

FIRST CLASS CITY GOVERNMENT LAW
Act of Jun. 25, 1919, P.L. 581, No. 274
AN ACT

Cl. 11

For the better government of cities of the first class of this Commonwealth.

ARTICLE I.

Executive Power.

Section 1. Be it enacted, &c., That in each city of the first class of this Commonwealth, the executive power shall be vested in the mayor and in the departments authorized by this act.

ARTICLE II.

The Mayor.

Section 1. The mayor shall be the chief executive officer of the city.

Section 2. (a) The mayor shall be chosen at the municipal election, and shall hold office for the term of four years and until his successor is elected and qualified. He shall be eligible to the office for one successive term and shall not thereafter be eligible for a successive term. ((a) amended May 18, 1945, P.L.701, No.302)

(b) If two or more candidates be equal and highest in votes, one of them shall be chosen mayor by a vote of the majority of all the members of the incoming council, immediately upon its organization.

Section 3. The mayor shall take the usual oath of office in the presence of the council, to be administered by one of the judges of the courts in said city at twelve o'clock noon on the first day of the term for which he shall have been elected.

Section 4. (a) When a vacancy shall take place in the office of mayor, a successor shall be elected for the unexpired term at the next election occurring more than thirty days after the commencement of such vacancy, unless such election should occur in the last year of said term, in which case a mayor shall be chosen by the council by a majority vote of all the members elected thereto.

(b) Until the vacancy is filled, or in case of the mayor's temporary disability, the president of the council shall act as mayor; or if he should resign or be unable to act, then the chairman of the finance committee of the council shall act as mayor. ((b) amended Mar. 7, 1939, P.L.7, No.6)

Section 5. The mayor shall receive a salary to be fixed, from time to time, by ordinance, and to be paid out of the city treasury, which salary shall not be increased or diminished during the term for which he shall have been elected.

Section 6. (a) It shall be the duty of the mayor:

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

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

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

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

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

(b) The mayor shall call together the heads of departments for consultation and advice upon the affairs of the city at least once a month, and at such meetings he may call on the heads of departments for such reports as to the subject matters under their control and management as he may deem proper, which it shall be their duty to prepare and submit at once to the mayor.

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

(d) The mayor may, upon any emergency or apprehension of riot or mob, take command of the police force, and appoint as many special patrolmen as he may deem advisable. During their services the special appointees shall possess the powers and perform the duties of regular employes of the department of public safety, and shall receive such compensation as shall be authorized by the mayor, not exceeding that of the regular officers of the force performing corresponding duties.

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

Section 7. (7 repealed Mar. 19, 1925, P.L.56, No.36)

Section 8. (8 repealed May 1, 1929, P.L.1189, No.419)

Section 9. For the purpose of promoting the public health, safety, order, and general welfare, any such city may regulate the location, size, and use of buildings therein, and may make different regulations for different districts thereof. For the purpose of carrying out the foregoing authority, the mayor may appoint a zoning commission. Any park commission having control over any public park within any such city may make such regulations as to the location, size, and use of buildings any portion of which shall come within two hundred feet of any park, parkway, playground, or other public place under its care or management. Upon the approval by the council of such city, said regulations made by such zoning commission or park commission shall have the same effect as if originally made by the council.

Section 10. Any such city may create by ordinance a commission on city planning, the members of which shall be appointed by the mayor. The commission may employ such engineers and other persons as may be provided for by ordinance of council. The city planning commission may make or cause to be made, and lay before the council, and, in its discretion, cause to be published, a map or maps of the city, or any portions thereof, and adjacent territory beyond the city limits, showing the streets and highways and other natural or artificial features, and also locations proposed by it for any new public building, civic center, street, parkway, boulevard, park, playground, or any other public ground or public improvement, or any widening, extension, or relocation of the same, or any change in the city plan by it deemed advisable. And it may make recommendations to the council concerning any such matters or things aforesaid for action by the council thereon, and in so doing have regard for the present conditions and future needs and growth of the city, and the distribution and relative location of all the principal and other streets, and railways, waterways, and all other means of public travel and business

communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use, and the planning and laying out for urban uses of private grounds brought into the market from time to time. The city planning commission may make recommendations to any public authorities or any corporation or individuals in said cities with reference to the location of any buildings, structure, or works to be erected or constructed by them.

Section 11. (a) There shall be an art jury, composed of the mayor of the city ex officio and eight other members to be appointed by him as now provided by law. In all matters within the jurisdiction of the jury pertaining to work under the special charge of a bureau in any department of the city, the head of such bureau shall also for the time being act as a member of the jury ex officio.

(b) The members of the jury, other than the mayor, shall consist of a painter, a sculptor, an architect, a member of a commission having control of a public park in said city not holding any other office under the city government, and four other persons not engaged in the practice of the professions of painting, sculpture, or architecture, but at least three of whom, at the date of their appointment, shall be members of the governing body or teaching force of a corporation or corporations organized under the laws of this Commonwealth and conducting a school of art or architecture in said city. One of such members shall be an experienced business executive.

(c) The members of the jury shall elect from their own number a president and a vice-president to serve for one year and until their successors are elected. The jury shall have power to adopt its own rules of procedure, and to prescribe regulations for the submission to it of all matters within its jurisdiction. Five members shall constitute a quorum. The jury shall have power to employ a secretary and such clerks, stenographers, and other assistants, as may be provided for by ordinance.

(d) Hereafter no work of art shall become the property of any such city, by purchase, gift, or otherwise, unless such work of art of design for the same, and the proposed location of such work of art, shall first have been submitted to, and approved by, the art jury of said city; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over, any building, highway, stream, lake, square, park, or other public place belonging to, or under the control of, said city. The jury may, when it deems proper, also require a complete model of the proposed work of art to be submitted to it before taking final action thereon. The term "work of art," as used in this act, shall include all paintings, mural decorations, inscriptions, stained glass, statues, reliefs, or other sculptures, monuments, fountains, arches, or other structures, intended for ornament or commemoration. No existing work of art in the possession of the city shall be removed, relocated, or altered in any way, without the approval of the jury.

(e) No construction or erection in any such city of any building, bridge, or its approaches, arch, gate, fence, or other structure or fixture, which is to be paid for, either wholly or in part, from the city treasury, or for which the city or any other public authority is to furnish a site, shall be begun unless the design and proposed location thereof shall have been submitted to the jury and approved by it, except as herein provided, before the final approval thereof by the officer or

other person having authority to contract therefor. The approval of the jury shall also be required in respect to all structures or fixtures belonging to any person or corporation which shall be erected upon, or extend over, any highway, stream, lake, square, park, or other public place within the city, except as provided in this act. In deeds for land made by any such city, restrictions may be imposed, requiring that the design and location of structures to be altered or erected thereon shall be first approved by the art jury. Nothing requiring the approval of the jury shall be erected or changed in design or location without its approval. If the jury fails to act upon any matter submitted to it within sixty days after such submission, its approval of the matter submitted shall be presumed.

Section 12. This article shall not limit or affect in any way the authority conferred by law upon any commission to lay out, improve, or maintain any public park in any such city now under the control of such commission, nor shall it restrict in any way the exercise of full discretion by such commission in the execution of any trust created by deed or will.

ARTICLE III.

Executive Departments.

Section 1. There shall be the following executive departments:

1. Department of Public Safety.
2. Department of Public Works.
3. Department of Public Health.
4. Department of Public Welfare.
5. Department of Wharves, Docks and Ferries.
6. Department of City Transit.
7. Department of City Treasurer.
8. Department of City Controller.
9. Department of Law.
10. Civil Service Commission.
12. Department of Supplies and Purchases.
13. Department of City Architecture.

No department shall be created by the council other than those herein enumerated.

(1 amended Apr. 28, 1937, P.L.475, No.110)

Section 2. (a) The council shall have power to organize and, from time to time, reorganize any department of the city government.

(b) The council shall provide by ordinance for the proper and effective conduct of the affairs of the city by the mayor and several departments and boards thereof, including all necessary expenditures, but shall not pass any ordinances directing or interfering with the exercise of the executive functions of the mayor, departments, boards, or heads of departments or officers thereof.

Section 3. Each department shall have power to prescribe rules and regulations, not inconsistent with any law or ordinance or with the provisions of this act, for its own government, regulating the conduct of its officers and employes, the distribution and performance of its business, and the custody, use, and preservation of the books, records, papers, and property under its control.

Section 4. (a) Each department shall furnish to the mayor or council such information as he or it may at any time demand in relation to the affairs of such department.

(b) Detailed statements of the receipts and expenditures of the several departments for the preceding calendar month shall be made each month to the city controller.

(c) The several heads of departments, the purchasing agent, the city architect, the zoning commission, the city planning commission, and the art jury shall present to the mayor, annually on or before the first Monday of February, a report of their proceedings during the preceding year, and he shall transmit the same to the council with any recommendations he may think proper to make.

Section 5. The directors of public safety, public works, public health, public welfare, wharves, docks, and ferries, and city transit, and the city solicitor shall each give bond, in the usual form, in the sum of twenty-five thousand dollars, to be approved as now provided by law.

ARTICLE IV.

Officers and Employes in General.

Section 1. Except as herein otherwise provided, the powers, functions, and duties of all executive departments, bureaus, boards, divisions, officers, and employes of such cities shall continue as now provided by law.

Section 2. (a) During the recess of the council, the mayor shall have power to fill all vacancies that may happen in offices to which he may appoint by and with the advice and consent of the council, and any such appointment shall be submitted to the council at its next meeting, and, if not rejected within thirty days thereafter, the same shall be considered confirmed.

(b) Whenever any elective officer of any such city shall die or become incapacitated for fulfilling the duties of his office, his place, except where other provision is made for filling the vacancy, shall be filled, by a vote of the council, until the next municipal election occurring more than thirty days thereafter and until the qualification of a successor in the office.

Section 3. No person shall hold more than one office or position of profit under the city government, and no person shall hold any office or position of profit under the city, or any department thereof, while holding any other office or position of profit in or under the Government of the United States, of this Commonwealth, or any county, city, or other political subdivision thereof: Provided, That nothing in this act contained shall apply to the office of notary public, commissioner of deeds, or any office in the military or naval service of the United States or of this Commonwealth, and that nothing in this act shall prevent persons holding office ex officio by virtue of occupying another office or position.

Section 4. The terms of officers elected by the qualified voters of such cities shall commence on the first Monday of January next succeeding their election, except in the case of elections to fill vacancies.

Section 5. All officers elected by the qualified voters of any such city shall be residents thereof at the time of their nomination and election, and shall reside therein during their term of service. The mayor and city treasurer shall have been citizens and inhabitants of the State for five years, and residents of the city three years, next before their election.

Section 6. Every officer or agent receiving moneys for the city and payable to the city treasurer shall give a bond for the faithful performance of his duty, and shall be required to

make return to the city controller once in every week, or oftener if the council shall direct, under oath or affirmation, of each item of the moneys received by him, and to pay the amount in his hands to the city treasurer. The said city controller is hereby authorized to administer such oath or affirmation, and any person falsely making such oath of affirmation or guilty of falsehood in any other oath or affirmation required by the provisions of this act or by any ordinance of council made in pursuance thereof shall be guilty of perjury.

Section 7. No officer or employe of such city shall collect any fees or perquisites for his own use, but all such fees or perquisites, collectible under the law, shall be paid into the city treasury; and the council shall provide by ordinance for the payment of proper salaries or other compensation, to be fixed by council, to all officers and employes of the city, except for such of them whose salaries are fixed by law or who it is provided by law shall serve without compensation.

Section 8. There shall continue to be pension funds for the employes of such city as now provided by law.

Section 9. (a) Municipal officers shall be liable to impeachment, suspension, and removal from office, for any corrupt act or practice, malfeasance, mismanagement, mental incapacity, or incompetency for the proper performance of official duties, extortion, receiving any gift or present from any contractor or from any person seeking or engaged in any work for, or furnishing material to, the city, or from any incumbent or occupant of, or candidate or applicant for, any municipal office, and for wilfully concealing any fraud committed against the city.

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

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

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

(e) If the committee, or any three members thereof, shall find that any charge made as aforesaid is well founded, it shall in its report so state in specific form, and, in such case, the court shall cause a certified copy of the whole record, with the specifications of the charges against the accused, to be transmitted to the council, which shall be assembled within ten days thereafter, in special and open session, as a court of impeachment, and the members shall be severally sworn to try and decide the same according to the evidence. A copy of the specifications shall be served on the accused, or left at his last place of residence, at least five days before the commencement of the trial, and he shall be entitled to be heard thereon in person or by counsel and to produce evidence in his defense, and the prosecution before the council shall be conducted by the committee or by counsel appointed by it. The compensation of counsel and the cost of investigation and prosecution by the committee shall be provided for by ordinance.

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

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

ARTICLE V.

Department of Public Safety.

Section 1. There shall be a department of public safety of which the director of public safety shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.

Section 2. The director of public safety shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity or inability of the director is removed or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such other officers and employees as may be provided for by ordinance.

Section 3. The department of public safety shall have the care, management, administration, and supervision of the police affairs and all matters relating to the fire and police forces, electrical service (except electrical lighting), erection of fire-escapes, and the inspection of buildings, elevators, engines, and boilers.

(3 amended May 25, 1933, P.L.1025, No.234)

Section 4. No person shall be employed in the department of public safety as a policeman or fireman who is not a citizen of the United States, or who has been convicted of crime unless pardoned, or who cannot read or write understandingly in the

English language, or who shall not have resided within the State at least one year preceding his appointment.

Section 5. The department shall make suitable regulations under which the officers and members of the fire and police forces shall be required to wear appropriate uniforms.

(5 amended Oct. 7, 2010, P.L.472, No.62)

Section 6. The director of public safety may appoint, and cause to be sworn in, any number of additional patrolmen to do duty at any place in the city designated by, and at the charge and expense of, the person or persons who may ask for such appointment. They shall be subject to and obey the orders, rules, and regulations of the department, and conform to the general discipline and special regulations thereof.

ARTICLE VI.

Department of Public Works.

Section 1. There shall be a department of public works of which the director of public works shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.

Section 2. The director of public works shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity or inability of the director is removed or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such other officers and employes as may be provided for by ordinance.

Section 3. The department of public works shall have the care, management, administration, and supervision of waterworks, gas-works, and other public utilities (except as otherwise provided in this act) owned or controlled by the city, the supply and distribution of water and gas, the grading, paving, repairing, cleaning, and lighting of streets, alleys, and highways, including footways, the construction, protection, maintenance, operation, and repair of public buildings, bridges, and structures of every kind for public use, public squares, real estate (except as otherwise provided by this act or as is now or may hereafter be provided by law or ordinance), surveys, engineering, sewerage, drainage, and all matters and things in any way relating to or affecting the highways or footways of the city.

(3 amended May 25, 1933, P.L.1025, No.234)

Section 4. (4 repealed Nov. 23, 2004, P.L.939, No.135)

ARTICLE VII.

Department of Public Health.

Section 1. There shall be a department of public health of which the director of public health shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.

Section 2. The director of public health shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity

or inability of the director is removed or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such other officers and employees as may be provided for by ordinance.

Section 3. The department of public health shall have the care, management, administration, and supervision of city activities relating to public health, including hospitals, control of housing, and sanitation, and collection of vital statistics. The department shall have all the powers and duties now conferred by law upon the bureau of health in such city.

Section 4. The board of health shall consist of the director of public health, who shall be president thereof, and two other members, who shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing them was elected and until their successors shall be appointed and qualified. Two of the members of the said board shall be physicians. The said board shall be attached to, and be a part of, the department of public health, and shall have the powers and duties now vested in it by law.

ARTICLE VIII.

Department of Public Welfare.

Section 1. There shall be a department of public welfare of which the director of public welfare shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.

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

Section 2. The director of public welfare shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity or inability of the director is removed or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such other officers and employees as may be provided for by ordinance.

Section 3. The department of public welfare shall have the care, management, administration, and supervision of all charitable, correctional, and reformatory institutions, and agencies (including any house of correction, but not including hospitals), the control or government of which is entrusted to such city: Provided, That no part of this article shall interfere with the functions of any board of directors of city trusts, now existing, created by any acts of Assembly of this Commonwealth.

It shall also have power to create, organize, manage, and supervise the various playgrounds, recreation centers, municipal floating-baths, bathing-grounds, and recreation piers, which may be established at the present time or from time to time authorized by council or given by private individuals or associations and accepted by such city, and to plan and recommend, by regular reports to the mayor, and, after appropriate action by ordinance, to create and develop, an adequate and complete system of playgrounds and recreation centers and related activities. It shall also care for, conduct, manage, and supervise such public bath-houses and related

activities as may form constituent parts of, or be used in connection with, or be used as auxiliaries to, a recreation center.

It shall also have jurisdiction over such other matters affecting the public welfare as may be provided for by ordinance.

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

Section 4. The department of public welfare may, on its own initiative, take charge of any grounds, with buildings thereon erected, the use of which is offered to it temporarily by individuals or corporations for the purpose of using such grounds for public playgrounds and recreation activities. It may assume the charge and care of school playgrounds during vacation periods if so requested by resolution of the proper school authorities.

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

Section 5. This article shall not limit or affect in any way the authority heretofore conferred by law upon any commission to lay out and improve any public park in such city now under the control of such commission, nor shall it restrict in any way the full discretion of any commission in the execution of any trust created by deed or will. Any such commission may delegate to the Department of Public Welfare, and it may accept, the management of any grounds under the control of such commission to be used for playgrounds and recreation purposes.

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

ARTICLE IX.

Department of Wharves, Docks and Ferries.

Section 1. There shall be a department of wharves, docks, and ferries, of which the director of wharves, docks, and ferries shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.

Section 2. The director shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity or inability of the director is removed or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such other officers and employees as may be provided for by ordinance.

Section 3. The powers and duties of the department of wharves, docks, and ferries shall continue as now provided by law.

ARTICLE X.

Department of City Transit.

Section 1. There shall be a department of city transit of which the director of city transit shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.

Section 2. The director of city transit shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity or inability of the director is removed or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such other officers and employes as may be provided for by ordinance.

Section 3. The department of city transit shall have the care, management, administration, and supervision of any and all transit facilities, purchased, leased, located, constructed, or otherwise acquired, equipped, owned, maintained, used, or operated by such city. Such transit facilities shall include railways, and extensions thereof, for the transportation of persons and property over, under, upon, through, and across any streets, highways, avenues, bridges, viaducts, rivers, waters, and public and private lands, or partly over, under, upon, through, and across all or any of the same. They shall also be taken to mean and to include tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power-houses, substations, lines for the transmission of power, car-barns, shops, yards, sidings, turn-outs, switches, stations, and approaches thereto, cars and motive equipment, and all works, buildings, appliances, and appurtenances, necessary and convenient for the proper construction, equipment, maintenance, and operation of such transit facilities or any one or more of them. It shall be the duty of the director to take the necessary action to enforce and carry into effect the laws of this Commonwealth and ordinances of such city pertaining to transit facilities as defined by this article. The director shall, from time to time, make such recommendations to the council of such city as to him shall seem proper for the improvement and development of the facilities for transportation of persons and property within such city.

ARTICLE XI.

Department of City Treasurer.

Section 1. There shall be a department of city treasurer of which the city treasurer shall be the head. He shall be elected and give bond as now provided by law, and shall hold office for a term of four years and until his successor is elected and qualified, but shall not be eligible to the office for the next succeeding term. The duties of the city treasurer shall remain as now provided by law, except as modified by the provisions of this act.

Section 2. The city treasurer shall appoint an assistant treasurer, who, in the absence or incapacity of the city treasurer to act, shall possess all the powers and perform all the duties of the city treasurer until the incapacity or inability of the city treasurer is removed or until a new city treasurer is elected or appointed and qualified. The city treasurer and his sureties shall be responsible for the acts of such assistant. The city treasurer shall also appoint such other officers and employes as may be provided for by ordinance.

Section 3. The city treasurer shall demand and receive from the proper officers all moneys payable to the city from whatever source, and pay all warrants or checks duly issued and countersigned.

Section 4. No money shall be drawn from the city treasury except by due process of law, or upon warrants or checks, signed by the heads of the appropriate departments or by deputies authorized to sign by such department heads or by such other persons as may be designated by ordinance, and countersigned by the city controller. All such warrants or checks shall state the consideration for the same and the particular funds or appropriations to which they are chargeable. The head of each department shall have power to appoint, in writing, one or more deputies to sign warrants or checks, for whose acts he and his sureties shall be responsible. Every written order appointing a deputy to sign warrants or checks under the provisions of this section, shall be filed in the office of the city controller, and the deputy appointed thereby shall have only such power as may specifically conferred by such order.

Section 5. The city treasurer shall keep the accounts arising from the several sources of revenue and income separate and distinct from one another, and shall make daily deposits of all moneys received by him in such banks or institutions as may be designated by the council, and shall make specific reports daily to the city controller of all receipts and deposits and of all moneys withdrawn from the treasury, and shall present and verify his cash account in such manner and as often as may be required.

Section 6. All the moneys of the city received by any officer or agent thereof shall be paid daily to the city treasurer.

Section 7. The department of city treasurer is hereby charged with the duty of receiving taxes and funds derived from loans, licenses, water rents, water pipe frontages, permits, and rents from markets, landings, wharves, and other public property, and interest; and with the supervision, control, and direction of such activities. But boards of directors of city trusts now existing, and boards of revision of taxes created by any acts of Assembly, shall be appointed and perform their functions as provided by law.

The city treasurer shall be charged by the controller with the full amount of all tax duplicates of the several wards, and also with all other accounts placed in his hands by the proper officer for collection, and shall make daily returns to the controller of all moneys paid and by whom paid, together with all duplicates of the tax receipts retained by the city treasurer at the time of payment.

The city treasurer may employ such additional clerical and other assistants as are necessary to perform the duties imposed by this section, and he may purchase such mechanical equipment as is needed in connection therewith.

(7 added Apr. 28, 1937, P.L.475, No.110)

ARTICLE XII.

Department of City Controller.

Section 1. There shall be a department of city controller of which the city controller shall be the head. He shall be elected and give bond as now provided by law, and shall hold office for a term of four years and until his successor is elected and qualified.

Section 2. The city controller shall appoint a deputy controller, who shall have power to administer oaths and affirmations in all matters relating to accounts against the city, and who, in the absence or incapacity of the city controller to act, shall possess all the powers and perform all the duties of the city controller until the incapacity or inability of the city controller is removed or until a new city controller is elected or appointed and qualified. The city controller shall be responsible for the acts of such deputy. The city controller shall also appoint such other officers and employes as may be provided for by ordinance.

Section 3. (a) In addition to all other powers and duties, the city controller shall--

(1) Keep all accounting or financial records of all departments of the city government, and of all other departments, the expenses of which are paid out of the city treasury.

(2) Have power to require such additional and supporting, accounting or financial records to be kept and to be rendered to his department by the other departments of the city government, the expenses of which are paid out of the city treasury, as may to him seem necessary, and shall prescribe the nature, form, and extent of all such supporting records. He shall have complete supervision and control over such records and accounts. All employes engaged in the keeping of any of the books or accounts prescribed by the city controller, or forming part of the city's bookkeeping system, shall be under the control and supervision of the city controller.

(3) Have power to prohibit the keeping of any accounting or financial records by any department, the expenses of which are paid out of the city treasury, except those provided for in this section.

(4) Have supervision and control over the manner of all expenditures, and shall not approve any warrant, commitment or any contract, involving the payment of money by any department, unless there are funds available for the payment of such commitment in the specific item of appropriation made therefor.

(5) Have supervision and control over the form of all vouchers and warrants, and shall prescribe the manner of payment thereof.

(6) Have supervision and control over the manner, method, and place of payment of all bills for amounts due and payable into the city treasury, and shall prescribe the form and method of preparing all bills and receipts.

(7) Have supervision and control over all payrolls. All paymasters and the place of all payments shall be in the controller's department under his exclusive control.

(b) He shall audit accounts of the several departments and trusts, including the accounts of any board of directors of city trusts in such city, whether heretofore or hereafter created, and all other accounts in which the city is concerned, and submit annually to the council, in such manner as may by ordinance be directed, a report of the accounts of the city, verified by his oath or affirmation, exhibiting the assets, liabilities, and net worth of the city at the close of the preceding year, and the revenues, expenses, other expenditures, receipts, and disbursements of the preceding year, including the sources from which the revenues and receipts were derived and in what manner the same were disbursed, which report shall be published in pamphlet or book form.

(c) He shall maintain a complete and modern system of accounting that will, at all times, reflect the financial

condition of the city, and shall keep separate accounts for each specific item of appropriation made by the council to each department, and require all warrants to state specifically against which items the warrant is drawn. Each account shall show in detail the several appropriations made by the council, the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance standing to the credit of the same.

(d) He shall not suffer any appropriation to be overdrawn or the appropriation for one item to be drawn upon for any other purpose or by any department other than that for which the appropriation was specifically made, except on transfers made by ordinance of council.

(e) He shall not approve any expenditure nor countersign any warrant for the payment of moneys out of the city treasury, as the result of any commitment, where no appropriation to cover such purchases was made, unless such proposed commitment shall have first been submitted to and approved by the city controller. All commitments contrary to this clause shall be null and void, and shall not establish any valid claim against the city.

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

(g) Whenever a warrant or claim shall be presented to him, he shall have power to require evidence that the amount claimed is justly due, and for that purpose may summon before him any officer, agent, or employe of any department of the city or any other person, and examine him upon oath or affirmation relative to such warrant or claim.

(h) He shall also perform all duties required of him by law or ordinance not inconsistent with the provisions hereof.

(i) It shall be the duty of the controller of cities of the first class to audit annually all the accounts of firemen's pension funds of cities of the first class receiving appropriations from the State. In default of such an annual audit by the controller, no further appropriation shall be made by the State to firemen's pension funds of cities of the first class.

(3 amended Jun. 25, 1937, P.L.2094, No.421)

Section 4. Every contract involving an appropriation shall designate the item on which it is founded, and shall be numbered by the city controller in the order of its date, and charged as numbered against such item, and so certified by him, before it shall take effect as a contract, and shall not be payable out of any other fund, and if he shall certify any contract in excess of the appropriation properly applicable thereto, the city shall not be liable for such excess, but the city controller and his sureties shall be liable in damages for an amount, not exceeding such excess, which may be recovered by the contracting party aggrieved.

Section 5. The city controller shall, at the end of each fiscal year or oftener if so required by the council, and also upon the death, resignation, removal, or expiration of the term of any officer, audit, examine, and settle the accounts of such officer; and if he shall be found indebted to the city, the city controller shall state an account, and file the same in

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

Section 6. Notice of the audit shall be given by the city controller to the officer or his legal representatives before the final statement of the account, and, if desired by such officer or his legal representatives, opportunity shall be given for a hearing. A copy of such notice, with an affidavit of the proof of service thereof, shall be filed with the statement of account as evidence of service of notice.

ARTICLE XIII.

Department of Law.

Section 1. There shall be a department of law of which the city solicitor shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified. The city solicitor shall appoint as many assistants and other employes as may be provided for by ordinance. The solicitor and assistant solicitors shall be attorneys-at-law, admitted and qualified to practice in the courts of this Commonwealth.

Section 2. (a) The city solicitor shall appoint, from the number of his assistants allowed by law or ordinance, one of said assistants as his first assistant, who shall, in the absence of the city solicitor from such city or when he shall be unable to perform the duties of his office through illness or other disability, be vested with all the duties, powers, and privileges given by law to the city solicitor. Such first assistant city solicitor shall be removable at the pleasure of the city solicitor.

(b) Whenever the office of city solicitor shall become vacant by death, resignation, removal from office, or otherwise, such first assistant city solicitor shall discharge the duties imposed by law upon the city solicitor, until a new city solicitor is appointed and qualified: Provided, That before assuming the duties of said office, he shall give bond as required of the city solicitor, and shall take the oath of office required of the city solicitor, and, until a new city solicitor is appointed and qualified, such first assistant city

solicitor shall receive the salary provided by law or ordinance to be paid to the city solicitor.

Section 3. (a) The city solicitor shall be the legal adviser and act as attorney and counsel for the city, for all branches of the city government, and for all departments and officers of the city. The authorization in writing of the mayor in all cases shall be a sufficient warrant of attorney for representing the city, its departments and officers.

(b) He shall prepare all contracts to be made with the city or any of its trusts and departments, and indorse on each his approval of the form thereof before the same shall take effect, and he shall be the custodian of all such papers and records as may be designated, and perform such other duties appertaining to his department as may be required by law or ordinance.

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

Section 4. All contracts, bonds, and other instruments of writing in which the city is concerned shall be prepared in the office of the city solicitor, and he shall receive for the city a reasonable fee from the persons for whom such contracts, bonds, or instruments may be drawn, to be fixed by ordinance, and he shall approve all security required to be given for the protection of the city, and a proper registry shall be kept by him of all such contracts, bonds, and instruments.

Section 5. No department of the city shall employ any other solicitor, but assistant counsel may be employed in any particular matter or cause by the mayor, with the consent of the council, but he shall be selected by the city solicitor.

ARTICLE XIV.

Sinking-Fund Commission.

Section 1. The sinking-fund commission shall continue as now established by law.

ARTICLE XV.

Department of Receiver of Taxes.
(Art. repealed Apr. 28, 1937, P.L.475, No.110)

ARTICLE XVI.

City Council.

Section 1. From and after the first Monday of January, one thousand nine hundred and twenty, the legislative branch of the government of each city of the first class shall consist of a city council elected as hereinafter provided. Such council shall have and exercise all the legislative power of such city and all powers and duties theretofore had and exercised by the previously existing legislative branch of government in such city, whether the same were had and exercised by a single chamber, or by two chambers acting jointly or concurrently, or by either of them acting separately. It is the intention of this act that the council herein provided for shall take the place of the council or councils existing in any city of the first class at the date aforesaid or in any city when it may hereafter become a city of the first class, but that the powers,

duties, and functions of the legislative branch of the city government shall continue unchanged except as herein provided or as may be hereafter provided by law. The mayor and heads of executive departments of any such city shall have the right at all times to appear before the council, or any committee thereof, for the purpose of expressing their views on matters pending before said council or committee.

Section 2. At the municipal election held in such city in the year one thousand nine hundred and twenty-seven, and in every fourth year thereafter, city councilmen shall be elected in the various State senatorial districts in such city. The number of councilmen to be elected in the various State senatorial districts in such cities shall be twenty-two. They shall be elected in the various State senatorial districts of such cities in proportion to the population thereof as determined by the last United States census and each succeeding United States census. The councilmanic ratio for the election of councilman as aforesaid shall be ascertained by dividing the whole population of all the State senatorial districts of such cities by the number twenty-two. One councilman shall be elected for each such ratio, and an additional councilman shall be elected for any fractional portion of such ratio in excess of fifty per cent thereof. Every State senatorial district in such cities shall be entitled to elect as many city councilmen as it has councilmanic ratios of population as aforesaid, and an additional councilman for any fractional portion of such ratio in excess of fifty per cent thereof. The number of councilmen to be elected for each such district shall be determined and announced by the county commissioners on August first of one thousand nine hundred and twenty-seven, and of every fourth year thereafter, on the basis of population as aforesaid. Councilmen shall be nominated and elected according to law, and those receiving the highest votes shall be declared elected to the number to which each such district is entitled. Councilmen shall serve for the period of four years from the first Monday in January following their election. In cases where a vacancy exists at the time this amendment becomes effective, and hereafter whenever a vacancy shall exist or happen in the office of city councilman, the president of the council shall issue a writ of election to the proper county board of elections for a special election to fill the said vacancy, which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ. The president of the council may fix in such writ of election the date of the next ensuing primary, municipal or general election as the date for holding any such special election.

(2 amended Mar. 24, 1949, P.L.313, No.22)

Section 3. No person shall hold the office of councilman while holding any other office, position, or employment of profit under the city, any department, board, commission, or agency thereof, under this Commonwealth, any county, city, or other political subdivision thereof, or under the United States, except that of notary public or an office in the military or naval service of the United States or of this Commonwealth. No councilman shall be eligible to any office, position, or employment of profit under the city, any department, board, commission, or agency thereof, during the term for which he shall have been elected as councilman.

Section 4. Each councilman shall receive a salary of seven thousand, five hundred dollars (\$7,500), per annum.

(4 amended Jun. 28, 1947, P.L.982, No.420)

Section 5. The said council shall meet for organization at ten ante meridian on the first Monday of January following its election. It shall have power to provide for its own organization, and to provide for the employment and fix the salaries of such persons as may be necessary to the proper discharge of its business.

Section 6. No ordinance shall be passed except by bill, and no bill shall be so altered or amended during its passage as to change its original purpose. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members, and no bill shall be passed containing more than one subject, which shall be clearly expressed in its title.

All amendments shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become an ordinance upon the same day on which it was introduced or reported. On its final passage the vote shall be taken by yeas and nays, and the names of the councilmen voting for and against the same shall be entered on the journal. No bill shall become an ordinance unless a majority of all the councilmen elected be recorded as voting in its favor.

Every legislative act of the council shall be by ordinance or resolution, and every ordinance or resolution shall, before it takes effect, be presented, duly engrossed and certified, to the mayor for his approval.

The mayor shall sign such ordinance or resolution if he approves it, whereupon it shall become law. If he disapproves it, he shall return it to the council, with his reasons for disapproval, at the first meeting thereof held not less than ten days after he receives it, and, if the council pass the same, within seven days after he has returned it with his disapproval, by a vote of three-fifths of all the members elected thereto, it shall become law without his approval. If the mayor does not return such ordinance or resolution within the time herein required, it shall become law without his approval.

The mayor may disapprove or reduce any item or items of any ordinance making appropriations, and the part or parts of such ordinance approved shall become law, and the item or items or parts of items disapproved shall not become law unless passed by the council as provided in the foregoing paragraph.

Section 7. The meetings of the city council shall be at all times open and accessible to the public.

Section 8. The council shall have power to compel the attendance of witnesses and the production of documents and other evidence at any meeting of the body or of any committee thereof, and for that purpose may issue subpoenas and attachments in any case of inquiry, investigation, or impeachment, and cause the same to be served and executed in any part of the Commonwealth, and, if any witness shall refuse to testify as to any fact within his knowledge or to produce any documents within his possession or under his control, the president of the council shall forthwith report the facts relating to such refusal to that one of the courts of common pleas of the proper county to which current new actions and proceedings may at the time be distributed, apportioned, and assigned, and all questions arising upon such refusal and also upon any new evidence not included in said president's report (which other testimony or documents may be offered either in behalf of or against such witness) shall at once be heard by said court. If the court determine that the testimony or document required of such witness is legally and properly

competent and ought to be given or produced by him, said court shall make an order commanding such witness to testify or to produce documents (or both as the case may be), and if said witness shall thereafter refuse to testify or to produce documents as aforesaid in disobedience of such order of the court, then the said court shall have power to order the commitment of such witness to the county jail of the proper county for contempt.

No witness shall be excused from testifying in any criminal proceeding or in any investigation or inquiry before the council, before any committee thereof, or before any officer of the city having the right to conduct the investigation, touching his knowledge of any offense committed against the provisions of this article, but such testimony shall not be used against him in any criminal prosecution whatever.

ARTICLE XVII.

Finance.

Section 1. On or before the fifteenth day of October of each year, the mayor shall furnish to the council, in such form and detail as the council shall have determined, a statement of the estimated receipts, other than from taxation, including money proposed to be borrowed and liabilities of every kind for the ensuing calendar year and the estimated expenditures for such year of all departments, officers, boards, commissions, trusts, committees, or other agencies, whose financial requirements are to be met out of the proceeds of taxes levied by the council or out of any other funds over which the council has control, designating which of such liabilities and expenditures should be met from current receipts and which should be met from loan funds. The estimates of receipts and liabilities shall be furnished to the mayor by the city controller. He shall also furnish to the mayor a statement of the borrowing capacity of the city. Such statements shall be made up by the city controller from the best available data, and the receipts from sources other than taxation and loans shall be estimated at the average of such receipts for the preceding three years, with due allowance for new sources of receipts not existing during all or part of said period of three years, for sources of receipts existing during all or part of said period which will not be available for the ensuing year, for changes in rates, and for other factors not previously existing. The estimates to be furnished by the city controller to the mayor, and by him transmitted to the council, shall also contain a statement of the average proportion of taxes uncollected at the end of each of the three preceding years. The estimated statement of expenditures shall be made up by the mayor from information supplied him by such departments, officers, boards, commissions, trusts, committees, and other agencies, subject to revision by the mayor in his discretion.

Section 2. Immediately after the receipt of such statement, the council shall consider the same in open sessions, affording a reasonable opportunity to officers and citizens to be heard thereon, and the council shall, in one ordinance, on or before the fifteenth day of December following, adopt a financial program for the ensuing year, showing the estimated receipts from all sources, the liabilities of every kind, and the amount and character of expenditures to be made by such departments, officers, boards, commissions, trusts, committees, and other agencies during the ensuing year. In passing said ordinance the council shall be bound to accept the estimates of receipts and

liabilities furnished to the mayor by the city controller, but shall have full discretion to determine the character and amount of expenditures to be made out of the estimated receipts of the city during the ensuing year.

Section 3. On or before the same date, the council shall levy and fix a tax rate for the ensuing year, which, together with the estimated receipts from all other sources except borrowed money, shall yield sufficient receipts to meet the liabilities of the city of every kind (except liabilities to be paid out of loan funds) for the ensuing year and the current expenditures, not including expenditures from loan funds, as fixed and determined by the council in said ordinance. The receipts from taxation shall be estimated by deducting, from the gross amount which would be yielded at the rate fixed, the average proportion of the amount uncollected at the end of each year during the preceding three years. If the council shall fail to fix a tax rate on or before the fifteenth day of December of any year, the rate for the current year shall be the rate for the ensuing year as if that rate had been fixed by the council in accordance with this act, and the amount of expenditures, other than from loan funds, shall be fixed and determined by the council so as to come within the estimated receipts from sources other than loans.

Section 4. The council may, from time to time, make appropriations out of such estimated receipts of the city for the ensuing year to meet the requirements of such departments, officers, boards, commissions, trusts, committees, and other agencies, as determined by the council, but from the receipts of the city from taxation and sources, other than loan funds, estimated as provided in this article, the council shall appropriate, before the beginning of the ensuing year, a sufficient amount for the extinguishment of the floating indebtedness (other than that accruing within one year from condemnation of real property) which the city controller may estimate to be outstanding upon the first of January following, for the payment of all lawful obligations due by the city during the fiscal year commencing January first, and for such expenditures to be met from such receipts as may be authorized by the council; and the city controller shall not countersign any warrants (except for payment of interest and for sinking-fund) pertaining to any of the appropriations until the said council shall have first passed all appropriations necessary for the expenses for the current year of each department, officer, board, commission, trust, committee or other agency whose financial requirements are to be met out of the proceeds of taxes levied by the council or out of any other funds over which the council has control, nor shall said officer countersign any warrants, except as aforesaid, until the total of all appropriations and all lawful obligations (other than as aforesaid), as estimated by the city controller, shall have been brought within the sum of the estimated receipts from taxes and from other sources except loan funds. No contract shall be binding upon the city unless an appropriation therefor has previously been made (except as otherwise provided in this act); and no warrant shall be drawn, issued, or approved by any officer of said city for any expenditure by such department, officer, board, commission, trust, committee, or other agency, unless an appropriation has previously been made in accordance with the provisions of this act; and no warrant shall be drawn against any item in said appropriation in excess of said item; and any contract made or warrant issued in violation of this article shall be absolutely void. Any appropriation in violation

of this article or in excess of the estimated receipts as set forth in said ordinance and any contract based thereon shall be void: Provided, however, That the council shall have the power to appropriate money received in excess of said estimate, upon the certificate of the city controller that there have been such excess receipts: And provided further, That surplus receipts, if any, carried over from one year into the next may be appropriated during the next said year, in addition to the appropriation of the said estimated receipts for that year. Said appropriations, if within the limits aforesaid, shall be valid, and contracts may be lawfully based thereon, although the money estimated to be received during the said year shall not actually have been received or be in the treasury at the time of said appropriation or contract: And provided further, That the council may by ordinance make transfers from one item of appropriation to another.

Section 5. (a) Where cash shall be needed for the immediate requirements of the city for any fiscal year in advance of the receipt of income, the mayor, the city controller, and the city solicitor, or any two of them, shall have power to negotiate, on behalf of the city, temporary loans, upon notes for periods not to extend beyond such fiscal year and in aggregate amount not to exceed ninety per centum of the estimated receipts for such fiscal year other than loan funds, but, at the time of issuing said loans, provision must be made to repay the same out of the income of the same fiscal year for which they are negotiated, the intention of this section being that the negotiation of said loans shall be solely for the purpose of anticipating receipt of income. The negotiation of said loans may be initiated not more than thirty days before the beginning of the fiscal year for which notes are to be issued, but said notes shall not be issued before the first day of such fiscal year.

(b) If through emergency it shall become necessary for the council to obtain additional appropriating power, it shall be lawful for the council to authorize the creation of one or more emergency loans, not exceeding in the aggregate two million (\$2,000,000) dollars at any one time, which, unless paid within the fiscal year in which they were created, shall be included by the city controller in his estimate of liabilities which must be met out of the receipts of the ensuing fiscal year before ordinary appropriations may be made therefrom.

(5 amended Jun. 19, 1975, P.L.27, No.11)

Compiler's Note: Section 708(a) of Act 6 of 1991 provided that section 5(a) is repealed absolutely except as to loans or notes issued by a city pursuant to section 5(a) which remain outstanding on the effective date of Act 6.

Section 6. It shall be lawful from time to time to advance any money in the general fund to any loan fund, or to use any money in the general fund for any purpose for which a loan shall have been authorized, and the corporate authorities shall not be required to issue any bonds authorized to be issued until it is necessary to repay to the general fund such advances or to replenish such loan fund or funds. It shall also be lawful from time to time to make temporary advances, in anticipation of the collection of revenue, from any loan fund to the general fund.

Section 7. In the event that contracts are made, as provided by this act, to extend over a period longer than one year and which are to be met from current receipts of the city, it shall be lawful for the council to make an appropriation only

sufficient to answer the requirements of such contract for one year, and the contract shall be legal and binding upon the city notwithstanding no appropriation has been made for the ensuing years over which the contract is to be operative. But it shall be the duty of the council to make subsequent appropriations from year to year as required for the purposes of such contracts. The obligation of the city under such contracts shall not be considered to be a part of the indebtedness of the city.

Section 8. It shall be lawful for such city to borrow money or incur debt, in accordance with the terms of existing law, for the purpose of acquiring property, erecting buildings, bridges, or other structures (but not for the repair of the same), paving and repaving streets (but not repairing the same), or for any other improvements of a permanent or a temporary kind, or for capital outlay of any kind: Provided, however, That it shall be lawful for any such city to borrow money or incur debt, in accordance with the terms of the existing law, for any public exposition celebrating the sesquicentennial or bicentennial anniversary, and that such debt may be incurred for permanent or temporary purposes, but only directly in connection with the celebration of the sesquicentennial or bicentennial anniversary, and for no other purpose, and that repayment thereof shall be made within five years after any such money shall be borrowed for these purposes: Provided, That all of such proposed expenditures or for repaving or improvements of a temporary kind are certified to the council by the city controller to be capital expenditures as distinguished from current expenses, prior to the authorization of such debt: And provided further, That, in cases of loans for repaving and improvements of a temporary kind, the estimated or guaranteed life to the city of such repaving or such improvements of a temporary kind, for which the money is proposed to be borrowed, shall also be certified by the city controller. The certificate of the city controller shall be final and conclusive as to the character of the proposed expenditures and as to the estimated or guaranteed life to the city of such repaving or improvements of a temporary kind. It shall be unlawful for the city to borrow money or incur debt for any purposes other than above specified, except in the case of loans for periods not to exceed one year as provided in this act: Provided, however, That if during the preceding year current funds have been used for purposes for which it would have been lawful to borrow money as herein provided, and the city controller shall so certify, the current funds may be reimbursed out of loan funds borrowed for that purpose: And provided further, That all money borrowed and all debts otherwise incurred, under the provisions of this section, for repaving or improvements of a temporary kind shall be payable within the estimated or guaranteed life to the city of such repaving or such improvements as certified to the council by the city controller: And provided further, That the total amount of money borrowed under the provisions of this section in connection with the celebration of the bicentennial anniversary shall not exceed \$15,000,000: And provided further, That this amendment shall in nowise affect or pertain to loans authorized or issued before the passage thereof.

(8 amended Dec. 19, 1975, P.L.522, No.154)

Section 9. Contracts to be paid out of loan moneys may be based upon an appropriation out of loans authorized although the same may be unissued, and it shall not be necessary to issue the loans or to raise the cash necessary to comply with the

requirements of said contracts until the same is needed in due course.

Section 10. No liability shall be enforceable against the city, by any action at law in equity or otherwise, upon any contract not supported by a previous appropriation of council, or to enforce payment for any materials or supplies furnished to the city or to any department, officer, board, commission, trust, committee, or other agency, whose financial requirements are to be met out of the proceeds of taxes levied by the council or out of any other funds over which the council has control, unless the council shall have made a previous appropriation therefor; and no payment may be enforced by any such action for services rendered to the city or to any such department, officer, boards, commission, trust, committee, or other agency, unless there shall have been a previous appropriation by the council to pay for such services: Provided, however, That the council may by ordinance authorize payment for material furnished or services rendered without a previous appropriation, if the same is agreed to by a two-thirds vote of all the members elected thereto, and is approved by the mayor. Ordinances making appropriations for such payments shall relate to no other subject, and shall set forth in separate items the names of each beneficiary to whom such appropriation is made and the amount he is to receive.

ARTICLE XVIII.

Indebtedness.

Section 1. Subject to such limitations as are now or may hereafter be established by the Constitution of this Commonwealth, any city of the first class may, from time to time, incur new debt or increase its indebtedness in such amount and in such manner as the council shall by ordinance have authorized, but it shall require the affirmative votes of two-thirds of all of the members of the council for the passage of any ordinance authorizing new debt to be incurred or an increase of indebtedness.

Section 2. In any ordinance authorizing the city to incur new debt or increase its indebtedness, except for temporary loans, the council shall provide or covenant to provide for the payment of the interest thereon and the principal thereof as is now or may hereafter be required by the Constitution, and any such ordinance shall state the purpose or purposes for which the new debt or increase of indebtedness is authorized.

(2 amended Jun. 9, 1972, P.L.394, No.116)

Section 3. Within such limitation in amount as is now or may hereafter be established by the Constitution, the council may authorize new debt to be incurred or an increase of indebtedness, without the consent of the electors of the city at a public election; but the council may, in its discretion, submit to the electors for their consent, at a public election, the proposal contained in any ordinance authorizing new debt to be incurred or an increase of indebtedness, and any such new debt or increase of indebtedness to which the electors shall have given their consent shall be excluded in computing the amount of the indebtedness of the city incurred without the consent of the electors thereof; and the council may also submit to the electors for their consent, at a public election, the assumption, funding, or refunding of any indebtedness theretofore incurred without the assent of the electors; and if the electors shall consent to such assumption, funding, or refunding of any debt incurred without their consent, then the

indebtedness so assumed, funded, or refunded shall in like manner be excluded in computing the amount of the indebtedness of the city incurred without the consent of the electors.

Prior to the final passage of any ordinance authorizing new debt to be incurred or an increase of indebtedness, except for temporary loans, without the consent of the electors, a summary of the provisions of each section of the ordinance shall be published five times at intervals of not less than three days in two daily newspapers having a bona fide circulation in such city of at least thirty thousand copies per issue.

(3 amended Jun. 23, 1955, P.L.192, No.56)

Section 4. Whenever the council shall by ordinance authorize new debt to be incurred or an increase of indebtedness, in an amount requiring the consent of the electors at a public election, and whenever the council shall, in its discretion, desire to procure the consent of the electors to a new debt or an increase of indebtedness, the ordinance authorizing such new debt to be incurred or such increase of indebtedness shall fix the date for holding such public election, and shall provide that the authority to incur such new debt or to increase indebtedness, as therein contained, shall not be effective unless the electors shall give their consent thereto at such public election.

Section 5. After the passage of any such ordinance, the council shall give notice of the election to be held for the purpose of obtaining the consent of the electors, by advertisement once a week for three weeks in each of three daily newspapers having a bona fide circulation in such city of at least thirty thousand copies per issue, and in the legal journal designated by the rules of court for the publication of legal notices and advertisements. The said notice or advertisement shall contain a summary of the provisions of each section of the ordinance authorizing the new debt to be incurred or the increase of indebtedness, or the assumption or funding of indebtedness theretofore incurred without electoral consent for which the consent of the electors is sought, and only in the case of an ordinance authorizing an incurrence or an increase of indebtedness shall such notice also set forth a certificate of the city controller showing:

(a) The aggregate amount of the average of the annual assessed valuations of the taxable realty within the city during the ten years immediately preceding the year in which the increase is to be made.

(b) The amount of the existing indebtedness.

(c) The amount of the deductions therefrom allowed by law.

(d) The amount of the existing indebtedness less the deductions therefrom allowed by law, and the percentage which such net amount represents of the average of the annual assessed valuations of the taxable realty within the city during the ten years immediately preceding the year in which such increase is to be made.

(e) The amount of the proposed new debt or increase of indebtedness and the percentage which such amount represents of the average of the annual assessed valuations of the taxable realty within the city during the ten years immediately preceding the year in which such increase is to be made.

(f) The amount of the existing indebtedness, plus the proposed new debt or increase of indebtedness, less the deductions therefrom allowed by law, and the percentage which such amount represents of the average of the annual assessed valuations of the taxable realty within the city during the ten

years immediately preceding the year in which such increase is to be made; and

(g) The amount of indebtedness, less the deductions therefrom allowed by law, which the city may lawfully have outstanding, and the percentage which such net amount represents of the average of the annual assessed valuations of the taxable realty within the city during the ten years immediately preceding the year in which such increase is to be made.

(5 amended Jun. 23, 1955, P.L.192, No.56)

Section 6. The council shall in all cases fix the time of holding the public election to obtain the consent of the electors to incur new debt or increase indebtedness on the day of a municipal or general election, unless more than ninety days shall intervene between the date of the ordinance providing for such election and the day of holding the next succeeding municipal or general election. If any other day be fixed for holding such election, the cost of holding the same shall be paid by the city.

Such election shall be held at the places, during the hours, and under the regulations, provided by law for holding municipal elections, and shall be conducted by the election officers provided by law to conduct municipal elections in such city, unless the said election be held on the day of a general election, in which case the laws governing general elections shall apply. The question whether new debt shall be incurred or indebtedness increased as authorized in the ordinance shall be printed upon the ballot in brief form, followed by the words "yes" and "no" with appropriate voting squares, and if such question shall be submitted at an election of public officers, it shall be printed below the groups of candidates. The election officers shall count the votes cast at such election, and shall make a return thereof to the prothonotary of the court of common pleas of the county containing such city, duly certified as required by law. When such count shall have been completed, a certificate of the total number of electors voting "yes" and of the total number of electors voting "no" on such question shall be made by the court, and filed in the office of the prothonotary, and a copy thereof, under the seal of the said court, shall be furnished by the prothonotary to the council, and the same shall be entered upon its journal.

In conducting such election, and counting and making return of the vote cast, the officers of such election and the court shall be governed by the laws regulating such election, and all the penalties of the said election laws for the violation thereof shall apply to the electors and election officers participating in such election.

If by the returns of such election it shall appear that a majority of the electors voting thereon gave their consent to incurring new debt or increasing indebtedness, as authorized in the ordinance, such ordinance shall, as of the date of the court's certificate of the result thereof, be effective to authorize such new debt to be incurred or such increase of indebtedness; but if it shall appear that a majority of the electors voting thereon did not give their consent to incurring such new debt or increasing indebtedness, as authorized in the ordinance, such ordinance shall be ineffective to authorize such new debt to be incurred or such increase of indebtedness: Provided, That should the Constitution of this Commonwealth require the consent of more than a majority of the electors voting thereon to enable the city to incur such new debt or increase its indebtedness, such ordinance shall be effective to authorize such new debt or such increase of indebtedness

only if the required number of electors shall have given their consent thereto.

Section 7. The council may by ordinance, without the consent of the electors, authorize temporary loans of money in anticipation of the issuance of bonds or other evidences of indebtedness previously authorized, but all temporary loans shall be payable within three years.

(7 amended Dec. 21, 1973, P.L.440, No.156)

Section 8. Whenever any debt shall be or shall have been created for which the Constitution of this Commonwealth requires a sinking-fund to be established, the proceeds of the taxes levied for the payment of the principal and interest of such debt and all other money pledged or appropriated for the payment of the principal and interest of such debt shall be paid into the sinking-fund of such city, and shall be inviolably reserved for, and applied exclusively to, the payment of the principal and interest of such debt.

Whenever there shall be money in the sinking-fund in respect of a particular debt in excess of the requirements for the payment, during the twelve months next ensuing, of principal maturing and interest due, such excess money shall be applied to the purchase and cancellation of such debt, but, if at any time it shall be impracticable or financially disadvantageous to purchase such debt, such excess money may be invested temporarily in bonds or other evidences of debt of the United States of America, of this Commonwealth, or of any county, city, borough, township, school district or other municipality or incorporated district of this Commonwealth.

Section 9. The council may, at any time, authorize the purchase by the city of any of its outstanding debt, and any such debt so purchased shall be canceled.

ARTICLE XIX.

The Civil Service.

Section 1. From and after the effective date of this article, all appointments, transfers, reinstatements, promotions, reductions, suspensions, removals, and dismissals, in the civil service of such city, shall be made in accordance with the terms and provisions of this article and the rules prescribed thereunder.

Section 2. The civil service of such city shall include all offices, positions, and employments, in or under such city or any departments, boards, or commissions thereof.

Section 3. The civil service of such city shall be divided into the unclassified service and the classified service. The unclassified service shall comprise:

(a) All officers elected by the people.

(b) The director and the assistant director of each department of the city government, the civil service commissioners, the purchasing agent, the city architect, and the members of the commission on city planning, and the art jury.

(c) The city solicitor and all assistant city solicitors.

(d) Persons employed by contract to perform a special service for such city, where such contract is certified by the civil service commission to be for employment which cannot be performed by persons in the classified service.

(e) Persons who in times of public emergency may be appointed as special policemen or firemen for service not to exceed one month in duration.

(f) Persons temporarily appointed or designated to make or conduct a special inquiry, investigation, or examination, where such appointment or designation is certified by the civil service commission to be for employment which should not be performed by persons in the classified service.

The classified service of such city shall comprise all civil offices, positions, and employments which are not specifically included in the unclassified service.

Section 4. Any person holding an office, position, or employment in the classified service, as herein defined, at the time this article takes effect, by virtue of a civil service act repealed in whole or in part by this act, and who was appointed after test and certification to such office, position, or employment, shall become a member of the classified service created by this article without original entrance test. Any person holding an office, position, or employment in such classified service at the time this article takes effect who has not been appointed after test and certification under a civil service act, shall continue to hold such office, position, or employment only until laid off or removed for inefficiency by the appointing officer or until removed under the provisions of this article, but such persons shall not be entitled to reinstatement, transfer or promotion under the provisions of this article.

Section 6. The civil service commission shall appoint a chief examiner and such other examiners and employees as may be provided for by ordinance to carry out the purposes of this article. Such positions, including that of chief examiner, shall be in the classified service. The council and other officials of such city shall provide the civil service commission with suitable quarters and accommodations for carrying on its work, permit the use of public buildings for examinations and other official purposes, and otherwise assist, without compensation, in carrying out the purposes of this article.

Section 7. In such city the classified service shall be arranged by the civil service commission in three classes, to be designated as the competitive class, the exempt class, and the labor class. The commission shall have power to reclassify positions from time to time as it may find necessary.

Section 8. The exempt class shall include positions, except that of unskilled laborer, for the filling of which the commission shall have found competitive examinations to be impracticable. No position shall be deemed to be in the exempt class unless and until the civil service commission, after a public hearing of which suitable public notice has been given, has determined that it is unable to obtain by competitive examination persons possessing the usual and requisite qualifications for filling such office or position, and has classified such office or position in the exempt class. The reasons for every such exemption shall be stated separately and at length in the annual reports of the civil service commission. Not more than one appointment shall be made to, or under the title of, any such office or position unless a different number is specifically authorized by the civil service commission. Appointments in the exempt class may be made without examination. The exempt class shall include the chief assistant to the head of each of the departments of government (except the civil service commission), one secretary or clerk appointed by the mayor, and one secretary or clerk appointed by each head of each department of the city government.

Section 9. Positions in the competitive class may be filled without competition only as follows: Whenever there are urgent

reasons for filling a vacancy in any position in the competitive class, and there is no list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the civil service commission for noncompetitive examination, and, if such nominee shall be certified by the said commission as qualified after such noncompetitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination, but such provisional appointment shall not continue for a longer period than three months. In every case the commission shall at once proceed to hold an examination and procure an eligible list.

When the services to be rendered by an appointee in the competitive class are for a temporary period not to exceed one month, and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the appropriate list of those eligible for permanent appointment without regard to his standing on such list. Acceptance or refusal of an eligible for temporary appointment shall not affect his standing on the register for permanent appointment.

Successive provisional or temporary appointments, either of the same or different persons, shall not be made to the same position. At the end of the three months period the office of the provisional employe, and at the end of the one month period the office of the temporary employe, shall be declared vacant, and it shall be the duty of the city controller and the city treasurer to prevent and decline to permit the payment of any compensation, salary, or wages to such provisional or temporary appointee for services rendered or claimed to be rendered after such periods respectively. No credit for experience gained during a provisional or temporary appointment shall be given to anyone in any examination.

Section 10. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by the appointment from lists of applicants registered by the civil service commission. Preference in employment from such lists shall be according to rules and regulations to be promulgated by the civil service commission.

Section 11. The competitive class shall include all positions now existing or hereafter created in the classified service (including those in the civil service commission), except such positions as have been classified by the commission in the exempt class or the labor class.

Section 12. Public records of the civil service commission existing in such city shall be delivered to the civil service commission created by this article, and all lawful eligible lists, acts, and proceedings of such civil service commission, and of all previously existing civil service commissions, shall be construed as having been made and established by the civil service commission created by this article.

Section 13. The commission shall adopt, amend, and enforce rules for the classified service, which shall have the force and effect of law. The rules shall provide:

1. For the classification of all positions in the classified service.

2. For public advertisement of all examinations, at least ten days in advance, in at least five newspapers having a bona fide circulation in such city of at least thirty thousand copies per issue, and for posting notices of such examinations in the office of the commission, accessible to the public during business hours.

3. For the creation of eligible lists, upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years.

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

5. For the appointment of one of the two persons standing highest on the appropriate list to fill a vacancy.

6. Regulations governing the reinstatement of persons who, without fault or delinquency on their part, have resigned or have been separated from the service: Provided, That persons who have voluntarily resigned from the service shall not be reinstated within six months: Provided, however, That the civil service commission shall not certify for appointment to the Director of Public Safety any policeman or fireman under probationary appointment or otherwise, in the event of vacancies occurring in the department or any increase in the number of policemen and firemen required to be filled, if there are available for appointment, policemen or firemen who, without fault or delinquency on their part, have been separated from the service. And provided further, That the civil service commission shall not hold any examination for any vacancies existing, as aforesaid, until such list of policemen and firemen separated, as aforesaid, shall have been exhausted by appointment to such vacancies; and further provided, that any policeman or fireman, who has been separated from the service without fault or delinquency on his part, is hereby reinstated upon the civil service eligible list for policemen or firemen without any further examination, whether physical or otherwise; and further provided, however, that any policeman or fireman reinstated in accordance with the provisions of this act shall not be entitled to any pay or compensation for the period during which he was separated from the said service, and not actively engaged in the performance of the duties of a policeman or a fireman. (6 amended Apr. 12, 1935, P.L.25, No.15)

7. For the appointment of unskilled laborers in such order as the commission may prescribe.

8. For the adoption and amendment of rules only after public notice and hearing.

The commission shall adopt such other rules, not inconsistent with the foregoing provisions of this section, as may be necessary and proper for the enforcement of this article.

The rules may, in the discretion of the commission, also provide:

(a) For standards of efficiency for each grade of the service, for the maintenance of records of efficiency and seniority to be furnished by the departments and kept by the civil service commission, and for promotion from the lower grades to the higher grades, based on such records of efficiency and seniority or on competitive promotion tests, or both. An increase of compensation within a grade may be granted on the basis of efficiency and seniority records. An advancement in rank or an increase in salary beyond the limit fixed for the grade by the rules shall constitute promotion. Whenever practicable, vacancies shall be filled by promotion. Provision may be made for methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made. These shall be uniform for each grade.

(b) For transfer from one position to a similar position in the same class and grade in the same or a different department.

The commission shall grant public hearings upon all changes in the rules before adopting the same, and give reasonable

public notice of such hearings by posting, for at least one week, on its official bulletin board, open to the public, in its office, a copy of all proposed changes. One week after the rules have been adopted, printed, and posted on such official bulletin board, said rules shall take effect and shall have the force of law. Printed copies of the rules shall be made available for public distribution.

Section 14. All examinations shall be free, impartial, and practical in their character, and shall deal with the duties and requirements of the position to be filled. They may include examinations of physical fitness and manual skill. Examinations shall be in charge of the chief examiner, except when a commissioner acts as examiner. The commission may call on other persons, either within or without the city service, to draw up, conduct, or mark examinations, and when such persons are connected with the city service, it shall be deemed a part of their official duty to act as examiners without extra compensation. In entrance and promotion examinations, the oral part shall not receive a mark exceeding one-fourth of the whole mark attainable in such examination. Honorably discharged soldiers, sailors, and marines, who have served as such in the Army, Navy, or Marine Corps of the United States, or in the National Guard of this State, shall be given full credit for their experience gained in such service, having due regard to the position for which the examination is held. As many examinations shall be held as may be necessary to provide eligibles for each grade of the service and to meet all requisitions and to fill all positions held by temporary appointees. From the return and report of the examiners, or from the examinations made by the commission, it shall prepare a list of eligibles for such grade. Such persons shall take rank upon the list in the order of their relative fitness as determined by the examination, without reference to priority of time of examination. The markings of all examinations shall be completed and the resulting eligible list posted within sixty days from the date of the examinations: Provided, That if the number of applicants taking the examination shall exceed one thousand, the time for completion of the markings and posting of the eligible list shall be extended by fifteen days, and shall be further extended by fifteen days for each additional thousand applicants who actually competed in the examination. The commission shall maintain a civil list of all persons in the classified service, showing, in connection with each name, the position held, the date and character of every appointment, and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of said civil list. The commission shall keep minutes of its own proceedings. All minutes, examination papers, eligible lists, and other records of the commission, except as hereinafter specifically provided, as well as all recommendations and correspondence relating to applicants for office or employment received by the commission or by any officer having authority to make appointments, shall be preserved, and shall, subject to reasonable regulations as to the time of examination, be open to public inspection during ordinary business hours: Provided, however, That statements of former employers of applicants for office or employment shall be considered strictly confidential, and that these alone shall not be open to examination by any person not employed by the commission nor by such applicant even though employed by the commission.

(14 amended May 31, 1947, P.L.380, No.174)

Section 15. In case an eligible list consists of less than two names, the appointing officer may, at his option expressed in writing to the commission at the time of the appointment, treat such appointment as temporary, and, if he does so treat it, the commission shall proceed at once to hold an examination and to secure an eligible list as promptly as possible. The appointing officer shall, upon the receipt of the eligible list from the commission, and with sole reference to the relative merit and fitness of the candidates, make an appointment from the two names so certified. After any name has been twice rejected by any one appointing officer for the same or a similar position in favor of others on the same eligible list, the said name shall not again be certified to that appointing officer. When an appointment is made under the provisions of this section, it shall be in the first instance for a probationary period of three months. If during that period the service of that officer or employe is unsatisfactory, the appointing officer shall notify him in writing that he will not be retained in the public service after such three months period. If not so notified, his appointment shall become permanent at the end of the three months probationary period.

Section 16. No person in the classified service, or seeking admission thereto, shall be appointed, promoted, suspended, reduced, or removed, or in any way favored or discriminated against, because of his political or religious opinions or affiliations. No inquiry in any application, examination, or investigation shall relate to the religious or political affiliations of any person.

Section 17. The commission shall classify and grade all positions in the classified service. The commission shall ascertain and record the duties of each position in the service, and, wherever it appears that two or more positions in a service have duties which are substantially similar in respect to the authority, responsibility, and character of work required in the performance thereof, they shall be placed in the same grade, which the commission shall designate by a title indicative of such duties. Grades having duties of the same general nature and in the same line of promotion shall be placed in the same class and the lines of promotion definitely specified. For each grade the commission shall determine a standard maximum and minimum salary or rate of pay, and shall report the same to the mayor and the council, together with other information pertaining to a proper rate of pay for personal services of incumbents of positions in the civil service.

Section 18. No officer, clerk, or employe in the classified civil service of such city shall be removed, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. Further, no such officer, clerk, or employe shall be removed, discharged, or reduced, except during the probationary period, until he shall have been furnished with a written statement of the reasons for such action, and been allowed to give the removing officer such written answer as the person sought to be removed may desire.

In every case of such removal or reduction, a copy of the statement of the reasons therefor and of the written answer thereto shall be furnished to the civil service commission, and entered upon its public records. Within sixty days after the receipt of notice of removal, discharge or demotion in pay or position, the commission may, upon its own initiative, or shall upon request of the employe affected, make such investigation as it may deem advisable, either sitting as a body or through one or more of its members. The investigating inquiry or hearing

is declared to be for the purpose of fairly determining whether or not the employe involved, by reason of his act or acts as charged and his record of service, merits continuance therein or should be removed therefrom or demoted or otherwise disciplined for the good of the service. In such investigations, inquiries or hearings the commission shall not be required to follow established rules of evidence or court procedure, but shall seek information and evidence bearing on the merits of the case. The records of such investigations and all hearings shall be open to the public, and the employe sought to be removed, discharged or demoted shall have opportunity to be heard personally or through counsel in his own defense. Within twenty days after the completion of such investigation or hearing or sooner, if practicable, the commission shall make its findings and conclusions which shall be forthwith certified to and enforced by the appointing authority. The commission may, in its discretion, after making its investigation of the charges against said employe affected, order said employe to be reinstated without holding any further inquiry or hearing. The commission shall have the authority, after its disapproval of the removal, discharge or reduction in pay or position of the employe affected, to restore pay to the employe for the period of such removal, discharge or reduction in pay or position.

No police officer or fireman, except those dismissed during probationary period, shall be removed or discharged, except for cause, upon written charges, and after an opportunity to be heard in his own defense. Such charges may be filed by any superior officer or by any citizen or taxpayer, and shall, within thirty days after filing, be heard, investigated, and determined by the commission or by one of the commissioners or by some person or board appointed by the commission to hear, investigate, and determine the same. Where one person is appointed by the commission to hear such charges, he shall be a person learned in the law. Where a board is appointed to hear such charges, at least one member of such board shall be learned in the law. The hearing shall be public, and the accused and his counsel shall have the right to be heard.

The finding and decision of the commission or commissioner or of such person or board, when approved by the commission, shall be certified to the appointing authority, and shall be forthwith enforced by such authority.

Nothing herein contained shall limit the power of any superior officer to suspend a subordinate for a reasonable period, not exceeding thirty days, pending hearing and decision.

Every such suspension shall be without pay: Provided, however, That the commission shall have authority to investigate every such suspension, and, in case of its disapproval, it shall have power to restore pay to the employe so suspended.

All papers filed in any hearing under this section shall be public records of the commission.

(18 amended Jul. 29, 1941, P.L.579, No.245)

Section 19. The commission shall keep minutes of its official acts, and shall make to the council an annual report, showing its own actions, the rules and regulations, and all the exceptions thereto, in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this article. Five hundred copies of the annual report shall be printed for public distribution. The appointing authority may require a report from said commission at any time respecting any matter within the scope of its duties hereunder.

Section 20. It shall be unlawful for the city controller of such city to approve warrants or checks for the salary of any person in the classified service unless the city controller shall have previously received notice from the commission that the person named thereon has been legally appointed.

Section 21. Any false statement made under oath, either in an application or other paper filed with the commission or in any proceeding before the commission or in any investigation conducted by or under the direction of the commission or in any proceeding arising under this article, shall be perjury and punishable as such.

Section 22. Any person who wilfully, by himself or in collusion with one or more persons, shall defeat, deceive, or obstruct any person in respect to his or her right of examination, appointment, or employment, according to this article or to any rules or regulations prescribed pursuant thereto; or who shall, wilfully or corruptly, falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered, or certified, pursuant to the provisions of this article, or aid in so doing; or who shall wilfully make any false representation concerning the same or concerning the persons examined; or who shall wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered, or certified, or to be examined, registered, or certified; or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or request to be examined or registered or appointed; or who shall furnish any false information about himself or about any other person in connection with any application or request to be examined or registered or appointed,--shall for each offense be deemed guilty of a misdemeanor. Whoever makes an appointment to office or selects a person for employment contrary to the provisions of this article, or wilfully refuses to comply with or to conform to any of the provisions of this article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) in the discretion of the court.

Section 23. No officer, clerk, or employe of any city of the first class, or of any department, trust, or commission thereof, shall be a member of, or delegate or alternate to, any political convention, nor shall he be present at any such convention except in the performance of his official duty. No officer, clerk, or employe of any city of the first class, or of any department, trust, or commission thereof, shall serve as a member of, or attend the meetings of, any committee of any political party, or take any active part in political management or in political campaigns, or use his office to influence political movements or influence the political action of any other officer, clerk, or employe of any such city, department, trust, or commission. No officer, clerk, or employe of any city of the first class shall in any way or manner interfere with the conduct of any election, or the preparation therefor at the polling-place, or with the election officers while counting the vote or returning the ballot-boxes, books, and papers to the place provided by law for that purpose, or be within any polling-place save only for the purpose of marking and depositing his ballot as speedily as it reasonably can be done, or be within fifty feet thereof, except for purposes of ordinary

travel or residence, during the period of time, beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling-place for the purpose of depositing the ballot-boxes and papers in the place provided by law for that purpose, excepting only police officers, who may temporarily approach or enter the polling-place in order to make any arrest permitted by law or for the purpose of preserving order, and in each such case only long enough to accomplish the duties aforesaid, after which the said officers shall at once withdraw.

No officer, clerk, or employe under the government of such city shall directly or indirectly demand, solicit, collect or receive, or be in any manner concerned in demanding, soliciting, collecting, or receiving, any assessment, subscription, or contribution, whether voluntary or involuntary, intended for any political purpose whatever. No police officer or fireman of such city shall pay or give any money or valuable thing or make any subscription or contribution, whether voluntary or involuntary, for any political purpose whatever.

Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, and forfeit his office.

Section 25. Any officer, clerk, or employe of such city, or of any department, trust, or commission thereof, violating any of the provisions of this article, shall be immediately dismissed by the mayor or by the head of the department, trust, or commission in which he is employed. The employment of any police officer or fireman after such violation is hereby made illegal, and, at the suit of any taxpayer of the city, the courts shall upon bill filed and proof of such violation, decree the employment illegal and to restrain the payment of any compensation to the offender accruing after such violation. Any person dismissed under this section shall be ineligible for reappointment within two years to any position in the service of such city. (25 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 26. Any police officer or fireman who shall violate any of the provisions of section twenty-three of this article shall also be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars and not more than three thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Section 27. It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this article and of the rules of the commission and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the city solicitor.

Section 28. Nothing in this article shall be construed to apply to the officers and employes of any office, department, bureau, commission, board, or trust, not now administered under the existing civil service laws.

Section 5-A. There shall be established and constituted in such cities a civil service commission, consisting of five civil service commissioners, two of whom shall be appointed by the mayor of such cities, and two of whom shall be appointed by the city controller of such cities, and the four commissioners so appointed shall elect a fifth commissioner within thirty days after their appointment, and they shall hold office for a term

of four years and until their successors are severally appointed and qualified. Vacancies in the office of civil service commissioner shall, in like manner, be filled for the remainder of the term by the appointing power which appointed the person whose vacancy is to be filled. The commissioners shall elect from among their own number a president and secretary. Each commissioner shall qualify by filing with the mayor an oath to perform the duties of his office faithfully and without fear or favor. The civil service commission existing prior to the thirtieth day of March, one thousand nine hundred and thirty-seven, as constituted and provided for by section five A of article nineteen of the said act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen, as amended by said act, approved the thirteenth day of April, one thousand nine hundred and twenty-seven, be, and the same is hereby, abolished.

(5-A amended May 19, 1937, P.L.722, No.187)

Section 5-B. The commission shall have power to administer oaths, subpoena and require the attendance of witnesses, citizens and residents of this State, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the courts of common pleas, and shall be paid from the appropriation for the incidental expenses of the commission. All officers in the public service, and their deputies, clerks, subordinates, and employes shall, without fee, attend and testify when required to do so by said commission. Any disobedience to, or neglect of, any subpoena issued by the said commissioners, or any one of them, to any person, shall be held a contempt of court and shall be punished by any court of common pleas of this Commonwealth as if such subpoena had been issued therefrom. Any judge of any of said courts shall, upon the application of any one of said commissioners in such cases, cause the process of said court to issue to compel such person or persons disobeying or neglecting any such subpoena to appear and to give testimony before the said commissioners or any one of them, and shall have power to punish any such contempt.

(5-B added Apr. 13, 1927, P.L.203, No.160)

ARTICLE XX.

City Contracts.

Section 1. All contracts relating to the affairs of such city shall be in writing, signed and executed, in the name of the city, after due notice, by the officer authorized to make the same, and, in cases not otherwise directed by law or ordinance, such contracts shall be made and entered into by the mayor. No contract shall be entered into or executed directly by the city council or by a committee thereof, but some officer of the executive branch of government of such city shall be designated by ordinance to enter into and execute the same. All contracts shall be countersigned by the city controller, and filed and registered by number, date, and contents in the mayor's office, and attested copies furnished to the city controller and to the department charged with the work.

Section 2. Every contract for public improvements shall be based upon an estimate of the cost of such improvement, or the part thereof to be done under such contract, furnished by the proper officers through the department having charge of the

improvement, and no bid in excess of such estimate shall be accepted. Such estimate and contract may be limited to any unit or units, part or parts, of the improvement, and contracts may thereupon be made, and the work on such unit or units, part or parts, proceed to the extent of the funds available for the purposes thereof. Every such contract shall contain a clause that it is subject to the provisions of this act, and the liability of the city thereon shall be limited by the amounts which shall have been or may be from time to time appropriated for the same.

Section 3. No contract for work to be done for, or property or material to be sold or supplied to, such city, or any department thereof, shall be made with any councilman, officer, or employe of such city, or with any firm, copartnership, or association of which such councilman, officer, or employe is a member, and if any councilman, officer, or employe, during the term for which he shall have been elected or appointed, knowingly acquire an interest in any such contract, he shall forfeit his office or position.

Section 4. In all contracts for improvements the cost of which is to be paid by assessment upon the property abutting or benefited, the city shall not be liable for any claim for the amount to be collected from such assessment, but the contractor shall look to the assessment for his compensation.

Section 5. Any such city shall have the power to pave, repair, and clean the streets, collect ashes, waste, rubbish, and garbage within the limits of such city, and to dispose of street sweepings and of ashes, waste, rubbish, and garbage. Any such city shall have the power to lease, acquire, construct, or cause to be constructed, a plant or plants to be used for, or in connection with, any of the purposes mentioned in this section, and to lease the same to any person, association, or corporation which shall contract to perform such work for the said city. The council of such city shall have the power to authorize any existing department or bureau of such city to perform the work which such city is authorized to do, and to lease, purchase, construct, make, or cause to be constructed or made, such plants and equipment, supplies, and materials, as shall be necessary and appropriate therefor, or to create such new bureau or new division in any bureau as shall be deemed necessary, and to confer upon such new bureau or division like authority.

After the thirty-first day of December, one thousand nine hundred and twenty, the repair and cleaning of the streets, the collection of ashes, waste, rubbish, and garbage within the limits of such city, and the disposal of street sweepings, ashes, waste, rubbish, and garbage, shall be done directly by the city: Provided, That any such work may be done by contract when authorized by the council by a vote of a majority of all the members elected thereto, with the approval of the mayor. For the purpose of determining whether it is to the best interests of the city to authorize the performance of any such work by contract, the mayor or the council may, prior to the first day of August of any year, invite bids for such work. Advertisement for such bids shall be made during a period ending not later than the first day of October next ensuing, and a summary of the bids shall be included by the mayor in the budget: Provided further, That if it is determined in accordance with the provisions of this section to have any such work performed by contract, a reasonable time, not exceeding six months, shall be allowed the contractor or contractors

thereunder to secure the necessary equipment to perform such contracts and to begin the performance thereof.

Section 6. Any such city shall have the power to contract for materials, supplies, or work, to be supplied to, or performed for, said city, subject to the provisions of section five of this article, during one or more years, and the city council may by ordinance authorize such contract without the necessity of making an appropriation therefor beyond the current year. Such contracts shall be enforceable notwithstanding the provisions of section ten, article seventeen hereof. When the term of any such contract exceeds four years, there shall be inserted in the contract a clause reserving to the city the right to terminate the same at its option at any time after the expiration of four years without liability to the contractor for damages for the loss of profits which would have been realized had the contract not been terminated. If the term of any such contract exceeds one year, a reasonable time, not exceeding six months, shall be allowed the contractor thereunder to secure the necessary equipment to perform such contract and to begin the performance thereof.

ARTICLE XXI.

Construction of This Act.

Section 1. If any provision of this act should for any reason be declared invalid by the courts, the intention of this act is hereby expressed that all other provisions shall nevertheless be sustained and enforced.

ARTICLE XXII.

Schedule.

Section 1. In order that no inconvenience may be suffered by putting into effect the changes provided in this act, all officers and employes of such cities in office at the date of the approval of this act shall continue in office until superseded by the appointment or election of their successors as herein provided.

Section 2. This act shall go into effect on the first Monday of January, one thousand nine hundred and twenty, except as herein provided.

Section 3. Article sixteen, relating to the city council, shall go into effect so far as regards the election of councilmen upon the approval of this act. The terms of all councilmen in office and the terms or employment of all officers and employes of the council or councils in such cities shall cease and determine on the first Monday of January, one thousand nine hundred and twenty.

Section 4. Article seventeen, relating to finance, shall go into effect one month after the approval of this act. All matters and things therein required to be done by the council shall, until the first Monday of January, one thousand nine hundred and twenty, be done by the council or councils now in office, but the detailed consideration of the financial program may be delegated to a committee of such council or councils.

Section 5. Article eighteen, relating to indebtedness, shall go into effect one month after the approval of this act. All matters and things therein required to be done by the council shall, until the first Monday of January, one thousand nine hundred and twenty, be done by the council or councils now in office.

Section 6. Article nineteen, relating to the civil service, shall go into effect one month after the approval of this act, except that provisions therein relating to the establishment of the civil service commission shall go into effect on the first Monday of January, one thousand nine hundred and twenty. All matters and things therein required to be done by the civil service commission and by the council shall, until such date, be done by the civil service commission and by the council or councils now in office. The terms of all civil service commissioners in office in such cities shall cease and determine on the first Monday of January, one thousand nine hundred and twenty.

ARTICLE XXIII.

Repealer.

Section 1. The following acts and parts of acts of Assembly are hereby repealed as respectively indicated. Wherever any provision of this act is intended to supersede or to take the place of any act or part of an act hereby repealed, such repeal shall not take effect until the effective date of such provision. The repeal of the first section of an act shall not repeal the enacting clause.

ARTICLE XXIV.

(Art. repealed Nov. 23, 2004, P.L.939, No.135)

Department of Supplies and Purchases.

(Hdg. repealed Nov. 23, 2004, P.L.939, No.135)

Section 1. (1 repealed Nov. 23, 2004, P.L.939, No.135)

Section 2. (2 repealed Nov. 23, 2004, P.L.939, No.135)

Section 3. (3 repealed Nov. 23, 2004, P.L.939, No.135)

ARTICLE XXV.

(Art. added May 1, 1929, P.L.1189, No.419)

Department of City Architecture.

(Hdg. added May 1, 1929, P.L.1189, No.419)

Section 1. There shall be a Department of City Architecture, of which the director of city architecture shall be the head; he shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor who appointed him was elected and until his successor is appointed and qualified. He shall be ex officio a member of the Art Jury of Philadelphia.

(1 added May 1, 1929, P.L.1189, No.419)

Section 2. The director of city architecture shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director, until the incapacity or inability of the director is removed, or until a new director is appointed and qualified as hereinbefore provided. The director shall also appoint such officers and employees as may be provided for by ordinance.

(2 added May 1, 1929, P.L.1189, No.419)

Section 3. The Department of City Architecture shall have the care, management, control, inspection, and administration of the city's architectural interests. The actual architectural work may be done in and by the said department, or may be done by architects in private practice appointed by the director of the department for particular projects, as the director may elect. Such appointment shall require the approval of the mayor,

and, in making the same, the department of city architecture may consult with the head of the department or other branch of the city government for which the work is to be done, and with such other architects as may be chosen by the mayor to serve without compensation in an advisory character; and the inspection of all city building construction shall devolve upon and be supervised by the said department. The Department of City Architecture shall prepare, draft, and execute, or supervise the preparation, drafting, and execution of all specifications, drawings and plans of public buildings to be erected in such city, and to be paid for by moneys appropriated by the city council, except where special architects are chosen for these duties as hereinabove provided. The selection of special architects may be after competition or otherwise as the director may decide.

(3 added May 1, 1929, P.L.1189, No.419)

Section 4. It shall be unlawful for the city controller to countersign or for the city treasurer to pay warrants or checks for the expenditure of moneys from the city treasury for the erection or construction of any public building, except upon certificate of the directors that the specifications, drawings and plans of such public building have been prepared, drafted and executed by him, or under his supervision, or by an architect selected as above set forth, and that the work has been done to the approval of the director: Provided, That nothing in this section shall affect existing contracts, or existing drawings and plans of public buildings, or the countersigning or paying of warrants for such public buildings, or cases where such drawings and plans are actually in existence or have been actually commenced within one month after the effective date of this amendment.

(4 added May 1, 1929, P.L.1189, No.419)