

FIRST CLASS CITY HOME RULE ACT
Act of Apr. 21, 1949, P.L. 665, No. 155
AN ACT

Cl. 11

To carry into effect section one of article fifteen of the Constitution, giving cities of the first class the right and power to frame, adopt and amend their own charters and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts and the Secretary of the Commonwealth; and providing for the payment of certain expenses by such cities; and imposing penalties.

Compiler's Note: Section 2(b) of Act 184 of 2004 provided that Act 155 is repealed insofar as it is inconsistent with Act 184.

Compiler's Note: Section 8 of Act 21 of 1999 provided that Act 155 is repealed insofar as it is inconsistent with Act 21.

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

ARTICLE I.
Adoption and Amendment of City Charters.

Section 1. Cities Empowered to Adopt and Amend Charters.--Any city of the first class may frame and adopt a charter for its own government and may amend its charter whether the same has been originally adopted under the provisions of this act or provided by local, special or general law.

Section 2. Initiation of Proceedings through Charter Commission.--

(a) The city council of any city of the first class by a two-thirds vote of its elected members may, or upon petition presented to the city council and if filed as hereinafter provided in the form prescribed by the city council signed by not less than twenty thousand registered electors of the city shall, without undue delay, provide, by ordinance, for the appointment of a commission to frame a new charter of the city and for giving public notice of the passage of said ordinance. Each elector signing such petition shall add to his signature his occupation and residence and the date of signing. Signatures to the said petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person not necessarily a signer and not necessarily the same person as on other sheets, that to the best of affiant's knowledge and belief, the signers are registered electors of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

(b) The clerk of the city council of the city shall file with the mayor of the city and with the Secretary of the Commonwealth a copy of such ordinance, certified by him, within the five days next following its final passage, and shall also cause the public notice to be given as provided in the said ordinance.

Section 3. Appointment of Members of Commission.--Within thirty days after the final passage of the said ordinance, the president of the city council and the mayor of the city shall appoint a commission to frame a new charter consisting of fifteen registered electors of the city, nine of whom shall be appointed by the president of the city council and six of whom shall be appointed by the mayor: Provided, however, That not more than six of the members appointed by the president of the city council of the city and not more than four of the members appointed by the mayor of the city shall be enrolled members of the same political party.

Section 4. Vacancies.--Any vacancy in the membership of the commission caused by death, resignation, removal from the city or otherwise shall be filled by the remaining members of the commission by appointing as a member of the commission a registered elector of the city enrolled in the same political party as the member whom such appointee shall succeed.

Section 5. Organization of Commission; Framing of Proposed New Charter.--The mayor of the city shall call a meeting of the members of the charter commission so appointed within thirty

days after their appointment, to be held at a time and place fixed by him in his call, and at such meeting the commission shall organize by selecting from their number a chairman and a secretary, adopt rules to govern its proceedings and proceed to frame a new charter for the government of such city. All meetings of the commission shall be open to the public, except when the commission may desire an executive session. All actions of the commission shall be by a majority vote of all members.

Section 6. Amendments to Charter.--Amendments to the charter for the government of any city may be proposed by a resolution of the city council adopted with the concurrence of two-thirds of its elected members. Amendments to a charter adopted under the provisions of this act may also be proposed by a petition presented to the city council of the city. Such petition shall be in the form prescribed by the city council and shall be signed by not less than twenty thousand registered electors of the city and shall set forth the text of the proposed amendments and may designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments which may be made by the city solicitor or head of the department of law of the city, as provided in section seven of this act. Each elector signing such petition shall add to his signature his occupation and residence and the date of signing. Signatures to the said petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer and not necessarily the same person as on other sheets, that to the best of affiant's knowledge and belief, the signers are registered electors of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given. Upon the filing of such petition, as hereinafter provided, the presiding officer of the city council shall, without undue delay, submit for the consideration of the city council the question as to whether the amendments proposed thereby shall be submitted to the qualified electors of the city for their approval or disapproval. If the city council, by a resolution adopted with the concurrence of a majority of its elected members, shall so determine, such proposed amendments shall be submitted to the qualified electors of the city for their approval or disapproval; otherwise, the petition shall be deemed denied. Upon the adoption of a resolution either proposing amendments or to submit to the qualified electors of the city amendments proposed by a petition signed by registered electors, the city council shall forthwith provide, by ordinance, for the submission of the proposed amendments to the qualified electors of the city for their approval or disapproval, at a special election, on the day fixed and designated in the ordinance, in accordance with the provisions of section ten of this act.

Section 7. Examination of Petitions; Filing; Rejection.--When any petition is presented to the city council of the city under or pursuant to the provisions of subsection (a) of section two or of section six of this act, it shall be the duty of the clerk of the city council, with the assistance and advice of the city solicitor or head of the department of law of the city, to examine such petition. No such petition shall be permitted to be filed if (a) it contains material errors or defects apparent on the face thereof or on the face of the appended or accompanying affidavits, or (b) it contains material errors made after signing without the consent of the signers, or (c) it does not contain a sufficient number of

genuine signatures, as required by this act: Provided, however, That although not hereby required so to do, the clerk of the city council may question the genuineness of any signature or signatures appearing thereon and if he shall thereupon find that any such signature or signatures are not genuine, such signature or signatures shall be disregarded by him in determining whether the petition contains a sufficient number of signatures, as required by this act, or (d) in the case of amendments proposed in the petition, if such proposed amendments, as set forth in the petition, are not in accordance with the provisions of the Constitution of the United States or of the Constitution or laws of the Commonwealth of Pennsylvania, or of this act, or are not stated in such form or language as may be intelligently or properly submitted to the electors for approval or disapproval: Provided, however, That the city solicitor or head of the department of law of the city shall have authority to and may alter or change the form or language of, or restate the text of, the proposed amendments, by and with the approval of such signers of the petition who may have been authorized therein to approve any such alteration, change or restatement: And provided further, That if the form or language of such proposed amendments are thus altered or changed, or if the proposed amendments are thus restated, the defect arising because of the original form or language in which the proposed amendments were stated shall be deemed corrected. The invalidity of any sheet of a petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet. The action of the clerk of the city council in rejecting and refusing to file any petition may be reviewed by the court of common pleas of the proper county, upon an application for a writ of mandamus to compel its reception, as of the tenth day next following the day it was presented to the city council. Unless such application for a writ of mandamus shall be made and filed in the said court of common pleas within ten days after the refusal of the clerk of city council to file the petition, the courts shall be without jurisdiction to entertain or consider any application for a writ of mandamus or any other proceeding to compel the filing of the petition: Provided, however, That the clerk of the city council shall be entitled to a reasonable time in which to examine any such petition and to summon and interrogate the persons presenting the petition or any of the signers thereof or any of the affiants to any of the appended or accompanying affidavits, and his retention of such petition for the purpose of making such examination or interrogation shall not be construed as the filing thereof.

Section 8. Objections to Petitions.--Any petition presented to the city council of the city under or pursuant to the provisions of subsection (a) of section two or of section six of this act, and if filed as hereinbefore provided, shall be deemed to be valid unless, within seven days after the filing of such petition, a petition is presented to the court of common pleas of the proper county by not less than one hundred registered electors of the city, specifically setting forth the objections thereto and praying that the said petition be set aside. A copy of said petition presented to the court of common pleas shall, within said period, be served on the clerk of the city council of the city. Upon the presentation of such a petition, the court shall make an order fixing the time for hearing, which shall not be later than ten days after the presentation of the petition to the court, and specifying the time and manner of notice, by public advertising or otherwise,

that shall be given of such hearing. On the day fixed for said hearing, the court shall proceed, without delay, to hear said objections and shall give such hearing precedence over any other business before it and shall finally determine said matter not later than fifteen days after the last day for presentation of such petition to the court. If the court shall find that such petition is defective under the provisions of section seven of this act, or does not contain a sufficient number of genuine signatures of registered electors entitled to sign the same under the provisions of this act, it shall be set aside. If the objections relate to material errors or defects apparent on the face of the petition or on the face of the accompanying or appended affidavits, the court after hearing may, in its discretion, permit amendments, within such time and upon such terms as to payment of costs as the said court may specify. In case any such petition is dismissed, the court shall make such order as to the payment of the costs of the proceeding, including witness fees, as it shall deem just.

Section 9. Filing and Distribution of Proposed Charters or Amendments; Framing of Ballot Question.--The new charter proposed by the commission or the proposed amendments which the city council of the city shall have provided, by ordinance, for submission to the qualified electors of the city for their approval or disapproval, as provided in section six of this act, shall be filed with the city council, which shall thereupon cause said proposal or proposals, together with the form of the question or questions hereinafter provided for, to be printed in pamphlet form in sufficient number for general distribution. The said pamphlets shall be made ready for distribution at least twenty-eight days before the election at which the proposals aforesaid are to be voted upon by the electors and the said proposals, together with the said ballot questions, shall also be published not less than once or more than three times, as city council shall determine, in three newspapers of general circulation in the city. Such publications shall appear during the three weeks immediately preceding the election at which the vote is to be taken upon said proposals. Each ballot question shall be framed in brief form of not more than seventy-five words by the commission proposing the new charter, or by the city council of the city, in the case of amendments. The said questions shall be stated in the report of the commission or in the ordinance of the city council. Whenever a proposed new charter or amendments shall propose any change in the manner of selection of elected city officers, such proposal and the necessary ballot question shall be stated separately from the remainder of the proposed new charter in the report or ordinance, as the case may be, and in the publications herein required. The commission may require that its proposed charter be submitted in two or more parts, so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, and may also submit alternative charters or alternative provisions to supersede designated portions of the proposed charter, if adopted. In such case, the commission shall prescribe the form of questions in such a manner as will clearly indicate the effect of the approval of such questions. All amendments to the charter shall be separately submitted. The clerk of the city council shall, within five days after the filing of a new charter proposed by a charter commission or within five days after final enactment of an ordinance by the city council, as aforesaid, providing for submission of amendments to its charter, certify an exact copy of the text of such new charter

or amendments, together with the necessary ballot questions, to the county board of elections of the county wherein such city is situate. The county board of elections shall cause the said ballot questions to be properly printed on the ballots or ballot labels.

(9 amended Mar. 19, 1951, P.L.51, No.8)

Section 10. Submission of Charter or Amendments to Vote.--The proposed new charter or amendments shall be submitted to the electors for approval or disapproval by the use of the ballot questions, framed as aforesaid, at a special election occurring more than forty-five days after the proposed new charter is filed with the city council of the city or the final enactment of an ordinance by the city council providing for the submission of amendments, as aforesaid. In the case of a proposed new charter, such special election shall be held on such day as shall be fixed and designated by the charter commission, which day may be the day for holding any primary or regular November election or a day other than a day for holding any election in the city. In the case of proposed amendments to a charter, such special election shall be held on the day of any primary or regular November election as shall be fixed and designated by the city council in the ordinance enacted under the provisions of section six of this act. Whenever a proposed new charter or amendments to the charter shall propose any change in the manner of selection of elected city officers, such proposal shall be submitted by a separate ballot question.

Section 11. Effect of Adoption of New Charter or Amendments on Existing Laws.--Any new charter or amendments to the charter of a city thus proposed, which are approved by a majority of the qualified electors voting thereon, shall become the organic law of the city at such time as may be fixed therein and all courts shall take judicial notice thereof. So far as the same are consistent with the grant of powers and the limitations, restrictions and regulations hereinafter prescribed, they shall supersede any existing charter and all acts or parts of acts, local, special, or general, affecting the organization, government and powers of such city, to the extent that they are inconsistent or in conflict therewith. All existing acts or parts of acts and ordinances affecting the organization, government and powers of the city, not inconsistent or in conflict with the organic law so adopted, shall remain in full force. No contract existing at the time of the adoption or amendment of a charter by a city under the provisions of this act shall be affected thereby, but such contract shall have the same force and effect and be of the same validity as if such charter had not been adopted or amended.

Section 12. Recording and Filing of New Charter or Amendments; Printing in Pamphlet Laws.--The clerk of the city council of the city shall forthwith cause the said new charter or amendments, as approved by the qualified electors, to be recorded in the ordinance book of the city.

(12 repealed in part July 9, 1976, P.L.877, No.160)

Section 13. Conduct of Elections; Returns.--All elections provided for in this act shall be conducted by the election officers for such city in accordance with the Pennsylvania Election Code. The election officers shall count the votes cast and make return thereof to the county board of elections. The result of any such election shall be computed by the county board of elections in the same manner as is provided by law for the computation of similar returns at any such election. Certificates of the result of any such election shall be filed

by the county board of elections with the city council of the city and with the Secretary of the Commonwealth.

Section 14. Notice of Elections.--At least thirty days' notice of each election herein provided for shall be given by proclamation of the mayor of the city. A copy of such proclamation shall be posted at each polling place of the city on the day of the election and shall be published in at least two newspapers of general circulation in the city once a week for three consecutive weeks during the period of thirty days prior to the election, which publications may be included in the publications required to be made under the provisions of section nine of this act.

Section 15. Compensation to Members of Commission and Expenses Paid by City.--Such compensation to the members of the commission for their services as the city council of the city shall, by ordinance, deem proper, the expenses of the charter commission, and the cost of publishing, distributing and advertising the proposal or proposals of the commission or of the city council of the city or of electors and the proclamations as required by section fourteen of this act, and all other expenses of the charter commission and of the city council incurred in connection with any proceedings hereinbefore provided for, when not otherwise provided for by law, shall be paid from the city treasury and the city council of the city shall provide therefor.

Section 16. Limitations on Presenting Petitions For and the Adoption of Charters and Amendments.--No proposal of a new charter or amendments of similar substance, purpose and intent shall be submitted to the qualified electors oftener than once in every five years: Provided, however, That no petition by registered electors of the city, either for the appointment of a charter commission or proposing amendments to a charter, as provided in subsection (a) of section two and section six of this act, shall be presented to the city council of the city if the city council shall at such time already have provided, by ordinance, for the appointment of a charter commission, or if a petition by registered electors for the appointment of a charter commission shall then already have been presented to the city council, until the expiration of four years and six months next following the submission to the qualified electors of the city for their approval or disapproval of the charter proposed by the charter commission, unless, in the case of a petition by registered electors already presented, such petition shall have been then rejected or set aside under the provisions of section seven or section eight of this act: And provided further, That no petition by registered electors for the appointment of a charter commission shall be presented to the city council until the expiration of three months next following the effective date of this act.

ARTICLE II.

General Grant of Powers; Limitations.

Section 17. General Grant of Power and Authority.--Subject to the limitations hereinafter prescribed, the city taking advantage of this act and framing and adopting or amending its charter thereunder shall have and may exercise all powers and authority of local self-government and shall have complete powers of legislation and administration in relation to its municipal functions, including the power and authority to prescribe the elective city officers, who shall be nominated and elected only in the manner provided by, and in accordance with, the provisions of the Pennsylvania Election Code and its

amendments, for the nomination and election of municipal officers. The charter of any city adopted or amended in accordance with this act may provide for a form or system of municipal government and for the exercise of any and all powers relating to its municipal functions, not inconsistent with the Constitution of the United States or of this Commonwealth, to the full extent that the General Assembly may legislate in reference thereto as to cities of the first class, and with like effect, and the city may enact ordinances, rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested in the city by the charter it adopts or by this or any other law. Ordinances, rules and regulations adopted under the authority of this act or under the provisions of any charter adopted or amended hereunder shall be enforceable by the imposition of fines, forfeitures and penalties, not exceeding two thousand three hundred dollars (\$2,300), and by imprisonment for a period not exceeding ninety days. Notwithstanding the other provisions of this section, a city of the first class may increase any fine, forfeiture or penalty authorized under this section, provided that the increase does not exceed four hundred dollars (\$400) in any calendar year and the total amount of the fine, forfeiture or penalty does not exceed two thousand dollars (\$2,000).

(17 amended Nov. 30, 2004, P.L.1523, No.193)

Section 17.1. Specific Powers.--In addition to any aggrieved person, the governing body vested with legislative powers under any charter adopted pursuant to this act shall have standing to appeal any decision of a zoning hearing board or other board or commission created to regulate development within the city. As used in this section, the term "aggrieved person" does not include taxpayers of the city that are not detrimentally harmed by the decision of the zoning hearing board or other board or commission created to regulate development.

(17.1 added Nov.30, 2004, P.L.1523, No.193)

Section 18. Limitations.--No city shall exercise any powers or authority beyond the city limits except such as are conferred by an act of the General Assembly, and no city shall engage in any proprietary or private business except as authorized by the General Assembly. Notwithstanding the grant of powers contained in this act, no city shall exercise powers contrary to, or in limitation or enlargement of, powers granted by acts of the General Assembly which are--

(a) Applicable to a class or classes of cities on the following subjects:

(1) Providing for the filing and collection of municipal and tax claims or liens and for the sale of real or personal property in satisfaction thereof;

(2) Providing for the exercise of the power of eminent domain and the procedure for the condemnation of property for public purposes;

(3) Providing for the assessment of damages and benefits for property taken, injured or destroyed;

(4) Providing methods for the incurring or increasing of indebtedness;

(5) Providing for the annexation or exclusion or detachment of territory;

(6) Regulating public schools;

(7) Providing for the personal registration of electors;

(8) Limiting rates and fixing subjects of taxation;

(9) Providing for the assessment of real or personal property and persons for taxation purposes.

(b) Applicable in every part of the Commonwealth.

(c) Applicable to all the cities of the Commonwealth, including, but not limited to, those acts providing for the disability compensation of police officers and firefighters. ((c) amended June 1, 1995, P.L.45, No.5)

ARTICLE III.

General Provisions.

Section 19. Validation of Charter Proceedings.--No charter or any amendment to an existing charter, when adopted by a majority vote of the qualified electors of any city voting at any election, shall be declared invalid or be set aside on account of any defect, error or omission in the proceedings for the adoption of any such charter or amendment.

Section 20. Penalties.--(a) If any person shall knowingly sign any petition provided for in this act without having the qualifications prescribed by this act, or if any person shall set opposite a signature on any such petition a date other than the actual date such signature was affixed thereto, or if any person shall set opposite the signature on any such petition a false statement of the signer's place of residence or occupation, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo an imprisonment of not more than two years, or both, at the discretion of the court.

(b) If any person shall knowingly make a false statement in any affidavit required by the provisions of this act to be appended to or to accompany a petition provided for in this act, or if any person shall fraudulently sign any name not his own to any such petition or affidavit, or if any person shall fraudulently alter any such petition without the consent of the signers, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to undergo imprisonment of not more than two years, or both, in the discretion of the court.

(c) Any person who shall wilfully deface or destroy any petition provided for in this act or any part thereof, or who shall present or file, or cause to be presented or filed, any such petition, knowing the same or any part thereof to be falsely made, or who shall suppress any such petition or any part thereof which has been duly presented or filed, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or to undergo an imprisonment of not more than two years, or both, in the discretion of the court.

(d) Any wilful false statement made under oath or affirmation or in writing stating that it is so made, although such oath or affirmation may not have actually been made by any person regarding any material matter or thing relating to any subject being investigated, heard, determined or acted upon by the clerk of the city council or any other officer of the city or by any court or judge thereof, in accordance with the terms of this act, shall be perjury, and any person, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred (\$500) dollars, or to undergo an imprisonment of not less than three (3) months nor more than two (2) years, or both, in the discretion of the court.

(e) Any officer of a city or a county, or any employe of such officer or of such city or county, or any other person on whom a duty is laid by this act, who shall wilfully neglect or

refuse to perform his duty, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or to undergo an imprisonment of not more than two years, or both, in the discretion of the court.

(f) Any person who shall violate any of the provisions of this act for which a penalty is not herein specifically provided shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or to undergo an imprisonment of not more than two years, or both, in the discretion of the court.

Section 21. Short Title.--This act shall be known and may be cited as the "First Class City Home Rule Act."

Section 22. Repealer.--All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 23. The provisions of this act shall become effective immediately upon final enactment.