

CITY CLASSIFICATION LAW

Act of Jun. 25, 1895, P.L. 275, No. 188

Cl. 11

AN ACT

Dividing the cities of this State into three classes with respect to their population, and designating the mode of ascertaining and changing the classification thereof in accordance therewith.

Section 1. Be it enacted, &c., That for the purpose of legislation regulating their municipal affairs, the exercise of certain corporate powers, and having respect to the number, character, powers, and duties of certain officers thereof, the cities now in existence and those hereafter created in this Commonwealth shall be divided into four classes:

Those containing a population of one million or over shall constitute the first class.

Those containing a population of two hundred and fifty thousand and under one million shall constitute the second class.

Those containing a population of eighty thousand and under two hundred and fifty thousand and which by ordinance elect to be a city of the second class A shall constitute the second class A.

Those containing a population under two hundred and fifty thousand and which have not elected to become a city of the second class A shall constitute the third class.

(1 amended Dec. 4, 1992, P.L.789, No.126)

Section 2. Ascertainment; change; charter commission; election of new officers; terms of old officers; law governing cities of second class A

The classification of said cities respectively, shall be ascertained and fixed by reference to the last two preceding United States decennial censuses, and whenever it shall appear by both of such censuses, that any city of the first, second or second A class has decreased in population below the minimum population figures prescribed for its current classification, or that any city of the second, second A or third class has increased above the maximum population figure prescribed for its current classification, it shall be the duty of the Governor, under the great seal of the Commonwealth, to certify the fact accordingly, which certificate shall be entered at large upon the minutes of the councils of such city and recorded in the office for recording the deeds of the proper county. No change in classification or in the existing form of government shall become effective until ten years after the certification of the fact of decrease or increase of population by the Governor: Provided, That the court of quarter sessions of the county in which the city is located shall appoint a charter commission to study and make recommendations on the adoption of a form of city government under section 3, 4, 5, 6 and 7 of this act, and a form of government is adopted within the above ten year period. If a form of government is not adopted within the ten year period, the city shall automatically become classified according to the provisions of section 1 of this act and be subject to the provisions therein.

It is the intent of the preceding paragraph that the classification of any city of the first, second, second class A and third class shall not be changed because its population has changed at the time of one United States decennial census, because it is recognized that a change in the form of municipal government is attended by certain expense and hardship and such change should not be occasioned by a temporary fluctuation in

population but rather only after it is demonstrated by two censuses that the population of a city has remained below the minimum figure or above the maximum figure of its class for at least a decade.

At the municipal election occurring not less than one month after the date of such certificate the proper officers shall be elected to which the said city will become entitled under the change in classification, and upon the first Monday of April next ensuing the terms of all officers of said city then in office whose offices are superseded by reason thereof shall cease and determine, and the city government shall be duly organized and shall thereafter be controlled and regulated by the laws of this Commonwealth applicable to the same under the classification hereby fixed and appointed.

Until otherwise provided by law, cities of the second class A shall continue to be governed, and shall have all the powers, privileges and prerogatives now provided by the laws of the Commonwealth relating to cities of the second class.

(2 amended Mar. 16, 1965, P.L.3, No.3)

Section 3. Whenever the population of any city of the second class A has regressed to a figure below the minimum fixed for that classification, the court of common pleas of the county in which the city is located shall, upon petition of fifteen per cent of the registered voters of the city or upon petition of the city council, appoint a charter commission to study and make recommendations on the adoption of a form of city government. Any city operating under a home rule charter or optional plan of government pursuant to the act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," shall retain its form of government as adopted until amended or repealed in accordance with the terms of the "Home Rule Charter and Optional Plans Law," regardless of any change in classification under this act.

(3 amended Dec. 4, 1992, P.L.789, No.126)

Section 4. Commission members

The charter commission so appointed shall consist of not less than nine nor more than fifteen members who shall be qualified electors of the city. In every case at least three members of the charter commission shall be appointed from among the members of city council. 1895, June 25, P.L. 275, Sec. 4, added 1961, July 14, P.L. 649, Sec. 3.

Section 5. Commission organization, operation, powers, duties, compensation, expenses, recommendations

The charter commission shall organize and function in accordance with the provisions of the Optional Third Class City Charter Law and, in so far as the same are applicable, shall exercise the same powers and perform the same duties as are conferred or imposed upon charter commissions elected under the provisions of the Optional Third Class City Charter Law.

Members of the charter commission shall serve without compensation but shall be reimbursed by the city for their necessary expenses incurred in the performance of their duties. The city council shall appropriate reasonable sums of money necessary for such purpose and for the work of the charter commission as provided in the Optional Third Class City Charter Law.

The charter commission shall report its recommendations at the time and in the manner provided in the Optional Third Class City Charter Law. In its report, the charter commission shall recommend retention of the existing classification or adoption of the commission form of government or adoption of one of the optional forms of city government provided in the Optional Third

Class City Charter Law. 1895, June 25, P.L. 275, Sec. 5, added 1961, July 14, P.L. 649, Sec. 3.

Section 6. Question submitted to electors

Within five days after the charter commission reports its recommendations, the city council shall certify a copy of the commission's report to the county board of elections which shall cause the question to be placed upon the ballot or voting machines at such time as the commission shall in its report specify. The question shall be submitted to the electors in the manner and at the time provided in the Optional Third Class City Charter Law and shall be framed by city council. 1895, June 25, P.L. 275, Sec. 6, added 1961, July 14, P.L. 649, Sec. 3.

Section 7. Vote return; third class city; transition; retaining classification; another election

The county board of elections shall make return of the vote cast on the question as provided by law. If at such election the electors have voted against retaining the existing classification or have voted in favor of adopting the commission form of government or have voted in favor of adopting one of the optional forms of government provided in the Optional Third Class City Charter Law, the city shall become a city of the third class and shall be governed under the appropriate provisions of the third class city code or the optional Third Class City Charter Law. The transition to a new form of governmental shall take effect as provided in the Optional Third Class City Charter Law or in the third class city code, as the case may be.

Whenever by the return of any such election it shall appear that a majority favor retention of existing classification or there is a majority against the different form of city government recommended by the charter commission, the city shall retain its existing classification, and it shall be unlawful to hold another election on the question in such city within a period of five years. 1895, June 25, P.L. 275, Sec. 7, added 1961, July 14, P.L. 649, Sec. 3.