewalks.

24 (d) Notice.--The following shall apply:

25 (1) A copy of the written report shall be served upon  
26 the abutting property owner, along with a notice to make  
27 emergency repairs to the sidewalk within 48 hours of service  
28 of the notice and report.

29 (2) The notice and copy of the report shall be served as  
30 provided in this chapter for constructing and maintaining

1 sidewalks and curbs.

2 (3) The report shall expressly state that emergency  
3 repairs are required.

4 (4) If the owner fails to make the emergency repairs  
5 within the prescribed time, the city may make the emergency  
6 repairs to the sidewalk.

7 (e) Costs.--Upon the completion of any emergency repairs,  
8 the cost of the repairs shall be a charge against the owner of  
9 the abutting property and shall be a lien, until paid, upon the  
10 abutting property, provided a claim is filed for the lien in  
11 accordance with the law providing for the filing and collection  
12 of municipal claims.

13 (f) Action in assumpsit.--The amount of the claim against  
14 the owner of the abutting property may also be collected from  
15 the owner by an action in assumpsit.

16 CHAPTER 131

17 BRIDGES

18 Sec.

19 13101. Construction and maintenance of bridges.

20 13102. Ordinance for location of bridges.

21 13103. Right to appropriate property.

22 13110. Agreement for joint construction and maintenance.

23 13114. Recording of contract.

24 13115. Power to construct boundary bridges.

25 13135. Acquisition of existing bridges.

26 § 13101. Construction and maintenance of bridges.

27 (a) General rule.--Cities may locate, build and maintain  
28 bridges, wholly or partially within the city limits, along with  
29 the piers, abutments and approaches appurtenant to the bridges,  
30 to be used as public streets.

1     (b) Definition.--As used in this chapter, the term "bridge"  
2 shall mean a structure built to span and provide passage over a  
3 valley, road, railroad track, private property, river, creek,  
4 stream or any other body of water or physical obstacle and shall  
5 include viaducts constructed from a series of spans or arches.  
6 § 13102. Ordinance for location of bridges.

7     (a) General rule.--Cities may enact ordinances fixing the  
8 location and providing for the laying out and opening of the  
9 routes or locations for bridges, which shall be public streets.

10    (b) Procedure.--The procedure for the laying out and opening  
11 of the routes or locations of bridges shall be the same as is  
12 provided by this chapter for the laying out and opening of  
13 streets.

14 § 13103. Right to appropriate property.

15    (a) Failure to agree on damages.--A city that has not agreed  
16 with an owner regarding damages done, or likely to be done, by  
17 the erection of the bridge may take and appropriate the lands  
18 and property necessary to erect the bridge.

19    (b) Assessment of damages.--The measure of damages for the  
20 taking and appropriation shall be assessed in the same manner  
21 and with like proceedings as provided for property taken,  
22 injured or destroyed under 26 Pa.C.S. (relating to eminent  
23 domain).

24 § 13110. Agreement for joint construction and maintenance.

25    (a) General rule.--The city may enter into an agreement with  
26 any political subdivision, public agency, public utility or any  
27 other person interested and by law authorized to enter into an  
28 agreement, or with any or all of them, for the laying out,  
29 construction, improvement and maintenance of any bridge and for  
30 the payment of any damages caused by the action.

1 (b) Requirements of agreement.--An agreement authorized  
2 under subsection (a) shall provide for the following:

3 (1) Respective duties, obligations and responsibilities  
4 of the parties to the agreement, including construction and  
5 maintenance of the bridge.

6 (2) Payments relating to and damages caused by the  
7 construction and maintenance.

8 (c) Contract.--After an agreement authorized under  
9 subsection (a) has been entered into, the city and the other  
10 parties to the agreement shall have the authority to do the  
11 following:

12 (1) Prepare plans or specifications of the entire work.

13 (2) Advertise for bids in the manner required by law.

14 (3) Award the contract to the lowest responsible bidder.

15 (d) Liability.--The city shall be liable to the contractor  
16 for only the part of the contract price as it has agreed to pay  
17 by the agreement under subsection (a) but it shall, in addition,  
18 be liable to the contractor for any money actually paid into the  
19 city treasury by the other parties pursuant to the terms of the  
20 agreement.

21 § 13114. Recording of contract.

22 Any of the contracts provided for under this chapter may be  
23 recorded in the office of the recorder of deeds in the proper  
24 county. The record shall be notice to all persons who might be  
25 affected by the contract.

26 § 13115. Power to construct boundary bridges.

27 Whenever a creek, over which a bridge may be necessary, shall  
28 be on the division line of a city and another municipality, the  
29 city may enter into an intergovernmental agreement pursuant to  
30 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental

1 cooperation) with the municipality for the construction and  
2 maintenance of a bridge and for apportionment of the costs.  
3 § 13135. Acquisition of existing bridges.

4 (a) General rule.--A city may purchase, condemn, maintain  
5 and use any public toll bridge crossing any river or stream  
6 within the limits of the municipality, together with the  
7 approaches and appurtenances to the toll bridge.

8 (b) Cost.--A city may enter into contracts with the county  
9 commissioners or the legislative body in a county that has  
10 adopted a home rule charter of the proper county for the county  
11 to pay a portion of the cost of purchase, condemnation and  
12 maintenance.

13 CHAPTER 132

14 SANITARY SEWERS

15 Sec.

16 13201. Construction of sanitary sewers, cost and eminent  
17 domain.

18 13201.1. Required connection and fees.

19 13206. Construction of sanitary sewage treatment works.

20 13213.1. Rental fees or charges.

21 13222.1. Acquisition of existing sanitary sewer systems.

22 13230. Sewers outside cartway and curb lines.

23 13240. Building joint sewers.

24 13241. Approval of Department of Environmental Protection.

25 13245.1. Connection to existing municipal sanitary sewer.

26 13250. Sewers extended outside of city.

27 § 13201. Construction of sanitary sewers, cost and eminent  
28 domain.

29 (a) General rule.--A city shall have the power to construct  
30 and reconstruct, or cause to be constructed or reconstructed, in

1 its streets and over and across public and private lands or  
2 property, sanitary sewers of all kinds, main or local, with  
3 extensions and with lateral and branch sewers, including house  
4 connections to the curb.

5 (b) Cost.--The cost and expense of construction and  
6 reconstruction in accordance with subsection (a) may be paid out  
7 of the general revenues or special money raised for that  
8 purpose, or assessed, in whole or in part, upon property  
9 benefited, improved or accommodated, as provided for in Chapter  
10 145A (relating to assessments for public improvements).

11 (c) Eminent domain.--The city shall have the right of  
12 eminent domain to effectuate the purposes of this section. The  
13 damages for property taken, injured or destroyed shall be  
14 ascertained and paid as provided in 26 Pa.C.S. (relating to  
15 eminent domain).

16 § 13201.1. Required connection and fees.

17 (a) General rule.--In addition to paying for the cost and  
18 expense of construction or reconstruction in accordance with  
19 section 13201(b) (relating to construction of sanitary sewers,  
20 cost and eminent domain), a city may, by ordinance, require  
21 connection to a sanitary sewer system provided by the city or a  
22 municipal authority serving the city.

23 (b) Cost.--As a condition of connection to a city-owned  
24 sewer collection, treatment or disposal facility, a city may  
25 impose and charge the following to property owners who desire to  
26 or are required to connect to the sanitary sewer system:

27 (1) A connection fee.

28 (2) A customer facilities fee.

29 (3) A tapping fee.

30 (4) Similar fees, as enumerated and defined by 53

1 Pa.C.S. § 5607(d) (24) (relating to purposes and powers).

2 § 13206. Construction of sanitary sewage treatment works.

3 (a) General rule.--A city may construct, or cause to be  
4 constructed, sanitary sewage treatment works, which may be part  
5 of the same improvement and under the same contract as sanitary  
6 sewers.

7 (b) Location of construction.--Sewage treatment works may be  
8 erected within or outside the limits of the city.

9 (c) Eminent domain.--The city shall have authority to  
10 acquire, by eminent domain or otherwise, property within or,  
11 subject to the limitations in 26 Pa.C.S. § 206 (relating to  
12 extraterritorial takings), outside the limits of the city deemed  
13 necessary for the treatment works and the sewers leading to the  
14 treatment works.

15 § 13213.1. Rental fees or charges.

16 (a) General rule.--All persons whose property is connected  
17 to a sanitary sewer system shall pay a monthly, quarterly,  
18 semiannual or annual charge to the city, in addition to the cost  
19 of making the connection. The charges shall be imposed by the  
20 city in accordance with procedures approved by council. Until  
21 paid, a charge shall constitute a lien against the property  
22 connected to the sanitary sewer system and the amount of the  
23 charge may be recovered by due process of law through an action  
24 in assumpsit in the name of the city against the owner of the  
25 property charged or by a lien filed in the nature of a municipal  
26 lien.

27 (b) Calculation of fees.--All water utilities supplying  
28 water to users within the boundaries of any city shall, at the  
29 request of council, furnish to the city, at reasonable times  
30 agreed to by the city and water utilities, a list of all water

1 meter readings and flat-rate water bills and the basis for each  
2 flat-rate water charge so that the data may be used in  
3 calculating sewer rental fees. The city may reimburse utilities  
4 for clerical and other expenses incurred in the preparation of  
5 the lists.

6 (c) Limitation of section.--Nothing in this section shall be  
7 construed to repeal or modify any of the provisions of 66  
8 Pa.C.S. (relating to public utilities).

9 (d) Fund.--Subject to subsection (e), all sanitary sewer  
10 rentals received shall be deposited in a special fund to be used  
11 only for the payment of the cost of administration,  
12 construction, reconstruction, repair, operation and maintenance  
13 of the sanitary sewer system.

14 (e) Transfer of funds.--Notwithstanding the provisions of  
15 the act of July 18, 1935 (P.L.1286, No.402), entitled "An act  
16 empowering counties, cities, boroughs, incorporated towns, and  
17 townships to charge and collect from owners of and water users  
18 in property served thereby, annual rentals, rates or charges for  
19 the use of certain sewers, sewerage systems and sewage treatment  
20 works, including charges for operation, inspection, maintenance,  
21 repair, depreciation, and the amortization of indebtedness and  
22 interest thereon; empowering counties, cities, boroughs,  
23 incorporated towns and townships to contract with authorities  
24 organized by cities of the second class, by cities of the second  
25 class A, by counties or by cities of the third class for sewer,  
26 sewerage and sewage treatment services; to grant, convey, lease,  
27 transfer, encumber, mortgage and pledge to such authorities,  
28 their sewers, sewerage systems and sewage treatment works; to  
29 assign and pledge to such authorities rentals, rates and charges  
30 charged and collected by them for the use thereof, and to assign

1 to such authorities their power to charge and collect the same;  
2 and validating all the contracts, grants, conveyances, leases,  
3 transfers, assignments, encumbrances, mortgages and pledges  
4 heretofore made," or any other law, council may transfer part of  
5 the sanitary sewer rentals in the special fund to the city  
6 general fund to meet immediate general financial obligations or  
7 to ensure adequate cash flow for city operations, provided that  
8 money transferred from the special fund to the city general fund  
9 shall be repaid to the special fund prior to the end of the  
10 fiscal year or at a date as council may determine.

11 (f) Notification of service.--If a city has agreed to  
12 provide sanitary sewer service to a residential dwelling unit in  
13 which the owner does not reside, the city shall notify the owner  
14 and the tenant within 30 days after the tenant's bill for that  
15 service first becomes overdue. The notification shall be  
16 provided by first class mail to the address of the owner  
17 provided to the city by the owner and to the billing address of  
18 the tenant, respectively.

19 (g) Construction.--Nothing in this subsection shall be  
20 construed to relieve the owner of liability for the service  
21 unless the city fails to provide the notice under this section.

22 § 13222.1. Acquisition of existing sanitary sewer systems.

23 (a) General rule.--A city may, by ordinance, acquire all or  
24 part of an existing sanitary sewer system or community  
25 subsurface sanitary sewage collection and treatment system.

26 (b) Means of acquisition.--A city may acquire a sewer system  
27 under subsection (a) by any of the following means:

28 (1) By purchase, when the city and the owner can agree  
29 on a price of not more than the actual value of the sanitary  
30 sewer system or part of the system to be transferred.

1           (2) By deed of dedication to the city by the owner of  
2           the sanitary sewer system or part of the system.

3           (3) If the facilities are within the city, by the  
4           exercise of eminent domain.

5           (c) Distribution of assessment costs.--If any sanitary sewer  
6           system or community subsurface sanitary disposal collection and  
7           treatment system is acquired by purchase or eminent domain under  
8           this section, the cost of acquisition may be distributed or  
9           assessed under this part when a sanitary sewer system is  
10           constructed by the city.

11           (d) Acquired systems.--A city has the same rights, powers  
12           and duties with respect to acquired sanitary sewer systems as  
13           the city would have with respect to sanitary sewer systems  
14           constructed by the city.

15           § 13230. Sewers outside cartway and curb lines.

16           (a) General rule.--Cities may require and permit sanitary  
17           sewers and sewer pipes to be laid and constructed outside the  
18           cartway and the curb lines of the cartway in any street or  
19           highway.

20           (b) Use.--The sanitary sewers shall be for the service and  
21           use of the property on the side of the street or highway in  
22           which they are laid.

23           (c) Recoupment of costs.--The costs and expenses of any  
24           sanitary sewer laid and constructed in accordance with  
25           subsection (a) may be assessed against the property benefited,  
26           improved and accommodated by the sanitary sewer.

27           § 13240. Building joint sewers.

28           (a) General rule.--Cities may, jointly with other  
29           municipalities or municipal authorities, do the following:

30           (1) Build and construct sanitary sewers, including

1 trunk-line sewers or drains and sewage treatment works.

2 (2) Connect into the system existing sanitary sewers.

3 (3) Assess respective portions of the cost of an action  
4 under this subsection, or so much of the cost as may be  
5 legally assessable, upon the property benefited, improved and  
6 accommodated by the improvement pursuant to Chapter 145A  
7 (relating to assessments for public improvements).

8 (b) Costs.--Any portion of the cost of an improvement not  
9 assessed or not assessable shall be paid as agreed upon by the  
10 respective cities and other municipalities or municipal  
11 authorities.

12 (c) Joint sewer board.--The cities and other municipalities  
13 or municipal authorities joining or contemplating joining in an  
14 improvement under subsection (a) in order to facilitate the  
15 securing of preliminary surveys and estimates and the building  
16 of the improvement may, by ordinance or resolution, provide for  
17 the appointment of a joint sewer board composed of one  
18 representative from each of the cities and other municipalities  
19 or municipal authorities joining, which shall act generally as  
20 the advisory and administrative agency in securing surveys and  
21 estimates, the construction of the improvement and its  
22 subsequent operation and maintenance.

23 (d) Length of service on board.--Members of the board shall  
24 serve for a term of six years from the date of appointment and  
25 continue to serve until successors are appointed.

26 (e) Membership.--The joint sewer board shall organize by the  
27 election of a chair, vice chair, secretary and treasurer.

28 (f) Agreement of parties.--Cities and other municipalities  
29 or municipal authorities may, in the ordinances and resolutions  
30 creating the joint sewer board, authorize the board to:

1           (1) Appoint an engineer, a solicitor and other  
2           assistants as are deemed necessary.

3           (2) Enter into an agreement with respect to the share of  
4           compensation of an appointee under paragraph (1) the city,  
5           municipality or municipal authority is responsible for.

6           (g) Compensation for board members.--The members of the  
7           joint sewer board shall receive compensation for attending  
8           meetings of the board, as shall be fixed in the budget prepared  
9           by the board for submission to and adoption by the cities and  
10           other municipalities or municipal authorities as provided in  
11           subsection (h).

12           (h) Budget.--The budget item providing for the compensation  
13           to members for attending meetings shall not exceed a total of  
14           \$250 per year and the following shall apply:

15           (1) No member shall be paid unless the member attends a  
16           meeting of the board.

17           (2) The fee for each attendance shall be stipulated.

18           (3) Members shall be entitled to actual expenses to be  
19           paid by the respective cities and other municipalities or  
20           municipal authorities which the members represent.

21           (i) Power of board.--The joint sewer board shall have the  
22           power to adopt rules and regulations to govern its proceedings  
23           and shall prepare and suggest any practical measures and plans  
24           by means of which the joint improvement may be carried to  
25           successful completion, and the future development of the system,  
26           so as to conform to a general plan, is assured and safeguarded.

27           (j) Submission of joint assessment.--

28           (1) The joint sewer board shall have power to prepare a  
29           joint agreement or agreements for submission to and adoption  
30           by cities and other municipalities or municipal authorities

1 which shall set forth:

2 (i) The advisory and administrative powers of the  
3 board.

4 (ii) The consent of each city and other municipality  
5 or municipal authority to the proposed improvement.

6 (iii) The manner in which preliminary and final  
7 plans, specifications and estimates for the proposed  
8 improvement shall be prepared and adopted.

9 (iv) How proposals for bids shall be advertised and  
10 contracts let.

11 (v) The manner in which the costs of the improvement  
12 and other incidental and preliminary expenses in  
13 connection with the improvement, and the future cost of  
14 operation and maintenance, shall be equitably shared,  
15 apportioned and paid.

16 (vi) Other matters including the preparation and  
17 submission of annual and other budgets as may be deemed  
18 necessary or required by law to carry the proposed  
19 improvement to completion and to assure future  
20 maintenance and operation of the improvement.

21 (2) Nothing contained in this subsection shall authorize  
22 the board to make any improvement or expend any public money  
23 which has not first been authorized by all of the cities and  
24 other municipalities or municipal authorities proceeding with  
25 the improvement.

26 (k) Eminent domain.--

27 (1) If it is necessary to acquire, appropriate, injure  
28 or destroy private property of any kind to build any joint  
29 sewer improvement and the private property cannot be acquired  
30 by purchase or gift, the right of eminent domain shall vest

1 in the city or other municipalities or municipal authorities  
2 where the property is located.

3 (2) If it is necessary to acquire, injure or destroy  
4 property of any kind in any territory not within the limits  
5 of any of the cities and other municipalities or municipal  
6 authorities joining in the improvement, subject to the  
7 limitations in 26 Pa.C.S. § 206 (relating to extraterritorial  
8 takings), the right of eminent domain shall be vested in any  
9 city and other municipalities or municipal authorities  
10 joining in the sewer improvement.

11 (l) Damages.--Damages for any property taken, injured or  
12 destroyed shall be assessed as provided by the general laws  
13 relating to the cities and other municipalities or municipal  
14 authorities exercising the right of eminent domain and, pursuant  
15 to the procedures of 26 Pa.C.S. (relating to eminent domain) if  
16 applicable, shall be paid by cities and other municipalities or  
17 municipal authorities joining in the same proportion as other  
18 costs of the improvement.

19 (m) Indebtedness.--Each of the cities joining in an  
20 improvement authorized by this section shall have power to incur  
21 or increase its indebtedness in accordance with 53 Pa.C.S. Pt.  
22 VII Subpt. B (relating to indebtedness and borrowing), for the  
23 purpose of paying its share or portion of the costs of the  
24 improvement.

25 § 13241. Approval of Department of Environmental Protection.

26 No sewer or plant shall be constructed until plans and  
27 specifications have been submitted to the Department of  
28 Environmental Protection and approved in accordance with  
29 provisions of applicable law.

30 § 13245.1. Connection to existing municipal sanitary sewer.

1 (a) General rule.--A city may, by agreement, connect with an  
2 existing sanitary sewer owned by any municipal corporation or  
3 municipal authority for either sanitary sewage collection or  
4 treatment purposes.

5 (b) Petition court of common pleas.--When a city desires to  
6 connect with the existing sewer of any municipal corporation or  
7 municipal authority and no agreement has been reached between  
8 the city and the municipal corporation or municipal authority,  
9 council shall present a petition to the court of common pleas  
10 setting forth those facts. The court shall fix a date for a  
11 hearing and notify all interested parties of the date.

12 (c) Appointment of viewers.--If, after the hearing the court  
13 determines that the connection can be made without impairing the  
14 usefulness of the existing sanitary sewer system, the court  
15 shall appoint three viewers to:

16 (1) View the premises.

17 (2) Investigate the facts of the case.

18 (3) Assess the necessary costs and expenses of making  
19 the connection.

20 (4) Assess the proportionate part of the expense of  
21 building the original sanitary sewer system upon the city.

22 (d) Determination of the court.--The court shall determine  
23 the proportion of the expense for repairs that each city,  
24 municipal corporation and municipal authority bears and shall  
25 determine all other questions liable to arise in connection with  
26 the repairs.

27 (e) Report.--The viewers shall submit a report to the court  
28 with the result of their investigation, which shall be confirmed  
29 within 30 days, unless exceptions to the report are filed.

30 (f) Appeal.--After confirmation of the report or the

1 disposal of any exceptions, any party interested may appeal the  
2 decision of the court of common pleas.

3 § 13250. Sewers extended outside of city.

4 (a) General rule.--A city with a sanitary sewer system may  
5 extend the system and construct sewers beyond the city's  
6 boundaries into adjoining municipalities in the county where the  
7 city is located and furnish sewer facilities to, and permit the  
8 tapping and the connection with the sewer facilities by, any  
9 person and municipality in the county where the city is located  
10 in accordance with law and the rules and regulations of the  
11 Pennsylvania Public Utility Commission.

12 (b) Limitation.--This section does not authorize a city to  
13 extend a sewerage system or construct sewers in territory  
14 outside the boundaries of the cities in which sewerage  
15 facilities are furnished by a private company or by a  
16 municipality authority.

17 CHAPTER 134

18 WATERCOURSES, FLOOD PROTECTION PROJECTS

19 AND STORM WATER SYSTEMS

20 Sec.

21 13401. Establishing and changing watercourses, flood protection  
22 projects and storm water systems.

23 13407. Assessment of benefits and liens.

24 13408. Waters excepted.

25 § 13401. Establishing and changing watercourses, flood  
26 protection projects and storm water systems.

27 (a) General rule.--Subject to obtaining, if required, the  
28 authorization of the Federal Government and the Department of  
29 Environmental Protection, a city may, by ordinance, do any of  
30 the following:

1       (1) Realign, change or vacate the channels, beds and  
2 mouths of watercourses through lands, marshes or waters in or  
3 adjacent to the city, subject to the limitations in the act  
4 of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to  
5 as the Flood Control Law, the act of June 22, 1937 (P.L.1987,  
6 No.394), known as The Clean Streams Law, the act of November  
7 26, 1978 (P.L.1375, No.325), known as the Dam Safety and  
8 Encroachments Act, and 26 Pa.C.S. § 206 (relating to  
9 extraterritorial takings).

10       (2) Confine, pave or completely enclose watercourses  
11 within the city.

12       (3) Prevent and remove obstructions and encroachments  
13 from watercourses and the banks of streams that threaten or  
14 injure the city or property in the city at the expense of  
15 those that caused the obstruction or encroachment through  
16 proceedings at law or equity.

17       (4) Construct and maintain dams in a watercourse flowing  
18 through the city, or partly within and partly outside its  
19 corporate limits, for the purpose of improving the public  
20 health, safety and welfare in the city.

21       (5) Plan and provide for projects, infrastructure and  
22 improvements as a means of managing and controlling storm  
23 water, which may include, but need not be limited to, the  
24 transport, storage and infiltration of storm water and other  
25 innovative techniques identified in the county-prepared  
26 watershed plans pursuant to the act of October 4, 1978  
27 (P.L.864, No.167), known as the Storm Water Management Act.

28       (6) Plan and provide for projects, infrastructure and  
29 improvements as a means of providing flood protection  
30 pursuant to the Flood Control Law.

1 (b) Condemnation and taking of property.--A city may, for  
2 the purpose of this section, purchase, acquire, enter upon,  
3 take, use and appropriate private property and materials as  
4 necessary. Condemnation proceedings shall be pursuant to the  
5 procedures in 26 Pa.C.S. (relating to eminent domain) and any  
6 takings of property outside the limits of the city shall be  
7 subject to the limitations in 26 Pa.C.S. § 206.

8 § 13407. Assessment of benefits and liens.

9 (a) General rule.--With regard to improvements made pursuant  
10 to section 13401(a) (relating to establishing and changing  
11 watercourses, flood protection projects and storm water  
12 systems), a city may, if feasible, assess the benefits upon  
13 property benefited by the improvements pursuant to Chapter 145A  
14 (relating to assessments for public improvements).

15 (b) Lien.--The assessments of benefits shall become liens  
16 upon the property assessed.

17 (c) Collection of claim.--Claims for the benefits may be  
18 collected in the same manner as municipal claims are collected  
19 or they may be collected by action of assumpsit, however, the  
20 lien of the judgment is limited to the property assessed.

21 § 13408. Waters excepted.

22 Nothing contained in this chapter shall apply to any  
23 watercourse used by any municipality or water company as a  
24 source of supply, unless the municipality or water company shall  
25 consent to the vacation or alteration.

26 CHAPTER 135

27 UTILITY SERVICE

28 Sec.

29 13501.1. Right to furnish water, lighting, electric, gas or  
30 other similar utility service.

1 13540.1. Power to furnish utilities to consumers outside city.

2 13585. Payment of cost of extensions.

3 13587. Fixing rates.

4 13588. Collection of utility charges.

5 13590. Disposition of revenues.

6 § 13501.1. Right to furnish water, lighting, electric, gas or  
7 other similar utility service.

8 (a) Authority of city.--A city may supply water, lighting,  
9 electric, gas or other similar utility service for public and  
10 private uses within the city. For these purposes, a city may  
11 install, maintain and operate the necessary facilities and  
12 acquire property and make improvements as needed. In carrying  
13 out the authority granted by this section, a city may exercise  
14 the powers granted to it under this chapter or another law  
15 deemed necessary to carry out the purposes of this section,  
16 including the power to acquire, by eminent domain or otherwise,  
17 and the power to temporarily use or lease property.

18 (b) Rates and charges.--A city supplying water, lighting,  
19 electric, gas or other similar utility service may fix the rates  
20 and charges applicable to the service in accordance with section  
21 13587 (relating to fixing rates).

22 (c) Incurring debt.--For the purposes of this section, a  
23 city may incur debt in accordance with 53 Pa.C.S. Pt. VII Subpt.  
24 B (relating to indebtedness and borrowing).

25 § 13540.1. Power to furnish utilities to consumers outside  
26 city.

27 A city that provides utility service in accordance with  
28 section 13501.1 (relating to right to furnish water, lighting,  
29 electric, gas or other similar utility service) may provide  
30 utility service in a surrounding municipality that is not

1 provided with utility service by another municipality, local or  
2 regional public authority or private company, subject to and in  
3 accordance with applicable law and the rules and regulations of  
4 the Pennsylvania Public Utility Commission with regard to the  
5 character of service, extensions and rates.

6 § 13585. Payment of cost of extensions.

7 When an extension of pipes, wires or conduits is made to  
8 permit a city to supply water, light, electric, gas or other  
9 similar utility service to a portion of the city not previously  
10 supplied with the service, an assessment of the cost of the  
11 service may be made in accordance with Chapter 145A (relating to  
12 assessments for public improvements).

13 § 13587. Fixing rates.

14 Council shall fix, or may delegate to a city department the  
15 power to fix, with the approval of council, rates for the use of  
16 water, light, electric, gas or other similar utility service,  
17 and, in the case of consumers outside the city, the fixing of  
18 rates shall be subject to and in accordance with applicable law  
19 and the rules and regulations of the Pennsylvania Public Utility  
20 Commission.

21 § 13588. Collection of utility charges.

22 (a) Authority for ordinance.--Council shall provide, by  
23 ordinance, for the collection of charges for the use of water,  
24 light, electric, gas or other similar utility service that may  
25 accrue to the city, fixing the time when the charges are payable  
26 and the penalties for nonpayment. The charges shall be assessed  
27 to the respective owners of the real estate on which the utility  
28 service is used. If the charges are not paid in accordance with  
29 the provisions of the ordinance, a claim for the amount due may  
30 be filed as a lien and collected in accordance with the

1 Municipal Claim and Tax Lien Law.

2 (b) Owner liability.--

3 (1) If a city that has agreed to provide water service  
4 through a separate meter and separate service line to a  
5 residential dwelling unit in which the owner does not reside,  
6 the owner shall be liable to pay the tenant's bill for  
7 service rendered to the tenant by the city only if the city  
8 notifies the owner and the tenant within 30 days after the  
9 bill first becomes overdue. Notification must be provided by  
10 first class mail to the address of the owner provided to the  
11 city by the owner and to the billing address of the tenant,  
12 respectively.

13 (2) This subsection may not be construed to require a  
14 city to terminate service to a tenant. An owner shall not be  
15 liable for any service which the city provides to the tenant  
16 90 or more days after the tenant's bill first becomes overdue  
17 unless the city has been prevented by court order from  
18 terminating service to that tenant.

19 § 13590. Disposition of revenues.

20 The revenues derived from the city's furnishing of water,  
21 light, electric, gas or other similar utility service shall be  
22 applied as follows:

23 (1) to the purposes of the respective departments under  
24 the direction of which the utility service is provided;

25 (2) for the reduction of debt related to the provision  
26 of the service provided under paragraph (1); and

27 (3) to another city department that provides labor or  
28 materials for the maintenance and repair of property or  
29 facilities relating to the city's provision of a utility  
30 service.



1 erect or establish a public building.

2 (2) Appropriate money for the operation and maintenance  
3 of a public building.

4 § 13605. Donation of land by city for library purposes and  
5 contributions toward maintenance.

6 In addition to the power to make an appropriation, donation  
7 or gift for a library purpose in accordance with 24 Pa.C.S. Ch.  
8 93 (relating to public library code), a city may acquire and  
9 donate land for library purposes to a local library as defined  
10 in 24 Pa.C.S. § 9302 (relating to definitions).

11 § 13606. Rental of public auditorium and disposition of  
12 proceeds.

13 In the case of a public auditorium, a city may, by order of  
14 council, charge a rental fee for the use of the public  
15 auditorium. The money derived from the rental of the public  
16 auditorium shall be paid into the city general fund.

17 § 13607. Long-term improvement lease.

18 (a) Authority of city.--A city may lease city real estate on  
19 a long-term improvement lease, at a nominal rental fee or  
20 otherwise, to a nonprofit corporation for the purpose of  
21 providing an auditorium for a dramatic, musical, artistic,  
22 literary, scientific or patriotic society or event or for  
23 another purpose as may be approved by council.

24 (b) Term.--A long-term improvement lease:

25 (1) May not be for a term of more than 99 years.

26 (2) May provide for a right of renewal for a like term.

27 (3) Shall contain provisions for the improvement of the  
28 real estate by the lessee by the erection of a suitable  
29 building of dignified and appropriate architecture. The  
30 absolute ownership of the building shall revert to the city,

1 free of claim or charge, at the end of the term of the lease  
2 or a renewal of the lease.

3 (c) Use of building.--A building erected under a long-term  
4 improvement lease may be used for a public purpose, including as  
5 an auditorium for a dramatic, musical, artistic, literary or  
6 scientific event and for the accommodation of a patriotic  
7 society or group or other accommodation and feature, as may be  
8 approved by the city.

9 (d) Title and local taxation.--The title to property subject  
10 to a long-term improvement lease shall remain with the city. For  
11 purposes of local taxation, the property subject to a long-term  
12 improvement lease and the leasehold estate created by the lease  
13 shall be deemed to be devoted to a public purpose and public  
14 use.

15 (e) Lessee.--The lessee under a long-term improvement lease  
16 shall be exclusively liable for the maintenance and upkeep of  
17 the demised premises and shall be solely responsible for the  
18 maintenance and operation of the demised premises.

19 (f) Lessor.--A long-term improvement lease may provide that  
20 the lessor is entitled to receive a sum equal to the net income  
21 of the demised premises after reasonable reserves and proper  
22 amortization charges.

23 CHAPTER 137

24 PARKS, PLAYGROUNDS AND RECREATION CENTERS

25 Sec.

26 13703. Acquisition of lands and buildings.

27 13703.1. Powers of council and delegation.

28 13705. Creation and composition of recreation board.

29 13706. Organization of board.

30 13707. Joint ownership and maintenance.

1 13708. Borrowing.

2 13709. Maintenance and tax levy.

3 13709.1. City trust.

4 13718. Park rangers.

5 § 13703. Acquisition of lands and buildings.

6 By purchase, gift or right of eminent domain, a city may  
7 enter upon, take, use and acquire land, property or a building  
8 for the purpose of making, extending, enlarging and maintaining  
9 a recreation place. The recreation place shall consist of a  
10 public park, parkway, playground, field, gymnasium, public bath,  
11 swimming pool or indoor recreation center. A city may:

12 (1) Levy and collect a special tax as may be necessary  
13 to pay for the recreation place.

14 (2) Make appropriations for the improvement,  
15 maintenance, care, regulation and governing of the recreation  
16 place.

17 (3) Designate and set apart for use, for a purpose  
18 specified in this section, land and a building owned by the  
19 city and not dedicated or devoted to other public use.

20 (4) Lease land and a building in the city for temporary  
21 use for a purpose specified under this section. Land,  
22 property and a building outside the limits of the city may be  
23 purchased or acquired for the recreation place with the  
24 consent of the governing body of the municipal corporation in  
25 which the land, property or building is situated.

26 § 13703.1. Powers of council and delegation.

27 (a) Council.--Council may equip, operate, supervise and  
28 maintain a recreation place and employ a recreation director or  
29 other officer or employee deemed necessary in order to carry out  
30 the provisions of this chapter.

1 (b) Supervision and maintenance.--When more than one-half  
2 the full cost of the supervision and maintenance of the  
3 recreation place, including the compensation of an officer or  
4 employee hired to carry out the provisions of this chapter, are  
5 borne by the city, council may fix the compensation of the  
6 officer or employee.

7 (c) Delegation.--Council may delegate all or part of its  
8 power under subsection (a) to an existing body or board or to a  
9 recreation board, as council shall determine.

10 § 13705. Creation and composition of recreation board.

11 (a) Establishment.--Council may establish in the city a  
12 recreation board.

13 (b) Power and responsibilities.--The recreation board shall  
14 possess the powers and responsibilities delegated to it by  
15 council in accordance with section 13703.1(c) (relating to  
16 powers of council and delegation).

17 (c) Composition.--When established, the recreation board  
18 shall consist of five or seven individuals.

19 (d) Appointment and terms.--The members of the recreation  
20 board shall be appointed by the mayor, with the approval of  
21 council, and shall serve for terms no longer than five years.  
22 The terms of the members shall be staggered in a manner that at  
23 least one expires annually.

24 (e) Compensation.--The members of the recreation board shall  
25 serve without pay.

26 (f) Vacancy.--A vacancy in the board, other than by  
27 expiration of term, shall be for the unexpired term and shall be  
28 filled in the same manner as the original appointment.

29 § 13706. Organization of board.

30 The members of a recreation board established under this

1 chapter shall elect a chair and secretary and select the other  
2 necessary officers to serve for a period of one year. The board  
3 may adopt rules and regulations for the conduct of all business  
4 within its jurisdiction. A meeting of the board shall be subject  
5 to the provisions of 65 Pa.C.S. Ch. 7 (relating to open  
6 meetings).

7 § 13707. Joint ownership and maintenance.

8 A city may acquire, jointly with one or more other  
9 municipalities, property for and operate and maintain a  
10 recreation place. A city may join with a school district and  
11 appropriate money for equipping, operating and maintaining a  
12 recreation place.

13 § 13708. Borrowing.

14 Council may borrow money and incur debt in accordance with 53  
15 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and  
16 borrowing) for the purpose of acquiring land, a building and  
17 equipment for a recreation place.

18 § 13709. Maintenance and tax levy.

19 An expense incurred in the maintenance and operation of a  
20 recreation place established under this chapter, including the  
21 operation of a recreation program in the recreation place, may  
22 be paid from the city treasury. Council may annually  
23 appropriate, and cause to be raised by taxation in accordance  
24 with section 12531(a) (4) (relating to tax levies), a tax for  
25 this purpose. The funds may be appropriated for the purposes of  
26 this section to an existing body or board or to a recreation  
27 board.

28 § 13709.1. City trust.

29 (a) Authority of city and council.--The following shall  
30 apply:

1       (1) A city may receive in trust the estate, money,  
2 assets and real and personal property that has been or will  
3 be bestowed upon the city by donation, gift, legacy,  
4 endowment, bequest, devise, conveyance or other means for:

5           (i) the purpose of establishing or maintaining a  
6 public park; or

7           (ii) another public purpose for the use and benefit  
8 of the residents of the city.

9       (2) For the purposes of the trust, council may control  
10 the estate, money, assets and real and personal property  
11 received under this subsection.

12       (3) The authority provided under this subsection shall  
13 be in addition to the other powers conferred by law.

14 (b) Transfer of control.--The following shall apply:

15       (1) Control of a city trust shall be transferred to  
16 council if the trust has been or is created as a result of a  
17 property or estate having been conveyed, bequeathed or  
18 devised or otherwise given or donated to a city in trust for:

19           (i) the purpose of establishing or maintaining a  
20 public park; or

21           (ii) another public purpose for the use and benefit  
22 of the residents of the city.

23       (2) Upon petition of council, the court of common pleas  
24 in the county where a city is located may transfer control of  
25 the trust to council if necessary to carry out the intention  
26 of this section.

27 (c) Delegation.--Council may delegate the supervision and  
28 operation of recreation places subject to the trust to a  
29 recreation board in accordance with section 13703.1 (relating to  
30 powers of council and delegation).

1 (d) Power of the court.--This section shall not limit a  
2 power of the court to terminate or reform a trust under existing  
3 law.

4 § 13718. Park rangers.

5 (a) Authority of council.--Under the provisions of this  
6 chapter, council may provide, by ordinance, for the selection  
7 and employment of the number of individuals deemed necessary to  
8 act as park rangers, fix compensation and duties and provide for  
9 uniforms.

10 (b) Authority of park ranger.--To the extent authorized by  
11 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police  
12 education and training), an individual appointed as a park  
13 ranger under an ordinance passed under the provisions of  
14 subsection (a) shall have, in a park and playground and other  
15 public place in the city and beyond the limits of the city when  
16 the city has acquired land, property and a building for a park  
17 and playground or another public purpose, the same power in  
18 preserving the peace, maintaining order and making arrests as a  
19 police officer has in the city.

20 (c) Supervision, control and direction.--A park ranger shall  
21 be under the supervision, control and direction of the director  
22 of the department of parks and public property or, if none  
23 exists, another department as council directs.

24 (d) Definition.--For purposes of the act of June 28, 1935  
25 (P.L.477, No.193), referred to as the Enforcement Officer  
26 Disability Benefits Law (Heart and Lung Act), the term "park  
27 ranger," as used in this section, shall mean a park guard.

28 CHAPTER 141A

29 UNIFORM CONSTRUCTION CODE,

30 PROPERTY MAINTENANCE CODE AND RESERVED POWERS

1 Sec.

2 141A01. Primacy of certain codes.

3 141A02. Changes in Uniform Construction Code.

4 141A03. Public nuisance.

5 141A04. Property maintenance code.

6 141A05. Reserved powers.

7 § 141A01. Primacy of certain codes.

8 (a) Applicability.--The Pennsylvania Construction Code Act  
9 and the Uniform Construction Code adopted under section 301 of  
10 the Pennsylvania Construction Code Act shall apply to the  
11 construction, alteration, repair and occupancy of the buildings  
12 and structures within a city.

13 (b) Construction.--This chapter and an ordinance, rule or  
14 regulation adopted under this chapter shall not supersede or  
15 abrogate the Pennsylvania Construction Code Act or the Uniform  
16 Construction Code and shall be construed and read in pari  
17 materia with them.

18 § 141A02. Changes in Uniform Construction Code.

19 A city may propose and enact an ordinance to equal or exceed  
20 the minimum requirements of the Uniform Construction Code in  
21 accordance with and subject to the requirements of section 503  
22 of the Pennsylvania Construction Code Act. An ordinance  
23 exceeding the provisions of the Uniform Construction Code must  
24 meet the standards provided in section 503(j)(2) of the  
25 Pennsylvania Construction Code Act.

26 § 141A03. Public nuisance.

27 A building, housing or property erected, altered, extended,  
28 reconstructed, removed or maintained contrary to a provision of  
29 an ordinance enacted for a purpose specified in this chapter may  
30 be reported in accordance with Chapter 127A (relating to

1 nuisance abatement) to the department designated to determine  
2 whether a public nuisance exists. If a public nuisance is  
3 determined to exist, the public nuisance may be abated in  
4 accordance with that chapter, provided that a violation of the  
5 Uniform Construction Code or an ordinance that equals or exceeds  
6 the Uniform Construction Code is subject to:

7 (1) The provisions of the Pennsylvania Construction Code  
8 Act.

9 (2) The regulations adopted under that act by the  
10 Department of Labor and Industry relating to enforcement for  
11 noncompliance.

12 § 141A04. Property maintenance code.

13 (a) Enactment.--Notwithstanding the primacy of the Uniform  
14 Construction Code, a city may enact a property maintenance  
15 ordinance, including a standard or nationally recognized  
16 property maintenance code or a change or variation. In  
17 accordance with section 11018.13 (relating to standard or  
18 nationally recognized codes), the ordinance may, by reference,  
19 incorporate a standard or nationally recognized property  
20 maintenance code or a variation or change, published and printed  
21 in book form, without setting forth the text of the code in the  
22 ordinance.

23 (b) Public availability.--The full text of the property  
24 maintenance code need not be published, but, in accordance with  
25 section 11018.9 (relating to publication of proposed  
26 ordinances), it shall be sufficient to publish a summary setting  
27 forth the provisions of the ordinance in reasonable detail and a  
28 reference to a place within the city where copies of the  
29 proposed ordinance may be examined. Not fewer than three copies  
30 of the proposed property maintenance code shall be made

1 available to public inspection and use during business hours.  
2 Copies shall also be made available to an interested party in  
3 accordance with the act of February 14, 2008 (P.L.6, No.3),  
4 known as the Right-to-Know Law, or may be furnished or loaned  
5 without charge.

6 (c) Violations.--A property maintenance code ordinance may  
7 provide for fines and penalties of not more than \$1,000 or  
8 imprisonment for not more than 90 days, or both, for violations.  
9 The procedure set forth under this chapter relating to the  
10 enactment of the ordinance may be utilized in amending,  
11 supplementing or repealing any of the provisions of the  
12 ordinance.

13 (d) Inspectors.--Council may appoint property maintenance  
14 inspectors who may, subject to constitutional standards in a  
15 similar manner as provided in section 12308 (relating to powers  
16 of board of health), enter upon and inspect the premises at  
17 reasonable hours for the administration and enforcement of the  
18 city's property maintenance code or ordinance incorporating a  
19 standard or nationally recognized property maintenance code. A  
20 fee payable to a property maintenance inspector under the  
21 ordinance must be paid by the property maintenance inspector to  
22 the city treasurer for the use of the city as promptly as  
23 possible.

24 (e) Additional remedies.--In addition to the penalties  
25 provided by the property maintenance ordinance, the city may  
26 institute an appropriate action or proceeding at law or in  
27 equity to prevent or restrain a property maintenance violation.

28 (f) Relation to other acts.--The powers of a city as  
29 provided in this section shall be in addition to, but not  
30 limited to, the powers provided in:

1           (1) The act of November 26, 2008 (P.L.1672, No.135),  
2           known as the Abandoned and Blighted Property Conservatorship  
3           Act.

4           (2) 53 Pa.C.S. Ch. 61 (relating to neighborhood blight  
5           reclamation and revitalization).

6           (3) 68 Pa.C.S. Ch. 21 (relating to land banks).

7   § 141A05. Reserved powers.

8           If, as a result of legislative action or final order of court  
9           for which the time for appeal has expired and no appeal has been  
10           taken or from which there is no pending appeal, the Uniform  
11           Construction Code or a replacement code is no longer applicable  
12           in a city, a city may:

13           (1) Enact and enforce an ordinance to govern and  
14           regulate:

15                   (i) construction;

16                   (ii) reconstruction;

17                   (iii) alteration;

18                   (iv) extension;

19                   (v) repair;

20                   (vi) conversion;

21                   (vii) maintenance;

22                   (viii) occupation;

23                   (ix) sanitation;

24                   (x) ventilation;

25                   (xi) heating;

26                   (xii) egress;

27                   (xiii) lighting;

28                   (xiv) electric wiring;

29                   (xv) water supply;

30                   (xvi) toilet facilities;

1           (xvii) drainage;

2           (xviii) plumbing;

3           (xix) fire prevention;

4           (xx) fireproofing, including prescribing limitations  
5 under which only buildings of noncombustible material and  
6 fireproofed roofs are used in construction, erection or  
7 substantial reconstruction;

8           (xxi) use and inspection of all buildings and  
9 housing or parts of buildings and housing, and the roofs,  
10 walls and foundations of the buildings and housing and  
11 all facilities and services in or about the buildings or  
12 housing constructed, erected, altered, designed or used,  
13 in whole or in part, for any use or occupancy; and

14           (xxii) the sanitation and inspection of land  
15 appurtenant to the buildings and housing.

16           (1.1) Combine or separately enact or combine the  
17 ordinances under paragraph (1) with the property maintenance  
18 code.

19           (2) Require that, before any work of construction,  
20 reconstruction, alteration, extension, repair or conversion  
21 of a building begins, approval of the plans and  
22 specifications is secured.

23           (3) Incorporate a standard or nationally recognized code  
24 or a variation or change, published and printed in book form,  
25 without incorporating the text of the code as provided in  
26 Subchapter A.1 of Chapter 110 (relating to ordinances). The  
27 ordinance may provide for fines and penalties of not more  
28 than \$1,000 or imprisonment for not more than 90 days, or  
29 both, for violations. The procedure set forth under this  
30 chapter relating to the enactment of the ordinance may be

1 utilized in amending, supplementing or repealing a provision  
2 of an ordinance that incorporates all or a part of a standard  
3 or nationally recognized code or a variation or change.

4 (4) Appoint a building inspector, housing inspector,  
5 property maintenance inspector, fire prevention inspector,  
6 electrical inspector and plumbing inspector and fix  
7 inspectors' compensation. Subject to constitutional standards  
8 in a similar manner as provided in section 12308 (relating to  
9 powers of board of health), the inspector may enter upon and  
10 inspect a premises at reasonable hours for the administration  
11 and enforcement of the city's enacted codes or ordinances  
12 incorporating standard or nationally recognized codes. A fee  
13 payable to an inspector under the ordinance shall be paid by  
14 the inspector to the city treasurer for the use of the city  
15 as promptly as possible.

16 (5) In addition to the penalties provided by an  
17 ordinance, institute an appropriate action or proceeding at  
18 law or in equity to prevent or restrain the unlawful  
19 construction, reconstruction, alteration, extension, repair,  
20 conversion, maintenance or use or occupation of property  
21 located within the city, to restrain, correct or abate the  
22 violation and to prevent the use or occupancy of the  
23 building, housing or structure.

24 CHAPTER 142

25 AERONAUTICS

26 Sec.

27 14201. Power to acquire land for aeronautical purposes and  
28 maintenance of municipal airports.

29 14203. Leasing of land acquired for aeronautical purposes.

30 14204. Operation of facilities jointly.

1 14205. Appropriation for support of air navigation facilities.  
2 § 14201. Power to acquire land for aeronautical purposes and  
3           maintenance of municipal airports.

4     A city may establish and maintain a municipal airport and may  
5 acquire by lease, purchase or condemnation proceedings, subject  
6 to the limitations in 26 Pa.C.S. § 206 (relating to  
7 extraterritorial takings), land lying either within or outside  
8 the territorial limits of the city and within or outside the  
9 territorial limits of the county in which the city is located,  
10 that in the judgment of council may be necessary and desirable  
11 for the purpose of establishing and maintaining a municipal  
12 airport, landing field, aviation easement or intermediate  
13 landing field and other air navigation facilities.

14 § 14203. Leasing of land acquired for aeronautical purposes.

15     A city acquiring land for aeronautical purposes may lease the  
16 land or part of the land to an individual or corporation  
17 desiring to use the same for aeronautical purposes.

18 § 14204. Operation of facilities jointly.

19     A city may operate and maintain a municipal airport, landing  
20 field or intermediate landing fields and other air navigation  
21 facility jointly in accordance with 53 Pa.C.S. Ch. 23 Subch. A  
22 (relating to intergovernmental cooperation).

23 § 14205. Appropriation for support of air navigation  
24           facilities.

25     A city that does not own, lease or operate a municipal  
26 airport, landing field or intermediate landing field or other  
27 air navigation facility may appropriate money for the support  
28 and maintenance of any of the facilities, situate either within  
29 or outside the boundaries of the city or of the county or  
30 counties in which the city is located.

1 CHAPTER 143

2 PENSIONS

3 Subchapter

4 A. Police

5 B. Firefighters

6 C. Pension for Employees Other Than Police Officers and  
7 City-Paid Firefighters

8 D. Beneficiaries Serving in Elective Office

9 SUBCHAPTER A

10 POLICE

11 Sec.

12 14300. Definitions.

13 14301. Police pension fund.

14 14302. Retirement and final discharge.

15 14302.1. Limited vested benefit.

16 14303. Allowance and service increments.

17 14303.1. Increase of allowances after retirement.

18 14303.2. Total disability.

19 14304. Inalienable rights in fund.

20 14305. Payments to police pension fund by city.

21 14306. Management of police pension fund.

22 14307. Trust for benefit of police pension fund.

23 14308. Repayment before retirement.

24 14309. (Reserved).

25 § 14300. Definitions.

26 (a) Chapter.--The following words and phrases when used in  
27 this chapter shall have the meanings given to them in this  
28 subsection unless the context clearly indicates otherwise:

29 "Joint coverage member." A city employee who becomes a  
30 member of the retirement system subsequent to the last date

1 permitted by the city for statement or preference concerning  
2 Social Security coverage, or who, having become a member on or  
3 before that date, filed a written statement with a city's  
4 retirement board that the member elects Social Security coverage  
5 under an agreement with the Secretary of Health and Human  
6 Services entered into by the Commonwealth.

7 "Single coverage member." A city employee who becomes a  
8 member of the retirement system on or before the last date  
9 permitted by the city for statement of preference concerning  
10 Social Security coverage and who either filed a written  
11 statement with the retirement board that the member does not  
12 elect Social Security coverage under any agreement with the  
13 Secretary of Health and Human Services entered into by the  
14 Commonwealth or did not file any written statement with the  
15 retirement board.

16 (b) Subchapter.--The following words and phrases when used  
17 in this subchapter shall have the meanings given to them in this  
18 subsection unless the context clearly indicates otherwise:

19 "Salary." The fixed amount of compensation paid at regular,  
20 periodic intervals by the city to the member and from which  
21 pension contributions have been deducted.

22 § 14301. Police pension fund.

23 (a) Establishment.--By ordinance, a city shall establish a  
24 police pension fund.

25 (b) Requirements.--The following shall apply to a police  
26 pension fund established under this section:

27 (1) The fund shall be maintained by an equal and  
28 proportionate monthly charge against each member of the  
29 police force that may not exceed annually 4% of the pay of  
30 the member and an additional amount not to exceed 1% of the

1 pay of the member.

2 (2) The charges under paragraph (1) shall be paid by the  
3 member or the municipal corporation to provide sufficient  
4 funds for payments required by section 14303(f) (relating to  
5 allowances and service increments).

6 (3) The payments under paragraph (2) shall be made to a  
7 surviving spouse even if the spouse remarries or, if no  
8 spouse survives or if the individual survives and  
9 subsequently dies, to the children under 18 years of age of:

10 (i) a member of the police force;

11 (ii) a member retired on pension; or

12 (iii) a member who died in service.

13 (4) The fund shall be under the direction and control of  
14 council but may be committed to the custody and management of  
15 an officer of the city or to another person, as may be  
16 designated by council by ordinance.

17 (5) Under regulations as council may prescribe by  
18 ordinance, the fund shall be applied for the benefit of:

19 (i) members of the police force that have received  
20 honorable discharge from the police force by reason of  
21 age or disability;

22 (ii) surviving spouses even if they remarry; or

23 (iii) if no spouse survives or if the individual  
24 survives and subsequently dies, the child or children  
25 under 18 years of age of:

26 (A) members of the police force; or

27 (B) members retired on pension.

28 (6) An allowance made to an individual who retired by  
29 reason of a disability or age shall be in conformity with a  
30 uniform scale, together with a service increment as provided

1 under this chapter.

2 (7) Compensation paid to a corporate custodian of the  
3 police pension fund shall be paid from the city general fund.

4 § 14302. Retirement and final discharge.

5 (a) Requirements for ordinance.--With regard to continuous  
6 service and minimum retirement age requirements, the ordinance  
7 establishing the police pension fund shall prescribe as follows:

8 (1) A minimum period of continuous service of not less  
9 than 20 years.

10 (2) If a minimum retirement age is prescribed, a minimum  
11 age of 50 years.

12 (b) Retired member.--If not unfit by reason of age,  
13 disability or otherwise, a retired member shall be subject to  
14 service as a police reserve under terms and conditions as may be  
15 established by council.

16 (c) Military service.--With the approval of council, a  
17 member of the police pension fund shall be entitled to have full  
18 credit for each year or fraction of a year, not to exceed five  
19 years, of the service upon the member's payment to:

20 (1) the police pension fund of an amount equal to that  
21 which the member would have paid had the member been a member  
22 during the period for which credit is desired; and

23 (2) the fund of an additional amount as the equivalent  
24 of the contributions of the city on account of the military  
25 service.

26 To be eligible under this subsection, the member must be a  
27 contributor who served in the armed forces of the United States  
28 after September 1, 1940, and was not a member of the police  
29 pension fund prior to the military service.

30 § 14302.1. Limited vested benefit.

1 (a) Ordinance.--The ordinance establishing a police pension  
2 fund may provide for a limited vested benefit if the benefit  
3 would conform to section 305 of the act of December 18, 1984  
4 (P.L.1005, No.205), known as the Municipal Pension Plan Funding  
5 Standard and Recovery Act.

6 (b) Requirements.--Under a limited vested benefit, a member  
7 of the police pension fund who has not completed the minimum  
8 period of continuous service requirement and satisfied an  
9 applicable minimum age requirement, but who has completed 12  
10 years of full-time service shall be entitled to vest the  
11 member's retirement benefits subject to the following  
12 conditions:

13 (1) The member must file with the management board of  
14 the police pension fund a written notice of the member's  
15 intention to vest.

16 (2) The member must include in the notice the date the  
17 member intends to terminate the member's service as a full-  
18 time police officer.

19 (3) The termination date shall be at least 30 days later  
20 than the date of notice to vest.

21 (4) The member must be in good standing with the police  
22 department on the date of the notice to vest.

23 (5) The board shall indicate on the notice to vest the  
24 rate of the monthly pay of the member as of the date of the  
25 notice to vest or the highest average annual salary which the  
26 member received during any five years of service preceding  
27 that date, whichever is higher.

28 (c) Notification.--Upon reaching the date that would have  
29 been the member's retirement date if the member continued full-  
30 time employment with the police department, the member shall

1 notify the board, in writing, that the member desires to collect  
2 the member's pension.

3 (d) Amount of retirement benefits.--The amount of retirement  
4 benefits the member is entitled to receive under this section  
5 shall be computed as follows:

6 (1) The initial determination of the member's base  
7 retirement benefits shall be computed on the salary indicated  
8 on the notice to vest.

9 (2) The portion of the base retirement benefits due the  
10 member shall be determined by applying to the base amount the  
11 percentage that the member's years of service rendered bears  
12 to the years of service that would have been rendered if the  
13 member continued to be employed by the department until the  
14 member's minimum retirement date.

15 § 14303. Allowance and service increments.

16 (a) Allowance.--A payment for an allowance shall only be a  
17 charge on the police pension fund and may not be a charge on  
18 another fund under the control or in the city treasury.

19 (b) Apportionment of the pension.--The basis of the  
20 apportionment of the pension:

21 (1) shall be determined by the rate of the monthly pay  
22 of the member at the date of injury, death, honorable  
23 discharge, vesting under section 14302.1 (relating to limited  
24 vested benefit) or retirement, or the highest average annual  
25 salary that the member received during any five years of  
26 service preceding injury, death, honorable discharge, vesting  
27 under section 14302.1 or retirement, whichever is higher.

28 (2) except as to service increments provided for in  
29 subsection (d), may not exceed in a year one-half the annual  
30 pay of the member computed at the monthly or average annual

1 rate, whichever is higher.

2 (c) Limitation.--

3 (1) The provisions of subsection (b)(2) may not apply to  
4 a city operating under:

5 (i) an optional charter adopted in accordance with  
6 the act of July 15, 1957 (P.L.901, No.399), known as the  
7 Optional Third Class City Charter Law; or

8 (ii) a home rule charter adopted in accordance with  
9 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and  
10 optional plan government).

11 (2) This subsection is applicable only to a city that  
12 had a pension plan in effect prior to July 1, 1931, that  
13 provided pensions in an amount greater than 50% of salary.

14 (d) Conditions.--In addition to the retirement allowance  
15 authorized to be paid from the police pension fund by this  
16 chapter and notwithstanding the limitations placed upon the  
17 retirement allowances and upon contributions, a contributor who  
18 becomes entitled to the retirement allowance shall be entitled  
19 to the payment of a service increment in accordance with and  
20 subject to the following conditions:

21 (1) The following shall apply:

22 (i) Service increment shall be the sum obtained by  
23 computing:

24 (A) the number of whole years after having  
25 served the minimum required by this chapter during  
26 which a contributor has been employed by the city and  
27 paid out of the city treasury, including credit for  
28 military service as provided in section 14302  
29 (relating to retirement and final discharge); and

30 (B) multiplying the number of years computed

1           under clause (A) by an amount equal to 0.025% of the  
2           retirement allowance that has become payable to the  
3           contributor in accordance with the provisions of this  
4           chapter.

5           (ii) In computing the service increment, employment  
6           after the contributor has reached 65 years of age may not  
7           be included and a service increment may not be paid in  
8           excess of \$100 per month.

9           (2) From and after January 1, 1952, a contributor shall  
10          pay into the retirement fund a monthly sum in addition to the  
11          contributor's retirement contribution that shall be equal to  
12          one-half of 1% of the contributor's salary, provided that:

13           (i) the payment may not exceed the sum of \$1 per  
14          month; and

15           (ii) the service increment contribution may not be  
16          paid after a contributor has reached 65 years of age.

17          (3) An individual who is a contributor on January 1,  
18          1952, and has reached 65 years of age shall have the  
19          contributor's service increment computed on the years of  
20          employment prior to the date the contributor reached 65 years  
21          of age.

22          (4) A service increment contribution shall be paid at  
23          the same time and in the same manner as a retirement  
24          contribution. A service increment contribution may be  
25          withdrawn in full without interest by an individual who:

26           (i) left the employment of the city, subject to the  
27          same conditions by which a retirement contribution may be  
28          withdrawn; or

29           (ii) retires before becoming entitled to a service  
30          increment.

1           (5) The members of the police force who are now  
2           contributors to the retirement fund and the members employed  
3           by the city after January 1, 1952, if required to become  
4           contributors to the retirement fund, shall be subject to the  
5           provisions of this part.

6           (6) After June 19, 2002, a city may agree to make  
7           service increment payments in excess of \$100 per month as  
8           long as the payments do not exceed \$500 per month. In  
9           computing the service increments, employment after the  
10          contributor has reached 65 years of age may not be included,  
11          provided that an agreement to provide an increase in service  
12          increment payments shall include a proportionate increase in  
13          the amount a contributor shall pay into the retirement fund  
14          under paragraph (2), not to exceed \$5 per month.

15          (e) Spouse and children.--The spouse of a member of the  
16          police force or a member who retires on pension who dies or, if  
17          no spouse survives or if the spouse survives and subsequently  
18          dies or remarries, the child or children under 18 years of age  
19          of a member of the police force or a member who retires on  
20          pension who dies on or after August 1, 1963, shall, during the  
21          lifetime of the surviving spouse, even if the surviving spouse  
22          remarries, or until reaching 18 years of age in the case of a  
23          child or children, be entitled to receive a pension calculated  
24          at the rate of 50% of the pension the member was receiving or  
25          would have been receiving if the member was retired at the time  
26          of the member's death and may receive the pension the member was  
27          receiving or would have been receiving had the member been  
28          retired at the time of the member's death.

29          (f) Certain police officers.--A police officer who has less  
30          than 10 years of service and who dies or is totally disabled due

1 to injuries or mental incapacities not in the line of duty and  
2 is unable to perform the duties of a police officer may be  
3 entitled to a pension of 25% of the police officer's annual  
4 compensation. For death or injuries received after 10 years of  
5 service, the compensation may be 50% of the police officer's  
6 annual compensation.

7 (g) Disability pension.--The disability pension may be  
8 payable to the police officer during the police officer's  
9 lifetime and, if the police officer dies, the pension payment  
10 that the police officer was receiving may be continued to be  
11 paid to:

12 (1) the police officer's spouse if the spouse survives;  
13 or  
14 (2) if the spouse subsequently dies or remarries, the  
15 child or children under 18 years of age of the police  
16 officer.

17 § 14303.1. Increase of allowances after retirement.

18 (a) Increase of allowance.--Upon the recommendation of the  
19 persons having custody and management of the police pension  
20 fund, a city may, at its discretion, increase the allowance of  
21 individuals receiving an allowance from the police pension fund  
22 by reason of and after the termination of the services of a  
23 member of the fund.

24 (b) Limitation.--An increase made under this section must be  
25 in conformity with a uniform scale that may be based on the cost  
26 of living, but the total of the allowance may not exceed one-  
27 half of the current salary being paid patrol persons of the  
28 highest pay grade.

29 § 14303.2. Total disability.

30 (a) Injury sustained in the line of duty.--Notwithstanding

1 any provision of this chapter, a police officer who becomes  
2 totally disabled due to an injury sustained in the line of duty  
3 shall be deemed to be fully vested in the police pension fund,  
4 regardless of the actual number of years of credited service,  
5 and shall be eligible for immediate retirement benefits.

6 (b) Claim and proof.--The governing body of the city shall  
7 decide a claim under this section. Proof of disability shall be  
8 by competent medical evidence provided by the claimant. The  
9 governing body of the city may, at any time, have the claimant  
10 examined by its own physician.

11 (c) Procedure.--A claim under this section may be initiated  
12 as the regulations of council prescribe. Hearings and appeals  
13 shall be as provided in 2 Pa.C.S. (relating to administrative  
14 law and procedure).

15 (d) Subrogation.--The police pension fund shall be  
16 subrogated to the right of the claimant to the extent of a  
17 payment made under the act of June 2, 1915 (P.L.736, No.338),  
18 known as the Workers' Compensation Act, or the act of June 28,  
19 1935 (P.L.477, No.193), referred to as the Enforcement Officer  
20 Disability Benefits Law (Heart and Lung Act).

21 (e) Definition.--As used in this section, the term "total  
22 disability" means permanent mental or physical impairment that  
23 renders the police officer unable to perform the officer's  
24 duties.

25 § 14304. Inalienable rights in fund.

26 Whenever an individual becomes entitled to receive an  
27 allowance from the police pension fund and has been admitted to  
28 participate in the fund, the individual may not be deprived of  
29 the individual's right to equal and proportionate participation  
30 in the fund on the basis upon which the individual first became

1 entitled to participation.

2 § 14305. Payments to police pension fund by city.

3 Unless otherwise required by the act of December 18, 1984  
4 (P.L.1005, No.205), known as the Municipal Pension Plan Funding  
5 Standard and Recovery Act, or another provision of law, this  
6 section shall govern the payment to the police pension fund of  
7 money raised by a tax levied by the city. The following shall  
8 apply:

9 (1) A city shall pay annually to the police pension fund  
10 a sum of money sufficient to meet the requirements of and to  
11 maintain the fund. In any year, the sum may not be less than  
12 one-half of 1% or more than 3% of the taxes levied by the  
13 city, other than a tax levied to pay interest on or  
14 extinguish the debt of the city.

15 (2) Council may exceed the limitation imposed by this  
16 section if an additional amount is deemed necessary to  
17 provide sufficient funds for payments to surviving spouses of  
18 members retired on pension, killed or who die in the service,  
19 provided that the city may annually pay into the fund not  
20 less than one-half of 1% of the taxes levied by the city,  
21 other than a tax levied to pay interest on or extinguish the  
22 debt of the city.

23 § 14306. Management of police pension fund.

24 Only a person designated in accordance with section 14301(b)  
25 (4) (relating to police pension fund) shall be authorized to  
26 make decisions to hold, receive and distribute the money of the  
27 police pension fund.

28 § 14307. Trust for benefit of police pension fund.

29 By gift, grant, devise or bequest, a city may take money or  
30 real, personal or mixed property in trust for the benefit of the

1 pension fund. The care, management, investment and disposal of  
2 the body of the trust shall be vested in the officer or officers  
3 of the city for the time the council designates. The care,  
4 management and disposal shall be directed by ordinance and the  
5 body of the trust shall be governed by the ordinance, subject to  
6 the directions that are not inconsistent with the ordinance, as  
7 the settlor of the trust may prescribe.

8 § 14308. Repayment before retirement.

9 (a) Refund.--If a contributing member of the police pension  
10 fund ceases to be a member of the police force before becoming  
11 entitled to a pension, the total amount of the contributions  
12 paid into the pension fund by the member shall be refunded to  
13 the member in full, without interest.

14 (b) Return of amount contributed.--If the fund has returned  
15 to the member the amount contributed and afterward the  
16 individual again becomes a member of the police force, the  
17 member shall not be entitled to the pension designated until 20  
18 years after the member's reemployment, unless the member returns  
19 to the police pension fund the amount withdrawn. If a member  
20 returns to the pension fund the amount withdrawn, the period of  
21 20 years shall be computed from the time the member first became  
22 a member of the police force, excluding the period of time  
23 during which the member was not employed by the police force.

24 (c) Payment to member's estate.--If a member of the police  
25 force dies not in the line of service before the member becomes  
26 entitled to a pension and the member is not survived by a spouse  
27 or family entitled to payments as provided in this subchapter,  
28 the total amount of contributions paid into the pension fund by  
29 the member shall be paid over to the member's estate.

30 § 14309. (Reserved).

1 SUBCHAPTER B

2 FIREFIGHTERS

3 Sec.

4 14319. Definitions.

5 14320. Firefighters' pension fund, management and annuity  
6 contracts.

7 14320.1. Limited vested benefit for firefighters.

8 14321. Retirement and final discharge.

9 14322. Pensions and service increments.

10 14322.1. Increase of allowances after retirement.

11 14323. Causes for forfeiture of rights in fund and other  
12 employments.

13 14324. Payments to firefighters' pension fund by city.

14 14325. Transfers from other pension funds.

15 14326. Trusts for benefit of firefighters' pension fund.

16 14327. Repayment before retirement.

17 14328. (Reserved).

18 § 14319. Definitions.

19 The following words and phrases when used in this subchapter  
20 shall have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Salary." The fixed amount of compensation paid at regular,  
23 periodic intervals by the city to the member and from which  
24 pension contributions have been deducted.

25 § 14320. Firefighters' pension fund, management and annuity  
26 contracts.

27 (a) Duty of city.--Except as provided in this subchapter, a  
28 city shall provide an annuity contract or establish, by  
29 ordinance, a firefighters' pension fund.

30 (b) Monthly charge.--The annuity contract or firefighters'

1 pension fund shall be maintained, in part, by an equal and  
2 proportionate monthly charge against each member of the fire  
3 department. The charge may not exceed annually 4% of the pay of  
4 the member and an additional amount not to exceed 1% if deemed  
5 necessary by council to provide sufficient funds for payments to  
6 surviving spouses of members retired on pension, killed or who  
7 die in service.

8 (c) Existing organization or association.--If there is an  
9 existing organization or association for the benefit of fully  
10 paid firefighters, constituting and having in charge the  
11 distribution of firefighters' pension money, an annuity contract  
12 may not be provided and a firefighters' pension fund may not be  
13 established under the provisions of this section unless and  
14 until the members of the organization or association, by a two-  
15 thirds vote, elect to transfer the existing fund into the  
16 pension fund required under this section.

17 (d) Pension fund board.--A firefighters' pension fund  
18 established under the provisions of this section shall be under  
19 the direction and control of a board of managers that shall  
20 consist of the following:

21 (1) Ex-officio members as follows:

22 (i) the mayor;

23 (ii) the director of the department of accounts and  
24 finance;

25 (iii) the director of the department having charge  
26 of the fire department or, in a city where the mayor is  
27 also the director of the department having charge of the  
28 fire department, the director of the department of public  
29 safety;

30 (iv) the city controller; and

1           (v) the chief of the bureau of fire.

2           (2) Two members of the fire department to be chosen by  
3           the members of the fire department.

4           (e) Substitution.--If a city does not establish a department  
5           whose director is named as an ex-officio member of the board of  
6           managers, the director of another department or the officers of  
7           the city as may be designated by council shall be substituted on  
8           the board of managers.

9           (f) Terms and vacancy.--Of the first members chosen by the  
10           members of the fire department to the board of managers, one  
11           shall be chosen for a term of two years and one for a term of  
12           four years. Biennially after the initial choices, one fire  
13           department member shall be chosen for a term of four years to  
14           take the place of the one whose term expires. In case of vacancy  
15           among the managers chosen by the fire department, a successor  
16           shall be chosen for the unexpired term.

17           (g) Requirements.--Under regulations prescribed by the board  
18           of managers, the firefighters' pension fund shall be applied for  
19           the benefit of the members of the fire department who receive  
20           honorable discharge from the fire department by reason of  
21           service, age or disability, surviving spouses of retired members  
22           and the families of members who are killed or who die in the  
23           service. A pension to an individual who is retired by reason of  
24           disability, service or age must be in conformity with a uniform  
25           scale, together with service increments as provided under this  
26           subchapter. A benefit from the fund to the family of a member  
27           who was killed or who died in service shall take into  
28           consideration the member's surviving spouse and the member's  
29           minor children under 18 years of age, if any.

30           § 14320.1. Limited vested benefit for firefighters.

1 (a) Ordinance.--The ordinance establishing a firefighters'  
2 pension fund may provide for a limited vested benefit if the  
3 benefit would conform to section 305 of the act of December 18,  
4 1984 (P.L.1005, No.205), known as the Municipal Pension Plan  
5 Funding Standard and Recovery Act.

6 (b) Conditions.--Under a limited vested benefit, if a member  
7 of the firefighters' pension fund has not completed the minimum  
8 period of continuous service and the applicable minimum age  
9 requirement but has completed 12 years of full-time service and  
10 ceased to be employed as a full-time firefighter, the member  
11 shall be entitled to vest the member's retirement benefits  
12 subject to the following conditions:

13 (1) The member must file with the management board of  
14 the firefighters' pension fund a written notice of the  
15 member's intention to vest.

16 (2) The member must include in the notice the date the  
17 member intends to terminate service as a full-time  
18 firefighter.

19 (3) The termination date shall be at least 30 days later  
20 than the date of notice to vest.

21 (4) The member must be in good standing with the fire  
22 department on the date of notice to vest.

23 (5) The board shall indicate on the notice to vest the  
24 rate of the monthly pay of the member as of the date of the  
25 notice to vest or the highest average annual salary which the  
26 member received during any five years of service preceding  
27 the date, whichever is higher.

28 (c) Notification.--Upon reaching the date that would have  
29 been the member's retirement date had the member continued full-  
30 time employment with the fire department, the member shall

1 notify the board in writing that the member desires to collect  
2 the member's pension.

3 (d) Computation.--The amount of retirement benefits the  
4 member is entitled to receive under this section shall be  
5 computed as follows:

6 (1) The initial determination of the member's base  
7 retirement benefits shall be computed on the salary indicated  
8 on the notice to vest.

9 (2) The portion of the base retirement benefits due the  
10 member shall be determined by applying to the base amount the  
11 percentage that the member's years of service rendered bears  
12 to the years of service that would have been rendered had the  
13 member continued to be employed by the department until the  
14 member's minimum retirement date.

15 § 14321. Retirement and final discharge.

16 (a) Ordinance.--With regard to continuous service and  
17 minimum age requirements, the ordinance establishing or  
18 regulations governing the firefighters' pension fund shall  
19 prescribe as follows:

20 (1) A minimum period of continuous service of not less  
21 than 20 years.

22 (2) If a minimum age is prescribed, a minimum of 50  
23 years of age.

24 (b) Retired member.--If not unfit by reason of age,  
25 disability or otherwise, a retired member shall be subject to  
26 service as a firefighter reserve in a case of emergency under  
27 terms and conditions as may be established by council.

28 (c) Military service.--With the approval of council, a  
29 member of the firefighters' pension fund shall be entitled to  
30 have full credit for each year or fraction of a year, not to

1 exceed five years, of service upon:

2 (1) the member's payment to the firefighters' pension  
3 fund of an amount equal to that which the member would have  
4 paid had the member been a member during the period for which  
5 the member desires credit; and

6 (2) the member's payment to the fund of an additional  
7 amount as the equivalent of the contributions of the city  
8 plus the interest the city would have been required to pay on  
9 the contributions on account of the military service. To be  
10 eligible under this paragraph, the member must be a  
11 contributor who served in the armed forces of the United  
12 States after September 1, 1940, and was not a member of the  
13 firefighters' pension fund prior to the military service.

14 (d) Payments to surviving spouse.--Upon the death of a  
15 member who retires on pension or is killed in service on or  
16 after January 1, 1960, or who dies in the service on or after  
17 January 1, 1968, payments as provided under this subchapter  
18 shall be made to the member's surviving spouse during the life  
19 of the spouse.

20 § 14322. Pensions and service increments.

21 (a) Payments.--The following apply:

22 (1) Payments of pensions shall only be a charge on the  
23 firefighters' pension fund and shall not be a charge on any  
24 other fund under the control, or in the treasury, of the  
25 city.

26 (2) The basis of the pension of a member shall be  
27 determined by the monthly salary of the member at the date of  
28 vesting under section 14320.1 (relating to limited vested  
29 benefit for firefighters) or retirement, or the highest  
30 average annual salary which the member received during any

1 five years of service preceding retirement, whichever is  
2 higher, whether for disability, or by reason of age or  
3 service, and except as to service increments provided for in  
4 subsection (b), shall be one-half the annual salary of the  
5 member at the time of vesting under section 14320.1 or  
6 retirement computed at the monthly or average annual rate,  
7 whichever is higher.

8 (3) For payment of pensions to members for permanent  
9 injury incurred in service and to families of members killed  
10 or who die in service, the amount and commencement of the  
11 payment of pensions shall be fixed by regulations of the  
12 board of managers. These regulations shall not take into  
13 consideration the amount and duration of workers'  
14 compensation allowed by law. Payments to surviving spouses of  
15 members retired on pension or killed in service on or after  
16 January 1, 1960, or who die in service on or after January 1,  
17 1968, shall be the amount payable to the member or which  
18 would have been payable had the member been retired at the  
19 time of the member's death.

20 (a.1) Home rule and optional charter plans.--The provisions  
21 of subsection (a) (2) shall not apply to a city, whether  
22 operating under an optional charter adopted in accordance with  
23 the act of July 15, 1957 (P.L.901, No.399), known as the  
24 Optional Third Class City Charter Law or under a home rule  
25 charter adopted in accordance with 53 Pa.C.S. Pt. III Subpt. E  
26 (relating to home rule and optional plan government), which had  
27 pension plans in effect prior to June 19, 2002, that provided  
28 pensions in an amount greater than 50% of salary.

29 (b) Service increment.--In addition to the pension which is  
30 authorized to be paid from the firefighters' pension fund under

1 this chapter and notwithstanding the limitations placed upon the  
2 pensions and upon contributions under this chapter, every  
3 contributor entitled to the pension shall also be entitled to  
4 the payment of a service increment in accordance with and  
5 subject to the conditions imposed under this chapter.

6 (1) A service increment shall be the sum obtained by  
7 computing the number of whole years after having served the  
8 minimum required by this chapter during which a contributor  
9 has been employed by the city and paid out of the city  
10 treasury, including credit for military service as provided  
11 in section 14321 (relating to retirement and final  
12 discharge), and multiplying the number of years by an amount  
13 equal to 0.025% of the retirement allowance which has become  
14 payable to the contributor in accordance with the provisions  
15 of this chapter. In computing the service increment, no  
16 employment after the contributor has reached 65 years of age  
17 shall be included and no service increment shall be paid in  
18 excess of \$100 per month.

19 (2) After September 18, 1968, each contributor shall pay  
20 into the pension fund a monthly sum in addition to the  
21 contributor's pension contribution which shall not exceed the  
22 sum of \$1 per month, provided that the service increment  
23 contribution shall not be paid after a contributor has  
24 reached 65 years of age.

25 (3) Any individual who is a member of the department on  
26 September 18, 1968, and who has reached 65 years of age shall  
27 have the individual's service increment computed on the years  
28 of employment prior to the member reaching 65 years of age.

29 (4) Service increment contributions shall be paid at the  
30 same time and in the same manner as pensions and may be

1 withdrawn in full, without interest, by individuals who leave  
2 the employment of the city, subject to the same conditions by  
3 which retirement contributions may be withdrawn, or by  
4 individuals who retire before becoming entitled to any  
5 service increment.

6 (5) All members of the fire department who are now  
7 contributors to the pension fund and all those employed by  
8 the city after September 18, 1968, if required to become  
9 contributors to the pension fund, shall be subject to the  
10 provisions of this chapter.

11 (6) After June 19, 2002, a city may agree to make  
12 service increment payments in excess of \$100 per month as  
13 long as the payments do not exceed \$500 per month, and, in  
14 computing the service increments, no employment after the  
15 contributor has reached 65 years of age shall be included,  
16 provided that any agreement to provide an increase in service  
17 increment payments shall include a proportionate increase in  
18 the amount each contributor shall pay into the retirement  
19 fund under paragraph (2), not to exceed \$5 per month.

20 § 14322.1. Increase of allowances after retirement.

21 (a) Recommendation.--A city may, at any time, at its  
22 discretion and upon the recommendation of the persons having  
23 custody and management of the firefighters' pension fund,  
24 increase the allowances of individuals receiving allowances of  
25 any kind from the fund by reason of and after the termination of  
26 the services of any member of the fund.

27 (b) Uniform scale.--Increases made pursuant to this section  
28 shall be in conformity with a uniform scale, which may be based  
29 on the cost of living, but the total of the allowances shall  
30 not, at any time, exceed one-half of the current salary being

1 paid firefighters of the highest pay grade.

2 § 14323. Causes for forfeiture of rights in fund and other  
3 employments.

4 (a) Requirement.--Whenever an individual becomes entitled to  
5 receive a pension from the firefighters' pension fund and has  
6 been admitted to participate in the pension fund, the individual  
7 shall not be deprived of the individual's right to participation  
8 in the pension fund on the basis upon which the individual first  
9 became entitled to participation, unless otherwise required by  
10 the act of July 8, 1978 (P.L.752, No.140), known as the Public  
11 Employee Pension Forfeiture Act.

12 (b) Notice and hearing.--Any termination of a pension shall  
13 be only after due notice and hearing as prescribed by regulation  
14 of the managers of the fund.

15 § 14324. Payments to firefighters' pension fund by city.

16 Unless otherwise required by the act of December 18, 1984  
17 (P.L.1005, No.205), known as the Municipal Pension Plan Funding  
18 Standard and Recovery Act, or by any other provision of law,  
19 this section shall govern the payment of money raised by taxes  
20 levied by the city to the firefighters' pension fund. The  
21 following shall apply:

22 (1) A city shall pay to the firefighters' pension fund  
23 annually a sum of money not less than one-half of 1% nor more  
24 than 3% of all taxes levied by the city, other than taxes  
25 levied to pay interest on or extinguish the debt of the city.

26 (2) Council may exceed the limitations imposed by this  
27 section if an additional amount is deemed necessary to  
28 provide sufficient money for payments to surviving spouses of  
29 members retired on pension, killed or who die in service,  
30 provided that the city shall annually pay into the fund not

1 less than one-half of 1% of all taxes levied by the city,  
2 other than taxes levied to pay interest on or extinguish the  
3 debt of the city.

4 § 14325. Transfers from other pension funds.

5 (a) Transfers.--In any city where the members of the fire  
6 department are members of a pension fund not established solely  
7 for the purpose of pensioning members of the fire department, an  
8 amount equal to the money contributed to the other pension fund  
9 by members of the fire department who have not retired and a  
10 just and equitable proportion of the money contributed by the  
11 city to the other pension fund for the future retirement of  
12 members of the fire department shall be transferred from the  
13 other pension fund into the firefighters' pension fund required  
14 under this chapter. The transfers may be made by the transfer of  
15 securities. The amounts to be transferred shall be amicably  
16 adjusted by the managers of the firefighters' pension fund and  
17 the pension board having the charge of the other pension fund.  
18 In case of disagreement as to the amount to be transferred, the  
19 disagreement shall be resolved by council, whose action on the  
20 matter shall be final.

21 (b) Continuation.--Nothing under this section shall be  
22 construed to relieve any existing pension fund of its liability  
23 to continue the payment of pensions to retired members of the  
24 fire department in accordance with the laws and regulations  
25 under which the members were retired.

26 § 14326. Trusts for benefit of firefighters' pension fund.

27 A city may take, by gift, grant, devise or bequest, any money  
28 or property, real, personal or mixed, in trust for the benefit  
29 of the pension fund. The care, management, investment and  
30 disposal of the body of the trust shall be vested in the officer

1 or officers of the city as the city may designate. The care,  
2 management and disposal shall be directed by ordinance and the  
3 body of the trust shall be governed by the ordinance, subject to  
4 directions not inconsistent with the ordinance, as the settlor  
5 of the trust may prescribe.

6 § 14327. Repayment before retirement.

7 (a) Refund.--If a contributing member of the firefighters'  
8 pension fund ceases to be a member of the fire department before  
9 the member becomes entitled to a pension, the total amount of  
10 the contributions paid into the pension fund by the member shall  
11 be refunded in full without interest.

12 (b) Withdrawals.--If the fund returns to the member the  
13 amount contributed and afterward the individual again becomes a  
14 member of the fire department, the member shall not be entitled  
15 to the pension designated until 20 years after the member's  
16 reemployment, unless the member returns to the pension fund the  
17 amount withdrawn, in which event the period of 20 years shall be  
18 computed from the time the member first became a member of the  
19 fire department, excluding any period of time during which the  
20 member was not employed by the fire department.

21 (c) Death of a member.--In the event of the death of a  
22 member of the fire department, the total amount of contributions  
23 paid into the pension fund by the member shall be paid over to  
24 the member's estate if any of the following apply:

25 (1) the death did not occur in the line of duty;

26 (2) the death occurs before the member becomes entitled  
27 to a pension; and

28 (3) the member has no surviving spouse or family  
29 entitled to payments as provided in this subchapter.

30 § 14328. (Reserved).



1 "Board." A pension board created by a city under section  
2 14341(a) (relating to pension board and duties).

3 "Employed," "employed by the city" or "in the employment of  
4 any city." The terms include:

5 (1) Each individual in the service of cities creating a  
6 pension fund and a pension board in accordance with this  
7 subchapter, who are not, on June 28, 1951, otherwise  
8 protected by pensions authorized under this chapter.

9 (2) A volunteer firefighter who becomes a member of the  
10 pension fund.

11 "Employees." The term includes:

12 (1) Each individual in the service of cities creating a  
13 pension fund and a pension board in accordance with this  
14 subchapter, who are not, on June 28, 1951, otherwise  
15 protected by pensions authorized under this chapter.

16 (2) A volunteer firefighter who becomes a member of the  
17 pension fund.

18 (3) Officers and officials of the city, whether elected  
19 or appointed.

20 "Fund." A pension fund created by a city under section  
21 14340(a) (relating to pension for employees other than police or  
22 city-paid firefighters).

23 "Volunteer firefighter." A driver of firefighting apparatus  
24 or ambulances, regularly employed and paid by a volunteer fire  
25 company rendering services recognized and accepted by a city.

26 § 14340. Pension for employees other than police or city-paid  
27 firefighters.

28 (a) Nonmembers.--Cities may create a pension fund for  
29 employees who are not members of the police force or city-paid  
30 fire department and surviving spouses of retired members if

1 council so elects and the families of employees that are injured  
2 or killed in service in the manner, under the conditions and  
3 subject to the qualifications set forth in this subchapter.

4 (b) (Reserved).

5 § 14341. Pension board and duties.

6 (a) Members.--Any city which creates a pension fund in  
7 accordance with this subchapter shall establish a pension board  
8 consisting of the mayor, the city controller, the superintendent  
9 of finance, two employees to be chosen by the employees  
10 contributing to the pension fund and, if members of council  
11 participate in the pension fund and are members of the fund, a  
12 member of council chosen by council.

13 (b) Duties.--It shall be the duty of the board to register  
14 all individuals employed by the city, administer the collections  
15 and distribution of the pension fund and make reasonable rules  
16 as the board may deem necessary.

17 § 14342. Retirement age.

18 In a city which has created a pension fund and board in  
19 accordance with this subchapter, an employee 60 years of age or  
20 older who has been employed for a period of 20 years or more  
21 shall, upon application to the board, be retired from service  
22 and shall, subject to qualifications provided in this subchapter  
23 during the remainder of the employee's life, receive the pension  
24 or compensation fixed by this subchapter.

25 § 14343. Retirement allowance, proof of disability and joint  
26 and single coverage members defined.

27 (a) Entitlement.--

28 (1) During the lifetime of an individual employed by a  
29 city creating a fund and board in accordance with this  
30 subchapter shall be entitled to receive 50% of the amount

1 which would constitute the highest average annual salary or  
2 wages which the individual received during the last or any  
3 five years of the individual's employment by the city as a  
4 pension annually, which shall be paid in semi-monthly  
5 payments.

6 (2) Should an individual with 20 or more years of  
7 service be dismissed, voluntarily retired or be in any manner  
8 deprived of the individual's position or employment before  
9 attaining 60 years of age and upon continuing a monthly  
10 payment to the fund equal to the last amount due and paid  
11 monthly while in active service, the individual shall be  
12 entitled to the pension, notwithstanding that the individual  
13 has not attained 60 years of age at the time of the  
14 individual's separation from the service of the city, but the  
15 pension shall not commence until the individual has attained  
16 60 years of age.

17 (3) If any employee becomes totally and permanently  
18 disabled after 10 years of service and before attaining 60  
19 years of age, the individual shall be entitled to the  
20 pension. Proof of total and permanent disability shall  
21 consist of the sworn statement of three practicing  
22 physicians, designated by the board, that the employee is in  
23 a permanent condition of health which would permanently  
24 disable the individual from performing the duties of the  
25 individual's position or office.

26 (b) (Reserved).

27 (c) Reduction.--If a city has entered into an agreement with  
28 the Commonwealth to place certain employees under the Social  
29 Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), the  
30 pension to be paid joint coverage members according to the

1 provisions of this section payable after the age and upon that  
2 portion of annual compensation on which Social Security benefits  
3 are payable shall be reduced by an amount equal to 40% of the  
4 primary insurance amount of Social Security paid or payable to  
5 the member. The reduction shall be subject to the following  
6 provisions:

7       (1) Upon attainment of the age at which Social Security  
8 benefits are payable by a beneficiary receiving a pension or  
9 upon retirement of a contributor after attaining that age,  
10 the individual's eligibility to the benefits commonly  
11 referred to as the old age insurance benefit and the primary  
12 insurance amount of Social Security upon which the reduction  
13 in the pension shall be based, shall be computed by the board  
14 in the manner specified in the Social Security Act, except  
15 that in determining the eligibility and the amount, only  
16 wages or compensation for services performed in the employ of  
17 the city shall be included.

18       (2) The reduction shall not apply to a pension for total  
19 and permanent disability payable under this section.

20       (3) Whenever the amount of the reduction from the  
21 pension is determined, it shall remain fixed for the duration  
22 of the pension, except that any decrease in the primary  
23 insurance amount under the Social Security Act shall result  
24 in a corresponding decrease in the amount of the reduction  
25 from the pension.

26       (4) The total sum, including Social Security benefits,  
27 to be received upon retirement by an employee who is a member  
28 of the system at the time of the agreement shall not be less  
29 than the allowance that would be paid by the retirement  
30 system in the absence of the agreement.

1 (d) Surviving spouse payments.--If council elects, by  
2 ordinance, to make the payments, the surviving spouse of an  
3 employee who retired on pension or is killed in service on or  
4 after January 1, 1960, shall, during the surviving spouse's  
5 lifetime or so long as the surviving spouse does not remarry, be  
6 entitled to receive a pension calculated at the rate of 50% of  
7 the pension the member was receiving or would have been entitled  
8 to receive had the member been retired at the time of the  
9 member's death.

10 § 14343.1. Retirement allowances, full coverage and payments.

11 (a) Allowance.--If a city has entered into an agreement with  
12 the Commonwealth to place certain employees under the Social  
13 Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.), the board  
14 may authorize any joint coverage member of the retirement system  
15 to elect, according to the provisions of this section, to  
16 receive compensation without the reduction provided for in  
17 section 14343 (relating to retirement allowance, proof of  
18 disability and joint and single coverage members defined),  
19 provided the member shall make a lump-sum payment to the board  
20 or installment payments, as may be approved by the board, equal  
21 to the difference between the amount of the accumulated fund to  
22 the member's credit in the fund as of the last date for which  
23 salary or wages was paid and the amount which would have been to  
24 the member's credit in the fund if contributions had been made  
25 on that portion of the member's salary or wages on which Social  
26 Security allowances are payable at the same rate as made on that  
27 portion of the member's salary or wages in excess of that on  
28 which Social Security allowances are payable, from the time that  
29 the salary or wages became subject to Social Security coverage.  
30 Election shall be made in writing, in the form prescribed by the

1 board, and shall be accompanied by the lump-sum payment or an  
2 agreement as to installment payments.

3 (b) Election.--The board may authorize a member to make the  
4 election under subsection (a) at any time, and, if made prior to  
5 retirement, the member shall, in addition to any lump-sum or  
6 installment payments required, pay to the board contributions on  
7 the member's entire salary or wages received after the election  
8 at the rate provided in this subchapter for monthly salary or  
9 wages in excess of that on which Social Security allowances are  
10 payable.

11 § 14343.2. Limited vested benefit.

12 (a) Ordinance.--In accordance with this subchapter, an  
13 ordinance creating a fund may provide for a limited vested  
14 benefit if it would conform to section 305 of the act of  
15 December 18, 1984 (P.L.1005, No.205), known as the Municipal  
16 Pension Plan Funding Standard and Recovery Act.

17 (a.1) Vesting.--Under a limited vested benefit, if a member  
18 of the fund terminates employment before reaching the date which  
19 would have been the member's earliest retirement date had the  
20 member continued employment by meeting the minimum age and  
21 minimum period of continuous service requirements but after  
22 having completed 12 years of full-time service, the member shall  
23 be entitled to vest the member's retirement benefits subject to  
24 the following conditions:

25 (1) The member must file with the management board of  
26 the fund a written notice of the member's intention to vest.

27 (2) The member must include in the notice the date the  
28 member intends to terminate the member's service as an  
29 employee.

30 (3) The termination date shall be at least 30 days later

1 than the date of notice to vest.

2 (4) The member must be in good standing with the city on  
3 the date of notice to vest.

4 (5) The board shall indicate on the notice to vest the  
5 rate of monthly pay of the member as of the date of the  
6 notice to vest or the highest average annual salary which the  
7 member received during any five years of service preceding  
8 the date, whichever is higher.

9 (b) Collection.--Upon reaching the date which would have  
10 been the member's earliest retirement date had the member  
11 continued the member's employment with the city, the member  
12 shall notify the board, in writing, that the member desires to  
13 collect the member's pension. The amount of retirement benefits  
14 the member is entitled to receive under this section shall be  
15 computed as follows:

16 (1) The initial determination of the member's base  
17 retirement benefits shall be computed on the salary indicated  
18 on the notice to vest.

19 (2) The portion of the base retirement benefits due the  
20 member shall be determined by applying to the base amount the  
21 percentage that the member's years of service actually  
22 rendered bears to the years of service which would have been  
23 rendered had the member continued to be employed by the city  
24 until the member's earliest retirement date.

25 § 14344. Amount of payments into fund and repayment before  
26 retirement.

27 The employees of any city creating a fund and board in  
28 accordance with this subchapter shall pay monthly to the board  
29 an amount equal to 2% of their monthly salaries or wages, and,  
30 if council elects by ordinance to make payments, an additional

1 amount not to exceed 1% if deemed necessary by council to  
2 provide sufficient funds for payments to the surviving spouses  
3 of members who were retired on pension or killed in service,  
4 which shall be applied to the purposes of the fund. Payment of  
5 the monthly amount or contribution under this section shall  
6 cease and be discontinued at the time the beneficiary receives  
7 their pension. If, for any cause, an employee contributing to  
8 the fund ceases to be an employee of the city before the  
9 employee becomes entitled to a pension, the total amount of the  
10 contributions paid into the fund by the employee shall be  
11 refunded to the employee in full, without interest. If an  
12 employer returns to the employee the amount contributed and  
13 reenters the employ of the city, the employee shall not be  
14 entitled to the pension designated until 20 years after  
15 reemployment, unless the employee shall return to the fund the  
16 amount withdrawn, in which event that period of 20 years shall  
17 be computed from the time the employee first enters the service  
18 of the city. In the event of the death of an employee before the  
19 employee becomes entitled to the pension, the total amount of  
20 contributions paid into the fund by the employee shall be paid  
21 over to the estate of the deceased employee.

22 § 14344.1. Determination of liability upon extension of Social  
23 Security.

24 (a) Determination.--If a city has entered into an agreement  
25 with the Commonwealth to place its employees under the Social  
26 Security Act (49 Stat. 620, 42 U.S.C § 301 et seq.), the board  
27 shall appoint an actuary and may fix the employee's  
28 compensation. The actuary shall determine the present value of  
29 the liability on account of pensions payable under the  
30 provisions of section 14343 (relating to retirement allowance,

1 proof of disability and joint and single coverage members  
2 defined) to employees who are members of the system on the  
3 effective date of the agreement and shall offset the value of  
4 any assets in the fund to determine the unfunded liability. The  
5 city may make payments toward the unfunded liability until the  
6 accumulated reserve equals the present value of the liability.  
7 The actuary shall also determine the amount which shall be  
8 contributed annually into the fund on account of service of all  
9 new and original members subsequent to the effective date of the  
10 agreement.

11 (b) Contribution.--Employees shall pay into the board,  
12 monthly, an amount equal to 3.5% of that portion of monthly  
13 compensation on which Social Security allowances are payable and  
14 5% of any monthly compensation in excess of that on which Social  
15 Security allowances are payable. The remainder of the needed  
16 annual contribution for service subsequent to the date of the  
17 agreement, as determined by the actuary, shall become the  
18 obligation of the city and shall be paid by it to the board by  
19 annual appropriations. The provisions of this section shall, in  
20 all applicable cases, supersede the provisions relating to  
21 contributions in section 14344 (relating to amount of payments  
22 into fund and repayment before retirement) and section 14348  
23 (relating to appropriations and contributions to fund).

24 § 14345. Payments by laborers optional.

25 Any individual holding a position in a city as a laborer at a  
26 per diem wage shall not be compelled to pay or contribute toward  
27 the fund, but shall have the option of so doing and, in that  
28 event only, of becoming entitled to the pension provided for  
29 under this subchapter.

30 § 14346. Heads of departments to certify list of employees.

1 The head of every department and office employing individuals  
2 entitled to receive a pension shall certify to the board all  
3 employees so employed and the amount of salary or wages which is  
4 paid to employees, together with dismissals, resignations or  
5 terminations of service and, from office or department records,  
6 furnish other relevant information as the board requires. In the  
7 case of a volunteer fire company, "head of department or office"  
8 shall mean the president or secretary of the board of trustees  
9 of the volunteer fire company.

10 § 14347. Receipt, investment and payment of funds.

11 When deemed advisable, it shall be the duty of the board to  
12 receive, retain and invest the funds payable in accordance with  
13 the provisions of this subchapter and pay over, by warrant or  
14 check, the amount due to employees.

15 § 14348. Appropriations and contributions to fund.

16 Council may annually set aside, apportion and appropriate,  
17 out of all taxes and income of the city, to the board a sum  
18 sufficient to maintain the pensions or compensations due on  
19 account of the city contributions for all employees, except  
20 volunteer firefighters. The board of trustees of the volunteer  
21 fire company employing and paying members shall annually  
22 contribute to the board a sum equal to the same percentage of  
23 its participating payroll as the amount contributed by the city  
24 for the same year bears to its participating payroll for each  
25 volunteer firefighter member becoming a member of the fund.

26 § 14349. Application.

27 (a) Applicability.--The benefits provided for by this  
28 subchapter shall apply to all individuals employed in any  
29 capacity or holding positions in, or, in the case of a volunteer  
30 firefighter, rendering services recognized and accepted by, a

1 city creating a fund and board in accordance with provisions of  
2 this subchapter. This subchapter shall not apply to employees of  
3 departments, bureaus or offices which are otherwise protected by  
4 pensions authorized by this chapter.

5 (b) Membership.--Any volunteer firefighter may become a  
6 member of a fund as of the date of the volunteer firefighter's  
7 original employment or of the inception of the fund, whichever  
8 is later, upon the volunteer firefighter making back  
9 contributions and if the volunteer fire company or its board of  
10 trustees employing and paying the volunteer firefighter agrees  
11 to contribute and contributes to the fund the required sums.

12 § 14350. Computation of time of service.

13 The time of service of 20 years shall be computed from the  
14 time of the first or original employment, which shall consist of  
15 service to the city and need not be continuous.

16 § 14351. Funds payable to be free of attachment.

17 The compensation or pension shall not be subject to  
18 attachment or execution, shall be payable only to the  
19 beneficiary designated and shall not be subject to assignment or  
20 transfer.

21 § 14352. (Reserved).

22 § 14353. Beneficiaries of fund not to be employed by city.

23 No individual who becomes a beneficiary shall be employed by  
24 the the city in any capacity. Subject to the provisions of  
25 section 14361 (relating to right to a pension if salary  
26 refused), nothing in this section shall be construed to prohibit  
27 an individual who becomes a beneficiary from serving in an  
28 elective city office.

29 SUBCHAPTER D

30 BENEFICIARIES SERVING IN ELECTIVE OFFICE

1 Sec.

2 14361. Right to a pension if salary refused.

3 § 14361. Right to a pension if salary refused.

4 In a city governed by the provisions of this part, the act of  
5 July 15, 1957 (P.L.901, No.399), known as the Optional Third  
6 Class City Charter Law or 53 Pa.C.S. Pt. III Subpt. E (relating  
7 to home rule and optional plan government), a beneficiary  
8 serving in an elective city office shall not be prohibited from  
9 receiving a pension for any month in which the beneficiary does  
10 not accept a salary from serving in the elective office.

11 CHAPTER 144

12 CIVIL SERVICE

13 Sec.

14 14401. Examinations required of all appointees.

15 14402. Appointment of civil service board.

16 14402.1. Existing civil service positions.

17 14403. Civil service board and quorum.

18 14403.1. Alternate board members.

19 14403.2. Investigations and subpoenas.

20 14404. Rules, regulations and examinations.

21 14404.1. Physical and psychological medical examinations.

22 14405.1. Veterans' Preference.

23 14406. Selection of appointee from certified list of  
24 applicants.

25 14406.1. Promotions.

26 14407. Tenure and temporary appointments.

27 14408. Suspension, discharge and discipline, reduction of  
28 employees and appeals.

29 14409. Secretary and compensation.

30 14410. Review of eligibility lists.

1 § 14401. Examinations required of all appointees.

2 No individual may be appointed to any uniformed position in  
3 the police or fire departments, excluding chiefs, unless all of  
4 the following apply:

5 (1) The individual passed all examinations as provided  
6 for under this chapter.

7 (2) The individual was appointed in the manner and  
8 according to the terms, provisions and conditions of this  
9 chapter.

10 § 14402. Appointment of civil service board.

11 Cities shall establish a civil service board that shall  
12 provide for and oversee the examination of applicants for  
13 appointment and promotion to any position in the police or fire  
14 departments. Council shall appoint three city residents to the  
15 board who shall serve four-year terms or until their successors  
16 are appointed and qualified, except for the initial appointment  
17 of board members as provided for in section 14403 (relating to  
18 civil service board and quorum). Any individual who is a  
19 registered elector of the city may be appointed to the board. No  
20 city officer, official or employee shall be eligible for  
21 appointment to the civil service board.

22 § 14402.1. Existing civil service positions.

23 All nonuniformed employees in city positions that were  
24 subject to civil service regulation immediately prior to May 19,  
25 2014, shall continue to be subject to civil service regulation  
26 otherwise provided in this chapter for uniformed employees with  
27 regard to the nonuniformed positions.

28 § 14403. Civil service board and quorum.

29 (a) Terms.--In a city in which the civil service board is  
30 first established, terms of members of the board shall be

1 staggered. Council shall initially appoint to the board one  
2 individual to serve for two years, one individual to serve for  
3 three years and one individual to serve for four years.

4 (b) Vacancies.--Upon the expiration of the term of any  
5 member, a successor shall be appointed by council to serve on  
6 the civil service board for a term of four years. If any  
7 vacancies occur, they shall be filled by council for the  
8 unexpired term. Before entering upon the duties of office, each  
9 member shall take and subscribe to the oath of office prescribed  
10 by 53 Pa.C.S. § 1141 (relating to form of oaths of office) and  
11 file the oath, duly certified by the officer administering it,  
12 with the city administrator or, in cities without a city  
13 administrator, the city clerk.

14 (c) Compensation.--No salary or other compensation shall be  
15 paid to any member of the civil service board.

16 (d) Quorum.--Two members of the civil service board shall  
17 constitute a quorum necessary for the transaction of business of  
18 the board.

19 (e) Organization.--The civil service board shall organize  
20 for the purpose of transacting all business immediately after  
21 the first appointments and as new appointments to the board are  
22 made. After organizing, the board shall elect one of its members  
23 as chairperson and one member as secretary.

24 § 14403.1. Alternate board members.

25 Council may appoint not more than three qualified electors of  
26 the city to serve as alternate members of the civil service  
27 board. The term of office of the alternate members shall be four  
28 years. If, by reason of absence or disqualification of a member,  
29 a quorum is not reached, the chairperson shall designate as many  
30 alternate members of the board to sit on the board as may be

1 needed to provide a quorum. When seated pursuant to this  
2 section, an alternate shall be entitled to participate in all  
3 proceedings and discussions of the board to the extent as  
4 provided by law for board members, including the right to cast a  
5 vote as a voting member during the proceedings and shall have  
6 all the powers and duties set forth in this chapter and as  
7 otherwise provided by law. Any alternate member of the board  
8 shall continue to serve on the board in all proceedings  
9 involving the matter or case for which the alternate was  
10 initially designated until the board has made a final  
11 determination of the matter or case. Designation of an alternate  
12 pursuant to this section shall be made on a case-by-case basis  
13 in rotation according to declining seniority among all  
14 alternates. Alternates shall hold no other office in the city.  
15 Any alternate may participate in any proceeding or discussion of  
16 the board but shall not be entitled to vote as a member of the  
17 board unless designated as a voting alternate member pursuant to  
18 this section.

19 § 14403.2. Investigations and subpoenas.

20 (a) Investigations.--The civil service board shall have the  
21 power to conduct investigations concerning all matters relating  
22 to the administration and enforcement of its rules and  
23 regulations. The chairperson shall be authorized to administer  
24 oaths and affirmations for witnesses testifying in matters  
25 before the board.

26 (b) Subpoenas.--The civil service board shall have the power  
27 to issue subpoenas over the signature of the chairperson or  
28 designee and to require the attendance of witnesses and the  
29 production of records and papers pertaining to matters before  
30 the board, including any background investigation conducted

1 pursuant to any applicable rules and regulations.

2 § 14404. Rules, regulations and examinations.

3 (a) Duties.--The civil service board shall have the power  
4 and its duty shall be to prepare and adopt rules and  
5 regulations, subject to approval by council, which, in the  
6 board's discretion, secure and maintain the best service for the  
7 public for the selection, appointment and promotion of  
8 individuals who are qualified to perform the work which is the  
9 subject of the civil service examination as provided in this  
10 chapter and who are to be employed, appointed or promoted by the  
11 city. The rules and regulations adopted by the board shall  
12 provide for ascertaining and determining, so far as possible,  
13 the knowledge, skills, aptitude, mental and physical abilities,  
14 experience, education and character of all applicants as these  
15 criteria would reasonably apply to the respective positions. The  
16 rules and regulations shall also provide for examinations upon  
17 any and all subjects deemed proper or necessary by the board for  
18 the purpose of determining the qualifications of applicants for  
19 the respective positions sought and for which application is  
20 made.

21 (b) Subjects.--The civil service board shall, in accordance  
22 with this part, adopt rules and regulations concerning the  
23 following matters:

24 (1) minutes of proceedings;

25 (2) rules of procedure;

26 (3) records of examinations;

27 (4) annual report to council;

28 (5) notice of rules and regulations and any amendments  
29 or repeals to rules and regulations;

30 (6) application forms;

1           (7) further provisions concerning the duties of the  
2           chairperson and secretary;

3           (8) appointment of examiners; and

4           (9) other administrative matters.

5 § 14404.1. Physical and psychological medical examinations.

6           (a) Requirement.--The civil service board may require that  
7 an applicant conditionally appointed in accordance with section  
8 14406 (relating to selection of appointee from certified list of  
9 applicants) undergo a physical or psychological medical  
10 examination as a condition of permanent appointment. Physical  
11 medical examinations, if required, shall be under the direction  
12 of a physician or other qualified medical professional.

13 Psychological medical examinations, if required, shall be under  
14 the direction of a psychiatrist or psychologist.

15           (b) Professional opinion.--A physician, other qualified  
16 medical professional, psychiatrist or psychologist shall be  
17 appointed by council and shall render an opinion as to whether  
18 the conditional appointee has a physical or mental condition  
19 which calls into question the individual's ability to perform  
20 all the essential functions of the position for which the  
21 individual was conditionally appointed.

22           (c) Performance.--If the opinion rendered by the physician,  
23 other qualified medical professional, psychiatrist or  
24 psychologist calls into question the conditional appointee's  
25 ability to perform all essential functions of a position, the  
26 director of the department within which the position is to be  
27 filled shall meet with the conditional appointee for the purpose  
28 of having one or more interactive discussions on whether the  
29 conditional appointee can, with or without reasonable  
30 accommodation, perform all the essential functions of the

1 position.

2 (d) Determination.--If, at the conclusion of the interactive  
3 discussion under subsection (c), the director of the department  
4 determines that the conditional appointee is not qualified, the  
5 director shall give written notice to the conditional appointee  
6 and the civil service board.

7 (e) Authorization.--Nothing in this chapter shall be  
8 construed to authorize physical or psychological medical  
9 examinations prior to conditional appointment in accordance with  
10 section 14406.

11 (f) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection unless the context clearly indicates otherwise:

14 "Medical examination." Any examination, procedure, inquiry  
15 or test designed to obtain information about medical history or  
16 a physical or mental condition which might disqualify an  
17 applicant if it would prevent the applicant from performing,  
18 with or without reasonable accommodation, all of the essential  
19 functions of the position.

20 "Qualified medical professional." An individual, in  
21 collaboration with or under the supervision or direction of a  
22 physician, as may be required by law, who is licensed:

23 (1) as a physician assistant pursuant to the act of  
24 December 20, 1985 (P.L.457, No.112), known as the Medical  
25 Practice Act of 1985, or the act of October 5, 1978  
26 (P.L.1109, No.261), known as the Osteopathic Medical Practice  
27 Act; or

28 (2) as a certified registered nurse practitioner  
29 pursuant to the act of May 22, 1951 (P.L.317, No.69), known  
30 as The Professional Nursing Law.

1 § 14405.1. Veterans' preference.

2 In accordance with 51 Pa.C.S. Ch. 71 (relating to veterans'  
3 preference), the following shall apply to the appointment of a  
4 uniformed civil service position:

5 (1) A veteran who meets the qualifications for and  
6 conditions of the position under uniform eligibility rules,  
7 which include successful passage of an examination, shall  
8 receive an additional 10 points on the examination pursuant  
9 to 51 Pa.C.S. § 7103(a) (relating to additional points in  
10 grading civil service examinations).

11 (2) If, after the additional 10 points are granted, a  
12 veteran is on the list of three eligible applicants, the  
13 veteran shall receive a preference in hiring over nonveterans  
14 on that list.

15 (3) The preference provided by this section shall  
16 constitute the only preference with regard to a uniformed  
17 civil service position to which a veteran is entitled under  
18 this chapter.

19 § 14406. Selection of appointee from certified list of  
20 applicants.

21 The following shall apply to civil service selection,  
22 conditional appointments and appointments and shall be  
23 incorporated by reference in the rules and regulations of the  
24 civil service board:

25 (1) The civil service board shall make and keep, in  
26 numerical order, a list containing the names of all  
27 applicants for civil service positions in the city who pass  
28 the required examinations, including any required physical  
29 fitness or agility examinations that are job related and  
30 consistent with business necessity.

1       (2) Physical fitness and agility examinations shall be  
2 conducted on a pass-fail basis.

3       (3) Written and oral examinations used to establish an  
4 eligibility list shall offer the opportunity to achieve 100  
5 points.

6       (4) If both written and oral examination methods are  
7 used in conjunction with each other, the board, prior to  
8 initiating testing, shall establish what constitutes a  
9 passing score on each portion of the examination. If only a  
10 written examination method is used, the board shall establish  
11 the passing score before the examination is conducted.

12       (5) When more than one individual takes examinations for  
13 any position at the same time, the names of all those  
14 successfully passing the examination shall be entered on the  
15 eligibility list in the order of their respective point  
16 totals, the highest coming first.

17       (6) The board shall furnish to council a certified copy  
18 of all lists prepared and kept. Lists are public records and  
19 shall be maintained for a period of two years or until a new  
20 list is certified to council, whichever occurs first.

21       (7) Whenever council determines an initial appointment  
22 is to be made to a civil service position in the city, the  
23 director of the department in which the appointment is to be  
24 made shall make written application to the chairperson of the  
25 board, who shall certify to council, in writing, the three  
26 names on the eligibility list of applicants for the position  
27 having the highest number of points, unless there are less  
28 than three eligible names on the list, in which event the  
29 board shall certify the names. The director of the department  
30 in which the appointment is to be made shall nominate to

1 council an individual from the eligibility list submitted to  
2 fill the vacancy.

3 (8) If council approves the nomination, the individual  
4 nominated shall be conditionally appointed by council to fill  
5 the vacancy and shall be assigned for service in the  
6 department, subject to any required physical or psychological  
7 medical examinations that may be required by the board as a  
8 condition of permanent appointment in accordance with section  
9 14404.1 (relating to physical and psychological medical  
10 examinations).

11 (9) If council does not approve the nomination, or if  
12 the appointee is determined by the medical examination  
13 process to be unqualified, the director of the department in  
14 which the appointment is to be made shall submit another  
15 nomination for the position from the remaining names, if any.  
16 If the second nomination is not approved by council, or if  
17 the appointee is determined by the medical examination  
18 process to be unqualified, the director shall submit the  
19 third name, if any.

20 (10) The individual whose nomination by the director is  
21 approved by council shall be appointed to fill the civil  
22 service position under consideration.

23 (11) The name of the individual appointed shall be  
24 immediately stricken from the certified list of the board,  
25 and, except as otherwise provided in this subsection, the  
26 names of the nonappointed individuals shall immediately be  
27 restored to their proper place on the certified list. Names  
28 shall be stricken from the certified list if:

29 (i) the name of any applicant has been submitted to  
30 council and been rejected three times;

1           (ii) the conditional applicant has not been  
2           appointed three times; or  
3           (iii) the conditional applicant has been determined  
4           by the medical examination process to be unqualified.

5           (12) Examinations for promotions for civil service  
6           positions in the city shall be made pursuant to section  
7           14406.1 (relating to promotions).

8           (13) As used in this section, the term "medical  
9           examination" shall have the meaning given to it in section  
10          14404.1(f).

11 § 14406.1. Promotions.

12          (a) Certification.--Council shall notify the civil service  
13          board of a civil service vacancy in the city which is to be  
14          filled by promotion and shall request the certification of an  
15          eligibility list as provided in this chapter. For each vacancy,  
16          the board shall certify the names of three individuals on the  
17          eligibility list who have received the highest average in the  
18          last preceding promotional examination held within the period of  
19          two years preceding the date of the request for the eligibility  
20          list. If three names are not available, the board shall certify  
21          the names remaining on the list. Council shall make an  
22          appointment from the names certified based solely on the merits  
23          and fitness of the candidates unless council makes objections to  
24          the board regarding one or more of the individuals on the  
25          eligibility list. Council shall have power to determine whether  
26          an increase in salary shall constitute a promotion.

27          (b) Additional powers.--Notwithstanding subsection (a), the  
28          mayor or other elected or appointed official of a city that has  
29          adopted one of the following shall retain the power to promote a  
30          candidate pursuant to that law:

1       (1) An optional charter pursuant to the act of July 15,  
2       1957 (P.L.901, No.399), known as the Optional Third Class  
3       City Charter Law.

4       (2) An optional plan pursuant to 53 Pa.C.S. Chs. 30  
5       (relating to types of optional plans of government) and 31  
6       (relating to general provisions common to optional plans).

7       (3) Any other law authorizing or permitting the mayor or  
8       other elected or appointed official to promote a candidate.

9       (c) Exceptions.--The provisions of this section shall not  
10      apply to the mayor's designation or appointment of the chief of  
11      police pursuant to section 12002 (relating to designation of  
12      chief) or the mayor's designation or appointment of a fire chief  
13      pursuant to section 12101.1 (relating to appointment and  
14      demotion of fire chief).

15      § 14407. Tenure and temporary appointments.

16      (a) Standard.--All appointments made pursuant to the  
17      provisions of this chapter shall be for and during good  
18      behavior, and no employee hired pursuant to the provisions of  
19      this chapter shall be removed or transferred for any political  
20      reasons.

21      (b) Temporary appointments.--In case of riot or emergency,  
22      temporary appointments to positions in the civil service may be  
23      made without complying with the provisions of this chapter.

24      § 14408. Suspension, discharge and discipline, reduction of  
25              employees and appeals.

26      (a) Provisions.--

27              (1) All employees subject to civil service shall be  
28              subject to suspension, discharge and discipline by the  
29              director of the department in which the employee works for  
30              misconduct or violation of any law of the Commonwealth,

1 ordinance of the city or regulation of the department. If it  
2 should become necessary to reduce the number of employees in  
3 the department for economic purposes, the following apply:

4 (i) Seniority rights shall prevail.

5 (ii) Any and all removals for cause or causes shall  
6 be from the members last appointed.

7 (iii) The member or members serving the shortest  
8 time shall be removed first, however members with longer  
9 times of service may be discharged for cause.

10 (2) Any employee aggrieved by the suspension, discharge  
11 or discipline imposed by a department director more serious  
12 than a suspension of three days without pay may request a  
13 hearing before council or the civil service board, if  
14 designated by ordinance. At the hearing, the employee may be  
15 represented by counsel.

16 (a.1) Appeal.--Any civil service employee aggrieved by the  
17 decision of council or the civil service board shall have the  
18 right to appeal in accordance with 2 Pa.C.S. Ch. 7 Subch. B  
19 (relating to judicial review of local agency action). This  
20 review shall be exclusive. When no appeal is taken within the  
21 time prescribed by law, the decision by council or the civil  
22 service board shall become final in accordance with law. The  
23 issue before the court shall be whether the action of council or  
24 the civil service board shall be affirmed or modified in any  
25 respect, whether the charges should be dismissed or whether the  
26 suspension or demotion made by the director shall be affirmed or  
27 rescinded. If any employee has been suspended and the charges  
28 are dismissed or the suspension rescinded on appeal, the  
29 employee shall receive full compensation for the entire period  
30 of suspension.

1 (b) Challenge.--In any case in which a police officer or  
2 firefighter who is a member of a bargaining unit is subject to  
3 suspension, discharge or discipline, the police officer or  
4 firefighter shall have the option of challenging the suspension,  
5 discharge or discipline imposed by using the procedures provided  
6 in subsection (a)(2) or by a proceeding in grievance  
7 arbitration. A choice to proceed either by the procedures  
8 provided for in subsection (a)(2) or by grievance arbitration  
9 shall foreclose the opportunity to proceed in the alternative  
10 method.

11 § 14409. Secretary and compensation.

12 The civil service board shall appoint a secretary and  
13 prescribe the secretary's duties and shall have the power to  
14 change these duties. The secretary shall be subject to removal,  
15 at any time, by the board. Council shall establish the  
16 compensation to be paid to the secretary and all necessary  
17 supplies for the use of the board shall be supplied by the city.

18 § 14410. Review of eligibility lists.

19 The lists of eligible names kept by the civil service board  
20 shall be annually examined by the board for the purpose of  
21 deleting individuals from the list who are permanently  
22 unavailable for or disqualified for the position or positions  
23 involved, either by death, permanent removal from the area,  
24 written desire to be removed from the list or by other permanent  
25 cause in conformity with the board's rules and regulations  
26 adopted pursuant to section 14404 (relating to rules,  
27 regulations and examinations).

28 CHAPTER 144A

29 VETERANS' AFFAIRS

30 Subchapter

1 A. Support of Veterans' Organizations

2 B. Pennsylvania National Guard

3 C. Burials and Memorials

4 SUBCHAPTER A

5 SUPPORT OF VETERANS' ORGANIZATIONS

6 Sec.

7 144A00. Definitions.

8 144A01. Appropriations to veterans' organizations.

9 144A02. Rooms for meetings of veterans.

10 § 144A00. Definitions.

11 The following words and phrases when used in this subchapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Veterans' organization." An incorporated organization of  
15 veterans of the armed forces of the United States or an  
16 organization comprising veterans' parents or children.

17 § 144A01. Appropriations to veterans' organizations.

18 (a) Annual appropriation.--Council may make annual  
19 appropriations to veterans' organizations to aid in defraying  
20 the following expenses:

21 (1) Expenses relating to Memorial Day and Veterans Day.

22 (2) Other expenses, such as payment of rent of any  
23 building or rooms where the organization has its regular  
24 meetings.

25 (b) Requirements.--Payments shall be made to defray actual  
26 expenses only. Before any payment is made, the veterans'  
27 organization receiving the payment shall submit verified  
28 accounts of its expenditures.

29 § 144A02. Rooms for meetings of veterans.

30 Council may provide to a veterans' organization, upon

1 application of the organization, a facility in any public  
2 building of the city that is sufficient for periodic meetings of  
3 the organization.

4 SUBCHAPTER B

5 PENNSYLVANIA NATIONAL GUARD

6 Sec.

7 144A11. Support of Pennsylvania National Guard units.

8 144A12. Assistance of armories.

9 144A13. Eminent domain for National Guard purposes.

10 144A14. Land for armory purposes.

11 § 144A11. Support of Pennsylvania National Guard units.

12 (a) Annual appropriation.--Council may appropriate annually  
13 a sum for the support and maintenance, discipline and training  
14 of any troop, company or similar unit of the Pennsylvania  
15 National Guard. If the units are organized as a battalion,  
16 regiment or similar organization, the total amount due may be  
17 paid to the commanding officer of the battalion, regiment or  
18 similar organization.

19 (b) Condition.--Any money appropriated shall be paid by  
20 warrant drawn to the order of the commanding officer of the  
21 company, battalion, regiment or similar organization and  
22 conditioned upon certification by the Adjutant General of the  
23 Commonwealth to the city that the company has satisfactorily  
24 passed the annual inspection provided by law.

25 (c) Use of funds.--The money appropriated shall be used and  
26 expended solely and exclusively for the support, maintenance,  
27 discipline and training of the company, battalion, regiment or  
28 similar organization.

29 (d) Accounting required.--The commanding officer shall  
30 account, by proper vouchers to the city each year, for the

1 expenditure of the money appropriated. No appropriation shall be  
2 made for any subsequent year until the expenditure of the  
3 previous year is duly and satisfactorily accounted for. The  
4 accounts of the expenditures shall be subject to the inspection  
5 of the Department of Military and Veterans Affairs and shall be  
6 audited by the independent auditor in the manner provided by  
7 this chapter for the audit of accounts of city money.

8 § 144A12. Assistance of armories.

9 (a) Assistance.--Council may appropriate money or convey  
10 land, either independently or in conjunction with any other  
11 political subdivision, to the Commonwealth for the following  
12 purposes:

13 (1) To assist the State Armory Board in the erection of  
14 armories for the use of the Pennsylvania National Guard.

15 (2) To furnish water, sewer services, light or fuel free  
16 of cost to the Commonwealth for use in any armory of the  
17 Pennsylvania National Guard.

18 (b) Council authority.--Council may do all things necessary  
19 to accomplish the purpose of this section.

20 § 144A13. Eminent domain for National Guard purposes.

21 Council may take, by right of eminent domain for the purpose  
22 of appropriating to itself for the use of the Pennsylvania  
23 National Guard, public lands, easements and public property in  
24 its possession or control and used or held by it for any other  
25 purpose. However, the right of eminent domain shall not be  
26 exercised as to any street or wharf.

27 § 144A14. Land for armory purposes.

28 (a) General rule.--Council may acquire, by purchase, gift or  
29 the right of eminent domain, any land for the use of the  
30 Pennsylvania National Guard and may convey lands so acquired to

1 the Commonwealth in order to assist the State Armory Board in  
2 the erection of armories.

3 (b) Limitations.--The power conferred by this section shall  
4 not be exercised to take any church property, graveyard or  
5 cemetery.

6 (c) Lands outside city limits.--Lands within three miles  
7 outside the limits of the city may be acquired in accordance  
8 with this section for the use of the Pennsylvania National  
9 Guard. However, if the land outside the limits of the city is  
10 acquired by eminent domain, the taking shall be subject to the  
11 limitations in 26 Pa.C.S. § 206 (relating to extraterritorial  
12 takings).

13 SUBCHAPTER C

14 BURIALS AND MEMORIALS

15 Sec.

16 144A21. Purchase of burial grounds for deceased servicepersons.

17 144A22. Care of memorials.

18 144A23. Memorial trees.

19 144A24. Penalty for injury to memorial trees.

20 § 144A21. Purchase of burial grounds for deceased  
21 servicepersons.

22 Council may appropriate money for and purchase plots of  
23 ground in any cemetery or burial ground within its respective  
24 city limits for the interment of deceased servicepersons:

25 (1) who:

26 (i) die within the city; or

27 (ii) die beyond the city limits but have a legal  
28 residence within the city at the time of death; and

29 (2) whose bodies are entitled to be buried by the county  
30 under the provisions of existing law.

1 § 144A22. Care of memorials.

2 (a) Council authority.--Council may take charge of, care  
3 for, maintain and keep in good order and repair, at the expense  
4 of the city, any soldier's monument, gun or carriage or similar  
5 memorial, if the memorial:

6 (1) Is situate in the city.

7 (2) Is not in the charge or care of any individual, body  
8 or organization.

9 (3) Is not put up or placed by the Federal Government,  
10 the Commonwealth or the commissioners of the county or by the  
11 direction or authority of any other state.

12 (b) Donations.--Council may receive money from any  
13 individual or organization and may expend the money for the  
14 benefit of memorials.

15 § 144A23. Memorial trees.

16 Council may provide for or authorize provision for memorial  
17 trees for residents of the city who died while in the military  
18 service of the United States or in consequence of that service.  
19 Council may make appropriations or accept contributions for this  
20 purpose. Trees shall bear some permanent indication of their  
21 purpose.

22 § 144A24. Penalty for injury to memorial trees.

23 Any individual who willfully, maliciously or negligently  
24 destroys or injures any tree planted pursuant to section 144A23  
25 (relating to memorial trees) commits a misdemeanor of the third  
26 degree and shall, upon conviction, be sentenced to pay a fine of  
27 not more than \$500, or to imprisonment for not more than three  
28 months, or both.

29 CHAPTER 145A

30 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

1 Sec.

2 145A00. Definitions.

3 145A01. Authority to assess.

4 145A02. Method of assessment.

5 145A03. Notice of assessment.

6 145A04. Appeals to court.

7 145A05. Benefits and damages.

8 145A06. Return by city of assessments paid on property

9 unlawfully assessed.

10 145A07. Payment of assessments in installments.

11 145A08. Collection of assessments.

12 § 145A00. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Public improvement." The term includes, but is not limited  
17 to, the following:

18 (1) The building, paving, grading, rebuilding, repaving  
19 and regrading of streets, sidewalks, curbs and gutters.

20 (2) The creation, extension and renovation of water and  
21 sewerage collection, transmission, treatment and disposal  
22 systems.

23 (3) The creation, extension and renovation of storm,  
24 surface and subsurface drainage systems.

25 (4) The construction, reconstruction and repair of  
26 wharves and docks.

27 (5) The installation of pipes, wires and conduits  
28 relating to city-supplied utility services.

29 (6) The installation, maintenance or operation of  
30 lighting that services the streets and sidewalks within the

1 city.

2 (7) The planting, maintaining, trimming, transplanting,  
3 removal and protection of shade trees.

4 § 145A01. Authority to assess.

5 (a) Authority.--Unless otherwise provided for in this part,  
6 a city is authorized to assess all or any portion of the costs  
7 of a public improvement, including any related administrative  
8 fees, against any properties that are benefited by the public  
9 improvement.

10 (b) Payment of costs.--Unless otherwise provided in this  
11 chapter, in addition to the authority to assess the cost of  
12 public improvements against properties benefited, a city may pay  
13 for the cost of public improvements, in whole or in part, from  
14 the city general fund or, if authorized, from a special city  
15 fund dedicated to that purpose.

16 (c) Indebtedness.--If a city incurs indebtedness pursuant to  
17 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and  
18 borrowing) for the purposes of funding the cost and expense of  
19 making public improvements for which assessments are made in  
20 accordance with this chapter, payments made on the assessments  
21 must be applied to pay the debt service for the indebtedness  
22 incurred for funding the cost and expense of making the public  
23 improvements.

24 § 145A02. Method of assessment.

25 (a) Ordinance.--In any case in which council elects to  
26 exercise the power to make assessments for a given public  
27 improvement as authorized in section 145A01 (relating to  
28 authority to assess), council shall, by ordinance and in  
29 conformity with this chapter, establish the method and procedure  
30 pursuant to which assessments shall be made.

1 (b) Allocation of costs and expenses.--Council may, by  
2 ordinance, make the assessment by any means that results in  
3 fairly allocating all or a portion of the costs and expenses of  
4 the public improvement among all properties benefited by the  
5 improvement in reasonable proportion to the benefits conferred  
6 upon each property. The methods that may be used to make  
7 assessments in accordance with this subsection may include, but  
8 are not limited to:

9 (1) An equal assessment per front foot, lot, parcel,  
10 dwelling unit or square foot.

11 (2) An assessment made by viewers.

12 (c) Front foot method.--If the front foot method is used:

13 (1) The cost to be collected shall be divided by the  
14 total number of linear feet of street frontage of all  
15 properties benefited.

16 (2) The assessment against each property shall be that  
17 portion of the cost which is determined by multiplying the  
18 dividend under paragraph (1) by the number of linear feet for  
19 street frontage of that property.

20 (3) In the case of corner or irregularly shaped lots or  
21 where special conditions exist, council shall have the power  
22 and its duty shall be to provide for an equitable adjustment,  
23 as necessary, to prevent an unjust or excessive assessment.

24 (d) Assessment based on report of viewers.--In order to pay  
25 for all or a portion of the cost or expenses of a public  
26 improvement, council may determine to assess properties  
27 benefited based upon a report of viewers. Three disinterested  
28 persons shall be appointed by council as viewers. A majority of  
29 the viewers shall assess the cost against each property  
30 benefited in reasonable proportion to the benefits conferred

1 upon each property. The viewers, or a majority of them, shall:

2 (1) Make a report, in writing, which shall specify the  
3 amount assessed upon each property.

4 (2) Present the report directly to council or file it  
5 with the city clerk as council directs.

6 § 145A03. Notice of assessment.

7 (a) Personal notice.--After the amounts to be assessed  
8 against the properties to be benefited by the public improvement  
9 have been calculated pursuant to the method and procedures as  
10 prescribed by ordinance, the city shall give personal notice of  
11 the assessment to the owner of each property that is being  
12 assessed. The notice shall also state that the owner has 30 days  
13 from receipt of the notice to appeal the assessment.

14 (b) Assessment effective.--An assessment made pursuant to  
15 this chapter shall become effective 30 days after personal  
16 notice is given by any of the following means:

17 (1) Personal service on the owner.

18 (2) Certified mail, addressee only, return receipt  
19 requested, to the owner at the owner's last known address.

20 (3) Posting notice at or upon the property after  
21 reasonable attempts to give personal notice pursuant to  
22 paragraphs (1) and (2) have failed.

23 § 145A04. Appeals to court.

24 Within 30 days after receipt of the notice of assessment, an  
25 owner of property shall have the right to appeal the assessment  
26 to the court of common pleas in the county in which the assessed  
27 property is located. On appeal, unless the court finds fraud,  
28 mistake or illegality, the court shall be restricted to  
29 determining the following questions:

30 (1) Whether the property assessed received any special

1 benefits from the improvement.

2 (2) Whether the assessment made exceeds the special  
3 benefits received.

4 § 145A05. Benefits and damages.

5 In any proceeding in which damages to property are being  
6 sought as a result of a public improvement for which an  
7 assessment of benefits has been made, the excess of damages over  
8 benefits, or the excess of benefits over damages, or nothing in  
9 case the benefits and damages are equal, shall be awarded to or  
10 assessed against the owner of land and property affected by the  
11 public improvement.

12 § 145A06. Return by city of assessments paid on property  
13 unlawfully assessed.

14 The following shall apply with regard to the return of  
15 payments made on an unlawful assessment:

16 (1) If, after a timely appeal, a court makes a final  
17 determination that a property was unlawfully assessed or that  
18 the amount assessed exceeded, to a substantial amount, the  
19 benefits received by the property assessed from the public  
20 improvement, a city that received money in payment of the  
21 assessment shall repay the money in an amount as ordered by  
22 the court.

23 (2) Within two years of receiving payment of an  
24 assessment, the city may repay the money voluntarily if the  
25 city determines that the assessment was made erroneously.

26 (3) Repayments to property owners pursuant to paragraph  
27 (1) or (2) shall include interest from the date of payment of  
28 the unlawful or erroneous assessment at the rate of interest  
29 that is provided for in 53 Pa.C.S. § 8426 (relating to  
30 interest on overpayment).

1 § 145A07. Payment of assessments in installments.

2 (a) Authorization.--An ordinance providing for a public  
3 improvement, the expense of which is to be defrayed by an  
4 assessment against properties benefited by the public  
5 improvement, may authorize payment of the assessment in  
6 installments. The ordinance shall:

7 (1) Set a time when the installment payments shall  
8 commence.

9 (2) Specify the length of time over which the  
10 installments may be extended. The period during which  
11 installments may be paid shall not exceed the lesser of 10  
12 years or the number of years equal to the period of maturity  
13 of the bonds issued to fund the public improvement.

14 (3) Specify whether payments are to be made by equal  
15 annual or more frequent installments.

16 (b) Interest rate.--The ordinance shall set forth the rate  
17 of interest for the installments, which shall not be more than  
18 10% per year unless a bond is issued for the improvement, in  
19 which case the maximum interest rate on the installment payments  
20 shall be in accordance with section 9 of the Municipal Claim and  
21 Tax Lien Law.

22 (c) Written agreement.--The city shall enter into a written  
23 installment agreement with each property owner that will pay the  
24 assessment in installments, subject to the requirements of the  
25 ordinance pertaining to the agreements and this chapter.

26 (d) Installments not paid.--If any of the installments  
27 remain unpaid for 60 days after the installments have become due  
28 and payable:

29 (1) The entire unpaid assessment, plus unpaid accrued  
30 interest and any costs, shall be due and payable.

1           (2) The city may proceed to collect the installments by  
2           filing a lien in the same manner as municipal claims are  
3           filed under the Municipal Claim and Tax Lien Law or by  
4           instituting a civil action.

5           (e) Advance payments.--Any property owner upon whom an  
6           assessment has been made may pay all or as many of the  
7           installments before they are due, with interest and costs, on or  
8           before the due date of the next installment.

9           § 145A08. Collection of assessments.

10          (a) Authority.--Council shall have the power to authorize  
11          the city treasurer or other city official to collect  
12          assessments.

13          (b) Procedure.--The following shall apply to the collection  
14          of assessments:

15               (1) A city may collect an assessment that remains unpaid  
16               for 60 days after personal notice was given pursuant to  
17               section 145A03 (relating to notice of assessment) unless an  
18               installment agreement has been entered into pursuant to  
19               section 145A07 (relating to payment of assessments in  
20               installments).

21               (2) An assessment made under this chapter may be  
22               collected in the same manner as municipal claims under the  
23               Municipal Claim and Tax Lien Law or by instituting a civil  
24               action against the owner of the property benefited.

25               (3) Interest on an unpaid assessment shall begin to  
26               accrue from the time of completion of the improvement at a  
27               rate of 10% per year unless a bond is issued for the  
28               improvement, in which case the maximum interest rate shall be  
29               pursuant to section 9 of the Municipal Claim and Tax Lien  
30               Law.

1       (4) If a property owner has two or more lots against  
2 which there is an assessment for the same improvement, all of  
3 the lots may be embraced in one claim.

4       (5) Assessments, whether paid one time or by  
5 installments, shall be payable at the office of the city  
6 treasurer or any other place designated by ordinance.

7                                   CHAPTER 146

8                                   COLLECTION OF MUNICIPAL CLAIMS AND

9                                   COMPROMISE OF CLAIMS

10 Sec.

11 14601. Collection of municipal claims.

12 14602. Compromise of municipal claims.

13 § 14601. Collection of municipal claims.

14       (a) Civil action.--In addition to the remedies provided by  
15 this part or any other law for the filing of liens for the  
16 collection of municipal claims, including water rates, sewer  
17 rates and the removal of nuisances, a city may proceed for the  
18 recovery and collection of municipal claims by civil action as  
19 follows:

20           (1) The action shall be brought against the person who  
21 was the owner of the property at the time:

22                   (i) of the completion of the improvement; or

23                   (ii) the water or sewer rates or the cost of the  
24 removal of nuisances first became payable.

25       (2) A city may bring a civil action, notwithstanding the  
26 failure on the part of the city or its agents to enter the  
27 municipal claim as a lien against the property assessed for  
28 the improvement, for the furnishing of water or sewer  
29 services or for the removal of nuisances and for the recovery  
30 of which the action was brought.

1 (b) Limitation period.--The civil action shall be commenced  
2 either within six years after the completion of the improvement  
3 from which the claim arises or within six years after the water  
4 or sewer rates or the cost of abating a nuisance first became  
5 payable.

6 § 14602. Compromise of municipal claims.

7 (a) Agreement.--Council may agree with the owner of the real  
8 estate to accept a sum less than the whole of the amount of a  
9 municipal claim due, in compromise or reduction of the amount  
10 of the claim and the interest charges, expenses and fees added  
11 to and due on the claim, if:

12 (1) the city had entered the claim in the office of the  
13 prothonotary as a lien against real estate; and

14 (2) the claim has existed for 10 years or more.

15 (b) Satisfaction of lien.--Upon receipt of the compromise  
16 amount as agreed upon:

17 (1) The city shall cause the lien to be properly  
18 satisfied on the record, which shall be as effective as if  
19 the whole amount of the claim, interest, charges, expenses  
20 and fees had been paid.

21 (2) The claim shall no longer be a lien against the real  
22 estate or a claim against the owner of the real estate.

23 (c) Applicability.--The provisions of this section  
24 permitting compromise of municipal claims shall not apply to or  
25 in any manner affect any claims, the assessments for which:

26 (1) Are:

27 (i) the sole basis of improvement bonds issued by  
28 any political subdivision; and

29 (ii) the security for the payment of the bonds.

30 (2) Have been assigned by any political subdivision to

1 any contractor in payment of the amount due the contractor  
2 under terms of the contract for the improvement for which the  
3 assessments were levied.

4 CHAPTER 147

5 MISCELLANEOUS PROVISIONS

6 Sec.

7 14701. Intent.

8 14702. Construction.

9 § 14701. Intent.

10 It is intended that this part furnish a complete and  
11 exclusive system for the government and regulation of cities,  
12 except as provided for in section 10103 (relating to excluded  
13 provisions).

14 § 14702. Construction.

15 Nothing contained in this part shall be construed to repeal:

16 (1) The provisions of the act of May 23, 1945 (P.L.903,  
17 No.362), entitled "An act authorizing cities of the third  
18 class to establish an optional retirement system for officers  
19 and employes independently of any pension system or systems  
20 existing in such cities."

21 (2) The act of February 14, 2008 (P.L.6, No.3), known as  
22 the Right-to-Know Law.

23 (3) The provisions of 45 Pa.C.S. (relating to legal  
24 notices).

25 (4) The provisions of 65 Pa.C.S. (relating to public  
26 officers).

27 (5) The provisions of 66 Pa.C.S. Pt. I (relating to  
28 Public Utility Code).

29 (6) The provisions of 74 Pa.C.S. Ch. 59 Subch. B  
30 (relating to airport zoning).



1       revoked, vacated or modified under 11 Pa.C.S. Pt. V.  
2       Contracts, obligations and collective bargaining agreements  
3       entered into under The Third Class City Code are not affected  
4       nor impaired by the repeal of The Third Class City Code.

5           (2) Except as set forth in paragraph (3), any difference  
6       in language between 11 Pa.C.S. Pt. V and The Third Class City  
7       Code is intended only to conform to the style of the  
8       Pennsylvania Consolidated Statutes and is not intended to  
9       change or affect the legislative intent, judicial  
10       construction or administration and implementation of The  
11       Third Class City Code.

12           (3) Paragraph (2) does not apply to the addition of the  
13       following provisions:

- 14           (i) 11 Pa.C.S. § 11018.11(e).
- 15           (ii) 11 Pa.C.S. § 11401(6).
- 16           (iii) 11 Pa.C.S. § 11402(b)(2).
- 17           (iv) 11 Pa.C.S. § 11813(b).
- 18           (v) 11 Pa.C.S. § 12448.
- 19           (vi) 11 Pa.C.S. § 14406(11)(ii).
- 20           (vii) 11 Pa.C.S. § 144A11(d).

21       Section 4. This act shall take effect in 60 days.