

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 752

Session of
1971

INTRODUCED BY MAHADY, REIBMAN, W. E. FLEMING, FRAME AND
MURPHY, MAY 25, 1971

AS REPORTED FROM COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES,
AS AMENDED, FEBRUARY 23, 1972

AN ACT

1 ~~Relating to home rule charters for municipalities.~~ <—
2 GIVING MUNICIPALITIES THE RIGHT AND POWER TO ADOPT HOME RULE <—
3 CHARTERS OR ONE OF SEVERAL OPTIONAL PLANS OF GOVERNMENT AND
4 TO EXERCISE THE POWERS AND AUTHORITY OF LOCAL SELF-GOVERNMENT
5 SUBJECT TO CERTAIN RESTRICTIONS AND LIMITATIONS; PROVIDING
6 PROCEDURES FOR SUCH ADOPTION AND DEFINING THE EFFECT THEREOF.

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

9 ARTICLE I <—

10 ~~SHORT TITLE AND DEFINITIONS~~

11 ~~Section 101. Short Title. This act shall be known and may~~
12 ~~be cited as the "Municipal Home Rule Charter Act."~~

13 ~~Section 102. Definitions. As used in this act:~~

14 ~~(1) "Home rule" means that relationship between a~~
15 ~~municipality and the Commonwealth, wherein the municipality~~
16 ~~shall enjoy the fullest authority to determine the form,~~
17 ~~organization, procedures and process of its government, subject~~
18 ~~only to limitations imposed by the Constitution, by general law~~
19 ~~or by its charter.~~

1 ~~referendum ordinance shall be filed with the election officials~~
2 ~~at least ninety days prior to the next primary or general~~
3 ~~election.~~

4 ~~(b) When the ordinance is filed with the election officials,~~
5 ~~copies of the referendum ordinance shall be immediately filed~~
6 ~~with the Secretary of Community Affairs.~~

7 ~~Section 203. Notice to Governing Body of Referendum Date.—~~
8 ~~The election officials shall notify the governing body of the~~
9 ~~municipality of the date set for the referendum election on the~~
10 ~~proposal at least thirty days before the election.~~

11 ~~ARTICLE III~~

12 ~~INITIATIVE~~

13 ~~Section 301. Proposal by Electors.— A referendum on the~~
14 ~~question of framing of a home rule charter may be initiated by~~
15 ~~electors of the municipality.~~

16 ~~Section 302. Initiative Petition; Filing.— A petition~~
17 ~~containing a proposal for referendum on the question of framing~~
18 ~~a home rule charter signed by electors comprising five per cent~~
19 ~~of the number of electors voting for the office of Governor in~~
20 ~~the last gubernatorial general election may be filed with the~~
21 ~~election officials at least ninety days prior to the next~~
22 ~~primary or general election.~~

23 ~~The name and address of the person filing the petition shall~~
24 ~~be clearly stated on the petition.~~

25 ~~Section 303. Review of Initiative Petition.— The election~~
26 ~~officials shall, within ten days after filing, review the~~
27 ~~initiative petition as to the number and qualification of~~
28 ~~signers. If the petition appears to be defective, the election~~
29 ~~officials shall immediately notify the person filing the~~
30 ~~petition of the defect.~~

1 such date.

2 ~~Section 404. Public Notice of Referendum. At least thirty~~
3 ~~days' notice of the referendum shall be given by proclamation of~~
4 ~~the mayor of the city, borough, or incorporated town, or of the~~
5 ~~chairman of the board of county commissioners, the president of~~
6 ~~the board of township commissioners, or of the chairman of the~~
7 ~~board of township supervisors, as the case may be. A copy of~~
8 ~~such proclamation shall be posted at each polling place of the~~
9 ~~municipality on the day of the election, and shall be published~~
10 ~~once in at least one newspaper of general circulation in the~~
11 ~~municipality during the thirty day period prior to the election.~~

12 ~~Section 405. Limits of Referenda. (a) A referendum on the~~
13 ~~question of framing or repeal of a home rule charter shall not~~
14 ~~be submitted to the electors more often than once in five years.~~

15 ~~(b) When an initiative petition or referendum ordinance is~~
16 ~~filed, the election officials shall ascertain that the question~~
17 ~~has not been submitted to the electors within a period of five~~
18 ~~years before the next primary or general election. The five year~~
19 ~~period shall not be computed by exact dates but by years~~
20 ~~elapsing between primary or general elections. If it is found~~
21 ~~that such an initiative or ordinance was so submitted, they~~
22 ~~shall notify the person who filed the petition or the governing~~
23 ~~body, and refuse to place the question on the ballot.~~

24 ~~Section 406. Results of Election. The election officials~~
25 ~~shall certify the result of the referendum to the governing~~
26 ~~body.~~

27 ~~ARTICLE V~~

28 ~~ELECTION OF HOME RULE CHARTER COMMISSION~~

29 ~~Section 501. Election of Commission. (a) If a referendum~~
30 ~~for the framing of a home rule charter is approved by a majority~~

1 ~~of votes of the electors voting thereon, the governing body~~
2 ~~shall within thirty days of certification of the result of the~~
3 ~~referendum election submit to the election officials a petition~~
4 ~~to provide for the election of a Home Rule Charter Commission.~~

5 ~~(b) The petition shall designate the number of members, not~~
6 ~~less than five, or more than fifteen, to be elected on the Home~~
7 ~~Rule Charter Commission.~~

8 ~~(c) The election shall be held at the next primary or~~
9 ~~general election not less than ninety days from the date of the~~
10 ~~referendum.~~

11 ~~Section 502. Nomination of Candidates. Candidates for~~
12 ~~membership on the Home Rule Charter Commission shall be electors~~
13 ~~of the municipality. Each shall be nominated by nomination~~
14 ~~papers signed by one thousand registered electors of the~~
15 ~~municipality or by a number of electors equal to at least two~~
16 ~~per cent of the largest vote cast for any elected officer of the~~
17 ~~municipality elected at the last preceding municipal election,~~
18 ~~whichever is lesser. Their nomination shall be in the manner~~
19 ~~provided by and subject to the provisions of the act of June 3,~~
20 ~~1937 (P.L.1333), known as the "Pennsylvania Election Code,"~~
21 ~~which relate to the nomination of candidates nominated by~~
22 ~~nomination papers filed by political bodies for other offices~~
23 ~~elected by the voters of the municipality, except that~~
24 ~~candidates shall be nominated and listed without political~~
25 ~~designation or slogan. Nomination papers shall not be circulated~~
26 ~~prior to thirty days before the last day on which such papers~~
27 ~~shall be filed, and shall be filed with the election officials~~
28 ~~not less than forty four days prior to the date of the election.~~

29 ~~Section 503. Election Returns. The result of the votes cast~~
30 ~~for members of the Home Rule Charter Commission shall be~~

1 returned by the election officials to the governing body and to
2 the Secretary of Community Affairs.

3 Section 504. Membership of Commission. The candidates
4 receiving the greatest number of votes shall be elected, and
5 shall constitute the Home Rule Charter Commission.

6 If two or more candidates shall be equal and greatest in
7 number of votes, they shall draw lots to determine which one
8 shall be elected.

9 ARTICLE VI

10 ORGANIZATION AND DUTIES OF HOME RULE

11 CHARTER COMMISSION

12 Section 601. Organization of Commission. No later than
13 fifteen days after the certification of election of a majority
14 of the members, the Home Rule Charter Commission shall organize
15 and hold its first meeting. It shall elect one of its members as
16 chairman, and another one as secretary. It shall adopt such
17 rules for the conduct of its business as it may deem advisable.

18 A majority of the members of the Home Rule Charter Commission
19 shall constitute a quorum for the transaction of business; but,
20 no recommendation of said commission shall have any legal effect
21 unless adopted by a majority of the total number of members of
22 the commission.

23 A vacancy in the Home Rule Charter Commission shall be filled
24 by an elector appointed by the remaining members of the
25 commission.

26 From all appropriations made to it by the governing body of
27 the municipality and privately contributed funds and services
28 made available to it, the Home Rule Charter Commission may
29 appoint consulting, clerical and other assistants to serve at
30 its pleasure, and may fix a reasonable compensation for such

1 ~~services.~~

2 ~~Prior to discharge, the Home Rule Charter Commission shall~~
3 ~~file an account signed by all members under oath with the~~
4 ~~prothonotary of the county covering the period of commission~~
5 ~~services showing (i) sources and amounts of appropriations and~~
6 ~~contributions from all sources, including services rendered and~~
7 ~~(ii) all expenses.~~

8 ~~The members of the Home Rule Charter Commission shall serve~~
9 ~~without compensation, but may be reimbursed by the municipality~~
10 ~~for their necessary expenses incurred in the performance of~~
11 ~~their duties and as allocated by the governing body.~~

12 ~~All necessary or proper expenses of the Home Rule Charter~~
13 ~~Commission shall be paid by the municipality.~~

14 ~~Section 602. Duties. It shall be the duty of the Home Rule~~
15 ~~Charter Commission (i) to study the government of the~~
16 ~~municipality, (ii) to compare it with the government of other~~
17 ~~municipalities, including other forms of government, and (iii)~~
18 ~~to draw up a proposed home rule charter within one year from the~~
19 ~~date of its election or recommend an optional form of government~~
20 ~~pursuant to legislation enacted by the General Assembly in~~
21 ~~accordance with the provisions of article nine, section three of~~
22 ~~the Constitution of Pennsylvania.~~

23 ~~Section 603. Public Hearings. The Charter Commission shall~~
24 ~~hold one or more public hearings, may sponsor public forums, and~~
25 ~~generally shall provide for the widest possible public~~
26 ~~information and discussion respecting the purposes and progress~~
27 ~~of its work.~~

28 ~~Section 604. Proposed Charter. The Home Rule Charter~~
29 ~~Commission shall publish or cause to be published sufficient~~
30 ~~copies of the proposed home rule charter for public study and~~

1 ~~information, and shall deliver to the governing body of the~~
2 ~~municipality sufficient copies of the proposed home rule charter~~
3 ~~to supply it to any interested citizen or body of citizens upon~~
4 ~~request. It shall also file copies of the proposed home rule~~
5 ~~charter with the Secretary of Community Affairs.~~

6 ~~Section 605. Submission of Charter to Electors. The Home~~
7 ~~Rule Charter Commission shall certify to the election officials~~
8 ~~the question of adopting the proposed home rule charter that~~
9 ~~shall be submitted to the electorate of the municipality at the~~
10 ~~next primary or general election. The Home Rule Charter~~
11 ~~Commission shall frame the question to be placed on the ballot,~~
12 ~~and, if it deems proper, an interpretative statement to~~
13 ~~accompany such question.~~

14 ~~Section 606. Discharge of Commission. The Home Rule Charter~~
15 ~~Commission shall be discharged by the governing body of the~~
16 ~~municipality upon the filing of the proposed home rule charter~~
17 ~~question with the election officials.~~

18 ~~ARTICLE VII~~

19 ~~ADOPTION, AMENDMENT AND REPEAL OF~~

20 ~~A HOME RULE CHARTER~~

21 ~~Section 701. Effective Date of Charter. Whenever the~~
22 ~~electors of any municipality, by a majority vote of those voting~~
23 ~~on the question, vote in favor of adopting the proposed home~~
24 ~~rule charter at any election held for that purpose, such~~
25 ~~municipality shall be governed under the provisions of the~~
26 ~~adopted home rule charter from the first Monday of January~~
27 ~~following the next succeeding municipal election held at least~~
28 ~~ninety days after the election at which the home rule charter~~
29 ~~was adopted.~~

30 ~~Section 702. Election of Municipal Officials. The elective~~

1 ~~officials of the municipality required by the adopted home rule~~
2 ~~charter shall be elected at the first municipal election held at~~
3 ~~least ninety days after the referendum election at which the~~
4 ~~home rule charter was adopted.~~

5 ~~Section 703. Terms of Incumbent Officials. All elective~~
6 ~~officials of the municipality in office at the time of the~~
7 ~~adoption of a home rule charter shall continue in office until~~
8 ~~the home rule charter shall go into effect.~~

9 ~~Section 704. Amendment of a Charter. (a) Amendment of a~~
10 ~~home rule charter shall be by referendum. A proposal to amend~~
11 ~~shall be submitted to the electorate in accordance with~~
12 ~~provision for a referendum for the framing of a home rule~~
13 ~~charter contained in Articles II or III and in Article IV of~~
14 ~~this act, except for section 405.~~

15 ~~(b) A referendum on the question of amendment of a home rule~~
16 ~~charter shall not be submitted to the electorate more often than~~
17 ~~once in one year.~~

18 ~~(c) The effective date of amendment shall be as provided in~~
19 ~~section 701 of this act for the effective date of a home rule~~
20 ~~charter if it affects a term of office, otherwise on the~~
21 ~~effective date stated therein.~~

22 ~~Section 705. Minimum Duration of Charter. The electors of~~
23 ~~any municipality which have adopted a home rule charter under~~
24 ~~the provisions of this act shall not vote on the repeal of a~~
25 ~~home rule charter or adoption of another form of government for~~
26 ~~five years after the adopted home rule charter has taken effect.~~

27 ~~Section 706. Repeal of a Charter. The procedure for a~~
28 ~~referendum on the question of repealing a home rule charter~~
29 ~~shall be as provided in Articles II or III and in Article IV of~~
30 ~~this act. The ordinance or initiative petition shall set forth~~

1 ~~the form of government the municipality shall be governed under~~
2 ~~in the event the home rule charter shall be repealed.~~

3 ~~Section 707. Form of Government after Repeal. Whenever the~~
4 ~~electors of any municipality, by a majority vote of those voting~~
5 ~~on the question, vote in favor of repeal of a home rule charter~~
6 ~~and the establishment of a particular form of government, such~~
7 ~~municipality shall be governed under the form of government~~
8 ~~selected by the electors, from the first Monday of January~~
9 ~~following the municipal election at which the elective officials~~
10 ~~of the form of government selected by the electors shall have~~
11 ~~been elected.~~

12 ~~Section 708. Election of Officials after Repeal. The~~
13 ~~elective officials of the municipality establishing a form of~~
14 ~~government selected by the electors shall be elected at the~~
15 ~~first municipal election held after the referendum on the repeal~~
16 ~~of a home rule charter and the establishment of a particular~~
17 ~~form of government.~~

18 ~~ARTICLE VIII~~

19 ~~HOME RULE CHARTER POWERS~~

20 ~~AND LIMITATIONS~~

21 ~~Section 801. Municipal Powers. A municipality which has~~
22 ~~adopted a home rule charter may exercise any power and perform~~
23 ~~any function not denied by the Constitution of Pennsylvania, by~~
24 ~~its home rule charter or by the General Assembly at any time.~~
25 ~~All grants of municipal power to municipalities governed by a~~
26 ~~home rule charter under this act, whether in the form of~~
27 ~~specific enumeration or general terms, shall be liberally~~
28 ~~construed in favor of the municipality.~~

29 ~~Section 802. Powers of a County Adopting a Home Rule~~
30 ~~Charter. No county which has adopted a home rule charter shall~~

1 ~~at any time thereafter exercise within any municipality in the~~
2 ~~county, a power or function being exercised by that municipality~~
3 ~~on the date of the adoption of the county home rule charter or~~
4 ~~which may be subsequently included in a local municipality~~
5 ~~adopting a home rule charter, except under all of the following~~
6 ~~conditions:~~

7 ~~(1) The exercise of such power or function by the county~~
8 ~~shall be authorized by ordinance of the governing body of the~~
9 ~~county, which ordinance in addition to such other filings as may~~
10 ~~be required by law, shall, within thirty days of its enactment,~~
11 ~~be filed with the clerk or secretary of each municipality within~~
12 ~~the county.~~

13 ~~(2) The transfer of a power or function to the county from~~
14 ~~any municipality within the county, as authorized by such~~
15 ~~ordinance, shall not become effective for at least one year from~~
16 ~~the date of adoption of such ordinance.~~

17 ~~(3) Within ninety days from the adoption of such ordinance,~~
18 ~~the governing body of any municipality, exercising on the date~~
19 ~~of the adoption of the county home rule charter any power or~~
20 ~~function authorized by ordinance of the county to be exercised~~
21 ~~by the county, may elect by ordinance to be excluded from the~~
22 ~~county exercise of such power or function. Within sixty days~~
23 ~~after the date of adoption by the governing body of a~~
24 ~~municipality of an ordinance excluding such municipality from~~
25 ~~the exercise by the county of a power or function, the qualified~~
26 ~~voters of such municipality may initiate a petition requiring~~
27 ~~that the question of exclusion from the exercise of such power~~
28 ~~or function by the county be submitted to a referendum of the~~
29 ~~qualified voters of the municipality at a special election to be~~
30 ~~held on the date of the next ensuing primary, municipal or~~

1 ~~general election not less than sixty days after the filing of~~
2 ~~the initiative petition with the county board of elections. The~~
3 ~~initiative and referendum procedures set forth in Articles III~~
4 ~~and IV shall be followed, except where the same may be~~
5 ~~inconsistent with any of the provisions of this section.~~

6 ~~(4) No tax or fee levied by the governing body of a county~~
7 ~~in support of the exercise of a power or function as authorized~~
8 ~~by ordinance of the county, shall be applicable in any~~
9 ~~municipality within the county which, as provided in clause (3)~~
10 ~~of section 802, has determined to be excluded from the exercise~~
11 ~~of such power or function by the county.~~

12 ~~(5) If the electors of a municipality by referendum, as~~
13 ~~provided in clause (3) of section 802, vote to exclude the~~
14 ~~municipality from the exercise of a power or function by the~~
15 ~~county, a petition may not be initiated nor may a referendum be~~
16 ~~held on the same question more often than every two years~~
17 ~~thereafter.~~

18 ~~(6) The manner in which a municipality may withdraw from a~~
19 ~~power or function provided in the home rule charter adopted by a~~
20 ~~county shall be determined in the ordinance adopted by the~~
21 ~~county or set forth in the county home rule charter.~~

22 ~~Section 803. Limits on Powers. (a) The home rule charter~~
23 ~~adopted in accordance with the provisions of this act shall not~~
24 ~~give any power or authority to the municipality contrary to, or~~
25 ~~in limitation or enlargement of powers granted by acts of the~~
26 ~~General Assembly which are applicable to a class or classes of~~
27 ~~municipalities on the following subjects:~~

28 ~~(1) The filing and collection of municipal and tax claims or~~
29 ~~liens and the sale of real or personal property in satisfaction~~
30 ~~thereof.~~

1 ~~(2) The procedures in the exercise of the power of eminent~~
2 ~~domain.~~

3 ~~(3) The assessment of damages and benefits for property~~
4 ~~taken, injured or destroyed.~~

5 ~~(4) Boundary changes of municipalities.~~

6 ~~(5) Regulation of public schools.~~

7 ~~(6) The registration of electors and the conduct of~~
8 ~~elections.~~

9 ~~(7) The fixing of rates and subjects of taxation.~~

10 ~~(8) The assessment of real or personal property and persons~~
11 ~~for taxation purposes.~~

12 ~~(9) Defining or providing for the punishment of any felony~~
13 ~~or misdemeanor.~~

14 ~~(10) The requirements placed upon businesses, occupations~~
15 ~~and employers to withhold, remit or report taxes or penalties~~
16 ~~levied or imposed upon them or upon persons in their employment.~~

17 ~~(11) The regulation or licensing of any business, industry,~~
18 ~~occupation or profession.~~

19 ~~(b) No municipality shall (i) engage in any private business~~
20 ~~except as authorized by the General Assembly, (ii) exercise~~
21 ~~powers contrary to, or in limitation or enlargement of powers~~
22 ~~granted by acts of the General Assembly which are applicable in~~
23 ~~every part of the Commonwealth, or which by their expressed~~
24 ~~terms are applicable to all municipalities, or classes of~~
25 ~~municipalities expressly including home rule charter~~
26 ~~municipalities, (iii) be given the power to diminish the rights~~
27 ~~or privileges of any present municipal employe in his pension or~~
28 ~~retirement system, nor (iv) enact or promulgate any statute or~~
29 ~~regulation with respect to definitions, sanitation, safety,~~
30 ~~health, standards of identity or labelling pertaining to the~~

1 ~~manufacture, processing, storage, distribution and sale of any~~
2 ~~foods, goods or services subject to any Commonwealth laws or~~
3 ~~regulations unless such municipal statute or regulation is~~
4 ~~uniform in all respects with such Commonwealth laws and~~
5 ~~regulations.~~

6 ~~(c) No municipality shall enact any provision inconsistent~~
7 ~~with any statute heretofore or hereinafter enacted by the~~
8 ~~General Assembly affecting the rights, benefits or working~~
9 ~~conditions of any employe of a political subdivision of the~~
10 ~~Commonwealth.~~

11 ~~ARTICLE IX~~

12 ~~REPEALS AND EFFECTIVE DATE~~

13 ~~Section 901. Repeals. All acts and parts of acts, general,~~
14 ~~local and special, are repealed in so far as they are~~
15 ~~inconsistent herewith.~~

16 ~~Section 902. Effective Date. This act shall take effect~~
17 ~~immediately.~~

18 ~~ARTICLE I~~ ←

19 ~~PRELIMINARY PROVISION~~

20 ~~SECTION 101. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE~~
21 ~~"HOME RULE CHARTER AND OPTIONAL PLANS LAW."~~

22 ~~SECTION 102. AS USED IN THIS ACT:~~

23 ~~"GOVERNMENT STUDY COMMISSION" OR "COMMISSION" MEANS THE BODY~~
24 ~~COMPOSED OF ELECTORS OF THE MUNICIPALITY ELECTED UNDER THE~~
25 ~~PROVISIONS OF THIS ACT.~~

26 ~~"COUNCILMAN" MEANS COUNTY COMMISSIONER, CITY COUNCILMAN,~~
27 ~~BOROUGH COUNCILMAN, TOWN COUNCILMAN, TOWNSHIP COMMISSIONER IN A~~
28 ~~TOWNSHIP OF THE FIRST CLASS, AND SUPERVISOR IN A TOWNSHIP OF THE~~
29 ~~SECOND CLASS.~~

30 ~~"ELECTION OFFICIALS" MEANS THE COUNTY BOARDS OF ELECTIONS.~~

1 "ELECTORS" MEANS THE REGISTERED VOTERS OF ANY MUNICIPALITY
2 INVOLVED IN PROCEEDINGS RELATING TO THE ADOPTION AND REPEAL OF
3 OPTIONAL FORMS OF GOVERNMENT.

4 "GOVERNING BODY" OR "MUNICIPAL COUNCIL" OR "COUNCIL" MEANS
5 BOARDS OF COUNTY COMMISSIONERS, CITY COUNCILS, BOROUGH OR
6 INCORPORATED TOWN COUNCILS, COMMISSIONERS OF TOWNSHIPS OF THE
7 FIRST CLASS, AND SUPERVISORS OF TOWNSHIPS OF THE SECOND CLASS.

8 "HOME RULE CHARTER" MEANS A WRITTEN DOCUMENT DEFINING THE
9 POWERS, THE STRUCTURE, PRIVILEGES, RIGHTS AND DUTIES OF THE
10 MUNICIPAL GOVERNMENT AND LIMITATIONS THEREON. THE CHARTER SHALL
11 ALSO PROVIDE FOR THE COMPOSITION AND ELECTION OF THE GOVERNING
12 BODY, WHICH IN ALL CASES SHALL BE CHOSEN BY POPULAR ELECTIONS.

13 "LOCAL MUNICIPALITY" MEANS A CITY, BOROUGH, INCORPORATED TOWN
14 OR TOWNSHIP.

15 "MUNICIPALITY" MEANS A COUNTY, CITY, BOROUGH, INCORPORATED
16 TOWN OR TOWNSHIP.

17 "OPTIONAL FORMS" MEANS A GENERAL DESCRIPTION INCLUDING BOTH
18 HOME RULE CHARTERS AND OPTIONAL PLANS.

19 "OPTIONAL PLANS" MEANS OPTIONAL MUNICIPAL POWERS, PROCEDURES
20 AND ADMINISTRATIVE STRUCTURES AS PROVIDED BY THIS ACT.

21 ARTICLE II

22 PROCEDURE FOR ADOPTION OF A HOME RULE CHARTER

23 OR OPTIONAL PLAN OF GOVERNMENT

24 A. GOVERNMENT STUDY COMMISSION

25 SECTION 201. (A) WHENEVER AUTHORIZED BY ORDINANCE OF THE
26 GOVERNING BODY, OR UPON PETITION OF THE REGISTERED VOTERS OF ANY
27 MUNICIPALITY TO THE COUNTY BOARD OF ELECTORS OF THE COUNTY
28 WHEREIN THE MUNICIPALITY IS LOCATED, AN ELECTION SHALL BE HELD
29 IN THE MUNICIPALITY UPON ONE OF THE FOLLOWING QUESTIONS:

30 (1) "SHALL A GOVERNMENT STUDY COMMISSION OF (SEVEN, NINE OR

1 ELEVEN) BE ELECTED TO STUDY THE CHARTER AND FORM OF GOVERNMENT
2 OF THE MUNICIPALITY, TO STUDY AND CONSIDER THE ADVISABILITY OF
3 ADOPTION OF AN OPTIONAL FORM OF GOVERNMENT AND TO RECOMMEND
4 WHETHER OR NOT AN OPTIONAL PLAN OF GOVERNMENT SHOULD BE
5 ADOPTED."

6 (2) "SHALL A GOVERNMENT STUDY COMMISSION OF (SEVEN, NINE OR
7 ELEVEN) BE ELECTED TO STUDY THE CHARTER AND FORM OF GOVERNMENT
8 OF THE MUNICIPALITY, TO STUDY AND DRAFT A HOME RULE CHARTER AND
9 TO RECOMMEND WHETHER OR NOT A HOME RULE CHARTER SHOULD BE
10 ADOPTED."

11 (3) "SHALL A GOVERNMENT STUDY COMMISSION OF (SEVEN, NINE OR
12 ELEVEN) BE ELECTED TO STUDY THE CHARTER AND PLAN OF GOVERNMENT
13 OF THE MUNICIPALITY, TO STUDY AND CONSIDER THE ADVISABILITY OF
14 ADOPTION OF AN OPTIONAL PLAN OF GOVERNMENT OR A HOME RULE
15 CHARTER AND TO RECOMMEND WHETHER OR NOT AN OPTIONAL FORM OF
16 GOVERNMENT OR A HOME RULE CHARTER SHOULD BE ADOPTED."

17 THE PETITION CALLING FOR SUCH ELECTION SHALL BE IN THE FORM
18 REQUIRED BY SUBSECTION (B) HEREOF, AND SHALL BE SIGNED BY
19 ELECTORS OF THE MUNICIPALITY COMPRISING TWO PER CENT OF THE
20 NUMBER OF ELECTORS VOTING FOR THE OFFICE OF GOVERNOR IN THE LAST
21 GUBERNATORIAL GENERAL ELECTION WITHIN THE MUNICIPALITY BUT NOT
22 LESS THAN TWENTY-FIVE ELECTORS, OR IF THE NUMBER OF ELECTORS SO
23 VOTING IS LESS THAN FIFTY, THEN NOT LESS THAN A MAJORITY OF THE
24 ELECTORS SO VOTING.

25 WITHIN FIVE DAYS AFTER THE FINAL ENACTMENT OF AN ORDINANCE
26 AUTHORIZING SUCH ELECTION, THE MUNICIPAL CLERK OR SECRETARY
27 SHALL FILE A CERTIFIED COPY OF THE ORDINANCE WITH THE COUNTY
28 BOARD OF ELECTIONS, TOGETHER WITH A COPY OF THE QUESTION TO BE
29 SUBMITTED TO THE ELECTORS. AT THE NEXT MUNICIPAL OR GENERAL OR
30 PRIMARY ELECTION OCCURRING NOT LESS THAN SIXTY DAYS AFTER THE

1 FILING OF THE ORDINANCE OR THE PETITION WITH THE COUNTY ELECTION
2 BOARD, IT SHALL CAUSE THE APPROPRIATE QUESTION ABOVE STATED TO
3 BE SUBMITTED TO THE ELECTORS OF THE MUNICIPALITY AS OTHER
4 QUESTIONS ARE SUBMITTED UNDER THE PROVISIONS OF THE PENNSYLVANIA
5 ELECTION CODE.

6 (B) A PETITION UNDER THIS SECTION SHALL BE FILED AT LEAST
7 SIXTY-FOUR DAYS PRIOR TO THE MUNICIPAL OR GENERAL ELECTION, AND
8 THE PETITION AND THE PROCEEDINGS THEREIN SHALL BE IN THE MANNER
9 AND SUBJECT TO THE PROVISIONS OF THE ELECTION LAWS WHICH RELATE
10 TO THE SIGNING, FILING AND ADJUDICATION OF NOMINATION PETITIONS
11 IN SO FAR AS SUCH PROVISIONS ARE APPLICABLE, EXCEPT THAT NO
12 PETITION SHALL BE SIGNED OR CIRCULATED PRIOR TO SIXTY DAYS
13 BEFORE THE LAST DAY ON WHICH SUCH PETITION MAY BE FILED.

14 SECTION 202. A GOVERNMENTAL STUDY COMMISSION OF SEVEN, NINE
15 OR ELEVEN MEMBERS AS DESIGNATED IN THE QUESTION SHALL BE ELECTED
16 BY THE QUALIFIED VOTERS AT THE SAME ELECTION THE QUESTION IS
17 SUBMITTED TO THE ELECTORS. CANDIDATES FOR THE OFFICE OF
18 GOVERNMENT STUDY COMMISSIONER SHALL BE NOMINATED AND PLACED UPON
19 THE BALLOT CONTAINING THE QUESTION IN THE MANNER PROVIDED BY AND
20 SUBJECT TO THE PROVISIONS OF THE PENNSYLVANIA ELECTION CODE
21 WHICH RELATE TO THE NOMINATION OF CANDIDATES NOMINATED BY
22 NOMINATION PAPERS FILED FOR OTHER OFFICES ELECTIVE BY THE VOTERS
23 OF A MUNICIPALITY, EXCEPT THAT THEY SHALL BE NOMINATED AND
24 LISTED WITHOUT ANY POLITICAL DESIGNATION OR SLOGAN, AND, NO
25 NOMINATION PAPER SHALL BE SIGNED OR CIRCULATED PRIOR TO SIXTY
26 DAYS BEFORE THE LAST DAY ON WHICH PAPERS MAY BE FILED. EACH
27 VOTER SHALL BE INSTRUCTED TO VOTE ON THE QUESTION AND,
28 REGARDLESS OF THE MANNER OF HIS VOTE ON THE QUESTION, TO VOTE
29 FOR THE DESIGNATED NUMBER OF MEMBERS OF A GOVERNMENT STUDY
30 COMMISSION WHO SHALL SERVE IF THE QUESTION IS OR HAS BEEN

1 DETERMINED IN THE AFFIRMATIVE.

2 SECTION 203. (A) CANDIDATES FOR THE GOVERNMENT STUDY
3 COMMISSION SHALL BE REGISTERED VOTERS OF THE MUNICIPALITY. THEY
4 MAY BE NOMINATED BY NOMINATION PAPERS SIGNED BY A NUMBER OF
5 QUALIFIED ELECTORS OF THE MUNICIPALITY EQUAL AT LEAST TO TWO PER
6 CENT OF THE LARGEST ENTIRE VOTE CAST FOR ANY MUNICIPAL OFFICER
7 ELECTED AT THE LAST PRECEDING MUNICIPAL ELECTION IN THE
8 MUNICIPALITY OR TWO HUNDRED REGISTERED VOTERS WHICHEVER IS LESS
9 AND FILED WITH THE COUNTY BOARD OF ELECTIONS NOT LESS THAN
10 FORTY-FOUR DAYS PRIOR TO THE DATE OF THE ELECTION.

11 (B) EACH NOMINATING PAPER SHALL SET FORTH THE NAMES, PLACES
12 OF RESIDENCE, AND POST OFFICE ADDRESSES OF THE CANDIDATE OR
13 CANDIDATES THEREBY NOMINATED, THAT THE NOMINATION IS FOR THE
14 OFFICE OF GOVERNMENT STUDY COMMISSIONER, AND THAT THE SIGNERS
15 ARE LEGALLY QUALIFIED TO VOTE FOR SUCH CANDIDATE OR CANDIDATES.
16 EVERY VOTER SIGNING A NOMINATING PAPER SHALL ADD TO HIS
17 SIGNATURE HIS PLACE OF RESIDENCE, POST OFFICE ADDRESS AND STREET
18 NUMBER, IF ANY. NO VOTER SHALL SIGN A NOMINATION PAPER OR PAPERS
19 FOR MORE THAN THE DESIGNATED NUMBER OF CANDIDATES.

20 (C) EACH NOMINATING PAPER SHALL, BEFORE IT MAY BE FILED WITH
21 THE COUNTY BOARD OF ELECTIONS, CONTAIN AN ACCEPTANCE OF SUCH
22 NOMINATION IN WRITING, SIGNED BY THE CANDIDATE OR CANDIDATES
23 THEREIN NOMINATED, UPON OR ANNEXED TO SUCH PAPER, OR IF THE SAME
24 PERSON OR PERSONS BE NAMED IN MORE THAN ONE PAPER, UPON OR
25 ANNEXED TO ONE OF SUCH PAPERS. SUCH ACCEPTANCE SHALL CERTIFY
26 THAT THE CANDIDATE IS A REGISTERED VOTER OF THE MUNICIPALITY,
27 THAT THE NOMINEE CONSENTS TO STAND AS A CANDIDATE AT THE
28 ELECTION, AND THAT IF ELECTED HE AGREES TO TAKE OFFICE AND
29 SERVE.

30 (D) EACH NOMINATING PAPER SHALL BE VERIFIED BY AN OATH OR

1 AFFIRMATION OF ONE OR MORE OF THE SIGNERS THEREOF, TAKEN AND
2 SUBSCRIBED BEFORE A PERSON QUALIFIED UNDER THE LAWS OF
3 PENNSYLVANIA TO ADMINISTER AN OATH, TO THE EFFECT THAT THE PAPER
4 WAS SIGNED BY EACH OF THE SIGNERS THEREOF IN HIS PROPER
5 HANDWRITING, THAT THE SIGNERS ARE, TO THE BEST KNOWLEDGE AND
6 BELIEF OF THE AFFIANT, REGISTERED VOTERS OF THE MUNICIPALITY,
7 AND THAT THE NOMINATION PAPER IS PREPARED AND FILED IN GOOD
8 FAITH FOR THE SOLE PURPOSE OF ENDORSING THE PERSON OR PERSONS
9 NAMED THEREIN FOR ELECTION AS STATED IN THE PAPER.

10 SECTION 204. THE RESULT OF THE VOTES CAST FOR AND AGAINST
11 THE QUESTION AS TO THE ELECTION OF A GOVERNMENT STUDY COMMISSION
12 SHALL BE RETURNED BY THE ELECTION OFFICERS, AND A CANVASS OF
13 SUCH ELECTION HAD, AS IS PROVIDED BY LAW IN THE CASE OF OTHER
14 PUBLIC QUESTIONS PUT TO THE VOTERS OF A SINGLE MUNICIPALITY. THE
15 VOTES CAST FOR MEMBERS OF THE COMMISSION SHALL BE COUNTED, AND
16 THE RESULT THEREOF RETURNED BY THE ELECTION OFFICERS, AND A
17 CANVASS OF SUCH ELECTION HAD, AS IS PROVIDED BY LAW IN THE CASE
18 OF ELECTION OF MEMBERS OF MUNICIPAL COUNCIL OR BOARD. THE
19 DESIGNATED NUMBER OF CANDIDATES RECEIVING THE GREATEST NUMBER OF
20 VOTES SHALL BE ELECTED AND SHALL CONSTITUTE THE COMMISSION:
21 PROVIDED, THAT IF A MAJORITY OF THOSE VOTING ON SAID QUESTION
22 SHALL VOTE AGAINST THE ELECTION OF A COMMISSION, NONE OF THE
23 CANDIDATES SHALL BE ELECTED. IF TWO OR MORE CANDIDATES FOR THE
24 LAST SEAT SHALL BE EQUAL IN NUMBER OF VOTES, THEY SHALL DRAW
25 LOTS TO DETERMINE WHICH ONE SHALL BE ELECTED.

26 SECTION 205. AS SOON AS POSSIBLE AND IN ANY EVENT NO LATER
27 THAN FIFTEEN DAYS AFTER ITS CERTIFICATION OF ELECTION, THE
28 GOVERNMENT STUDY COMMISSION SHALL ORGANIZE AND HOLD ITS FIRST
29 MEETING AND ELECT ONE OF ITS MEMBERS AS CHAIRMAN, ANOTHER MEMBER
30 AS VICE CHAIRMAN, FIX ITS HOURS AND PLACE OF MEETING, AND ADOPT

1 SUCH RULES FOR THE CONDUCT OF ITS BUSINESS AS IT MAY DEEM
2 NECESSARY AND ADVISABLE. A MAJORITY OF THE MEMBERS OF SAID
3 COMMISSION SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF
4 BUSINESS, BUT NO RECOMMENDATION OF SAID COMMISSION SHALL HAVE
5 ANY LEGAL EFFECT UNLESS ADOPTED BY A MAJORITY OF THE WHOLE
6 NUMBER OF THE MEMBERS OF THE COMMISSION.

7 SECTION 206. IN CASE OF ANY VACANCY IN THE GOVERNMENT STUDY
8 COMMISSION, THE REMAINING MEMBERS OF SUCH COMMISSION SHALL FILL
9 IT BY APPOINTING THERETO SOME OTHER PROPERLY QUALIFIED ELECTOR.

10 SECTION 207. IT SHALL BE THE FUNCTION AND DUTY OF THE
11 GOVERNMENT STUDY COMMISSION TO STUDY THE FORM OF GOVERNMENT OF
12 THE MUNICIPALITY, TO COMPARE IT WITH OTHER AVAILABLE FORMS UNDER
13 THE LAWS OF THIS STATE, TO DETERMINE WHETHER OR NOT IN ITS
14 JUDGMENT THE GOVERNMENT OF THE MUNICIPALITY COULD BE
15 STRENGTHENED, MADE MORE CLEARLY RESPONSIBLE OR ACCOUNTABLE TO
16 THE PEOPLE, OR WHETHER ITS OPERATION COULD BECOME MORE
17 ECONOMICAL OR EFFICIENT UNDER A CHANGED FORM OF GOVERNMENT.

18 SECTION 208. MEMBERS OF THE GOVERNMENT STUDY COMMISSION
19 SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE REIMBURSED BY THE
20 MUNICIPALITY FOR THEIR NECESSARY EXPENSES INCURRED IN THE
21 PERFORMANCE OF THEIR DUTIES. COUNCIL SHALL APPROPRIATE MONEYS
22 NECESSARY FOR SUCH PURPOSE.

23 WITHIN THE LIMITS OF SUCH APPROPRIATIONS AND OTHER PUBLIC AND
24 PRIVATELY CONTRIBUTED FUNDS AND SERVICES AS SHALL BE MADE
25 AVAILABLE TO IT, THE COMMISSION MAY APPOINT ONE OR MORE
26 CONSULTANTS AND CLERICAL AND OTHER ASSISTANTS TO SERVE AT THE
27 PLEASURE OF THE COMMISSION AND MAY FIX A REASONABLE COMPENSATION
28 TO BE PAID SUCH CONSULTANTS AND CLERICAL AND OTHER ASSISTANTS.

29 SECTION 209. THE GOVERNMENT STUDY COMMISSION SHALL HOLD ONE
30 OR MORE PUBLIC HEARINGS, MAY HOLD PRIVATE HEARINGS AND SPONSOR

1 PUBLIC FORUMS, AND GENERALLY SHALL PROVIDE FOR THE WIDEST
2 POSSIBLE PUBLIC INFORMATION AND DISCUSSION RESPECTING THE
3 PURPOSES AND PROGRESS OF ITS WORK.

4 SECTION 210. (A) THE GOVERNMENT STUDY COMMISSION SHALL
5 REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE CITIZENS OF THE
6 MUNICIPALITY WITHIN NINE CALENDAR MONTHS FROM THE DATE OF ITS
7 ELECTION EXCEPT THAT IT SHALL BE PERMITTED AN ADDITIONAL THREE
8 MONTHS IF IT ELECTS TO PREPARE AND SUBMIT A PROPOSED HOME RULE
9 CHARTER. IT SHALL PUBLISH OR CAUSE TO BE PUBLISHED SUFFICIENT
10 COPIES OF ITS FINAL REPORT FOR PUBLIC STUDY AND INFORMATION, AND
11 SHALL DELIVER TO THE MUNICIPAL CLERK OR SECRETARY SUFFICIENT
12 COPIES OF THE REPORT TO SUPPLY IT TO ANY INTERESTED CITIZEN UPON
13 REQUEST. IF THE COMMISSION SHALL RECOMMEND THE ADOPTION OF A
14 HOME RULE CHARTER OR ANY OF THE OPTIONAL PLANS OF GOVERNMENT AS
15 AUTHORIZED IN THIS ACT, THE REPORT SHALL CONTAIN THE COMPLETE
16 PLANS AS RECOMMENDED.

17 (B) A COPY OF THE FINAL REPORT OF THE COMMISSION WITH ITS
18 FINDINGS AND RECOMMENDATIONS SHALL BE FILED WITH THE DEPARTMENT
19 OF COMMUNITY AFFAIRS.

20 SECTION 211. (A) THE GOVERNMENT STUDY COMMISSION SHALL BE
21 DISCHARGED UPON THE FILING OF ITS REPORT: PROVIDED, THAT IF THE
22 COMMISSION'S RECOMMENDATIONS REQUIRE FURTHER PROCEDURE ON THE
23 PART OF THE MUNICIPAL COUNCIL OR BOARD OR THE PEOPLE OF THE
24 MUNICIPALITY, THE COMMISSION SHALL NOT BE DISCHARGED UNTIL A
25 COPY OF THE REPORT HAS BEEN CERTIFIED TO THE COUNTY BOARD OF
26 ELECTIONS. ANY TIME BEFORE SUCH PROCEDURE HAS BEEN FINALLY
27 CONCLUDED BUT NOT LATER THAN ONE YEAR FROM THE DATE OF THE
28 PUBLICATION OF ITS FINAL REPORT, THE COMMISSION MAY MODIFY OR
29 CHANGE ANY RECOMMENDATION SET FORTH IN SAID FINAL REPORT BY
30 PUBLISHING AN AMENDED REPORT.

1 (B) WHENEVER A COMMISSION ISSUES AN AMENDED REPORT PURSUANT
2 TO SUBSECTION (A) ABOVE, SUCH AMENDED REPORT SHALL SUPERSEDE THE
3 FINAL REPORT AND SUCH FINAL REPORT SHALL CEASE TO HAVE ANY LEGAL
4 EFFECT UNDER THIS ACT.

5 (C) THE PROCEDURE TO BE TAKEN UNDER THE AMENDED REPORT SHALL
6 BE GOVERNED BY ALL PROVISIONS OF ARTICLE II OF THIS ACT
7 APPLICABLE TO THE FINAL REPORT OF A COMMISSION SUBMITTED
8 PURSUANT TO SECTION 210 OF THIS ACT.

9 SECTION 212. THE GOVERNMENT STUDY COMMISSION SHALL REPORT
10 AND RECOMMEND IN ACCORDANCE WITH THE QUESTION PRESENTED TO THE
11 ELECTORATE AS PROVIDED IN SECTION 201:

12 (1) THAT A REFERENDUM SHALL BE HELD TO SUBMIT TO THE
13 QUALIFIED VOTERS OF THE MUNICIPALITY THE QUESTION OF ADOPTING
14 ONE OF THE OPTIONAL PLANS OF GOVERNMENT AUTHORIZED BY THIS ACT
15 TO BE SPECIFIED BY THE COMMISSION; OR

16 (2) THAT A REFERENDUM SHALL BE HELD TO SUBMIT TO THE
17 QUALIFIED VOTERS OF THE MUNICIPALITY THE QUESTION OF ADOPTING A
18 HOME RULE CHARTER AS PREPARED BY THE COMMISSION AND AS
19 AUTHORIZED BY THIS ACT; OR

20 (3) THAT THE FORM OF GOVERNMENT OF THE MUNICIPALITY SHALL
21 REMAIN UNCHANGED; OR

22 (4) SUCH OTHER ACTION AS IT MAY DEEM ADVISABLE CONSISTENT
23 WITH ITS FUNCTIONS AS SET FORTH IN THIS ARTICLE.

24 SECTION 213. (A) IF THE GOVERNMENT STUDY COMMISSION REPORT,
25 SHALL RECOMMEND THE AMENDMENT OF ANY OF THE OPTIONAL PLANS OF
26 GOVERNMENT SET FORTH IN THIS ACT, EXCEPT THE OPTIONAL COUNTY
27 PLAN PROVIDED IN ARTICLE X, THE REPORT OF THE COMMISSION MAY
28 SPECIFY THAT (I) THE MUNICIPAL COUNCIL SHALL CONSIST OF FIVE,
29 SEVEN OR NINE MEMBERS (EXCEPT THAT UNDER THE SMALL MUNICIPALITY
30 PLAN AS PROVIDED FOR IN ARTICLE IX, AND UNDER THE OPTIONAL

1 COUNTY PLAN AS PROVIDED IN ARTICLE X, THE NUMBER OF COUNCILMEN
2 SHALL BE AS PROVIDED IN SECTION 911 AND SECTION 1002,
3 RESPECTIVELY); AND (II) THE TREASURER, WHERE SUCH OFFICE IS
4 PROVIDED, SHALL BE ELECTED BY THE VOTERS.

5 IF A COMMISSION REPORT, INITIATIVE PETITION OR ORDINANCE
6 SHALL RECOMMEND ANY OPTIONAL PLAN, EXCEPT FOR THE OPTIONAL
7 COUNTY PLAN SET FORTH IN ARTICLE X, IT MAY SPECIFY THAT THE THEN
8 EXISTING BASIS FOR ELECTING COUNCILMEN SHALL BE CHANGED TO AN
9 AT-LARGE, DISTRICT, OR COMBINATION AT-LARGE AND DISTRICT BASIS.

10 IF A COMMISSION REPORT, INITIATIVE PETITION OR ORDINANCE
11 SHALL RECOMMEND THE ADOPTION OF THE COUNCIL-MANAGER FORM OF
12 GOVERNMENT, IT MAY SPECIFY THAT THE MAYOR BE ELECTED DIRECTLY BY
13 THE VOTERS OF THE MUNICIPALITY RATHER THAN BY COUNCIL.

14 IF A COMMISSION REPORT, INITIATIVE PETITION OR ORDINANCE FOR
15 A COUNTY SHALL RECOMMEND THE ADOPTION OF ANY OF THE OPTIONAL
16 PLANS, EXCEPT THE OPTIONAL COUNTY PLAN SET FORTH IN ARTICLE X OF
17 THIS ACT, IT MAY SPECIFY THAT THE SHERIFF BE ELECTED DIRECTLY BY
18 THE VOTERS OF THE COUNTY AS PROVIDED IN ARTICLE XI OF THIS ACT.

19 IN ALL CASES, EXCEPT FOR THE COUNCIL-MANAGER PLAN SET FORTH
20 IN ARTICLE VIII, THE COMMISSION REPORT, INITIATIVE PETITION OR
21 ORDINANCE SHALL SPECIFY WHETHER THE EXECUTIVE (MAYOR) OF THE
22 MUNICIPALITY SHALL BE CALLED "EXECUTIVE" OR "MAYOR."

23 (B) IF THE COMMISSION SHALL RECOMMEND THE ADOPTION OF A HOME
24 RULE CHARTER, IT SHALL SPECIFY THE NUMBER TO BE ON THE MUNICIPAL
25 COUNCIL, ALL OFFICES TO BE FILLED BY ELECTION, AND WHETHER
26 ELECTIONS SHALL BE ON AN AT-LARGE, DISTRICT, OR COMBINATION
27 DISTRICT AND AT-LARGE BASIS.

28 (C) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, IF AN
29 APPROVED HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT OR
30 OTHER FORM OF GOVERNMENT ADOPTED PURSUANT TO THE PROVISIONS OF

1 THIS ACT SHALL SPECIFY THAT THE ELECTION OF THE MUNICIPAL
2 COUNCIL SHALL BE ON AN AT-LARGE, DISTRICT, OR COMBINATION
3 DISTRICT AND AT-LARGE BASIS, WHICH BASIS DIFFERS FROM THE
4 EXISTING BASIS AND THEREFORE REQUIRES ELIMINATING DISTRICTS OR
5 ESTABLISHING REVISED OR NEW DISTRICTS, THEN ELECTION OF
6 MUNICIPAL OFFICIALS SHALL NOT TAKE PLACE ON THE NEW BASIS UNTIL
7 THE MUNICIPAL ELECTION FOLLOWING THE NEXT PRIMARY ELECTION
8 TAKING PLACE LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
9 ELECTION AT WHICH THE REFERENDUM ON THE QUESTION OF A NEW FORM
10 OF GOVERNMENT HAS BEEN APPROVED BY THE ELECTORATE. THE NEW FORM
11 OF GOVERNMENT SHALL NOT GO INTO EFFECT UNTIL THE FIRST MONDAY IN
12 JANUARY FOLLOWING THE ELECTION OF MUNICIPAL OFFICIALS ON THE NEW
13 BASIS. NEW OR REVISED DISTRICTS SHALL BE ESTABLISHED BY THE
14 COURT OF COMMON PLEAS IN THE COUNTY WITHIN NINETY DAYS FROM THE
15 DATE OF APPROVAL BY THE ELECTORATE OF A NEW FORM OF GOVERNMENT.

16 SECTION 214. THE QUESTION TO BE SUBMITTED TO THE VOTERS FOR
17 THE ADOPTION OF A HOME RULE CHARTER OR ANY OF THE OPTIONAL PLANS
18 OF GOVERNMENT AUTHORIZED BY THIS ACT SHALL BE SUBMITTED IN THE
19 FOLLOWING FORM OR SUCH PART THEREOF AS SHALL BE APPLICABLE.

20 "SHALL THE HOME RULE CHARTER CONTAINED
21 IN THE REPORT, DATED _____
22 OF THE GOVERNMENT STUDY COMMISSION, PREPARED YES
23 IN ACCORDANCE WITH THE HOME RULE CHARTER AND
24 OPTIONAL PLANS LAW, BE ADOPTED BY THE
25 _____?" NO

26 (INSERT TYPE AND NAME OF MUNICIPALITY)

27 OR

28 "SHALL _____,

29 (INSERT NAME OF PLAN)

30 INCLUDING RECOMMENDATIONS PERTAINING TO

1 OPTIONAL PROVISIONS CONTAINED IN THE YES
2 REPORT OF THE GOVERNMENT STUDY COMMISSION,
3 DATED _____, AS
4 AUTHORIZED BY THE HOME RULE CHARTER AND NO
5 OPTIONAL PLANS LAW, BE ADOPTED BY THE
6 _____?"
7 (INSERT TYPE AND NAME OF MUNICIPALITY)
8 OR
9 "SHALL THE (HOME RULE CHARTER)
10 (OPTIONAL PLAN) OF THE
11 _____
12 (INSERT TYPE AND NAME OF MUNICIPALITY)
13 BE REPEALED, AND THE FORM OF GOVERNMENT YES
14 RECOMMENDED IN THE REPORT OF THE GOVERNMENT
15 STUDY COMMISSION, DATED _____,
16 BE ADOPTED AS AUTHORIZED BY THE HOME RULE
17 CHARTER AND OPTIONAL PLANS LAW?" NO
18 OR
19 "SHALL AN OPTIONAL PLAN FOR THE
20 _____
21 (INSERT TYPE AND NAME OF MUNICIPALITY)
22 BE AMENDED AS SPECIFIED IN THE YES
23 REPORT OF THE GOVERNMENT STUDY COMMISSION
24 FILED WITH THE ELECTION
25 OFFICIALS OF THE COUNTY OF
26 _____, ON _____
27 (INSERT NAME OF COUNTY) (INSERT DATE)
28 AS AUTHORIZED BY THE HOME RULE CHARTER AND
29 OPTIONAL PLANS LAW?" NO
30 SECTION 215. IF THE GOVERNMENT STUDY COMMISSION SHALL

1 RECOMMEND THAT THE QUESTION OF ADOPTING A HOME RULE CHARTER OR
2 ONE OF THE OPTIONAL PLANS OF GOVERNMENT AUTHORIZED BY THIS ACT
3 SHALL BE SUBMITTED TO THE VOTERS OF THE MUNICIPALITY, IT SHALL
4 BE THE DUTY OF THE MUNICIPAL CLERK OR SECRETARY, WITHIN FIVE
5 DAYS THEREAFTER, TO CERTIFY A COPY OF THE COMMISSION'S REPORT TO
6 THE COUNTY ELECTION BOARD, WHICH SHALL CAUSE THE QUESTION OF
7 ADOPTION OR REJECTION TO BE PLACED UPON THE BALLOT OR VOTING
8 MACHINES AT SUCH TIME AS THE COMMISSION SHALL IN ITS REPORT
9 SPECIFY. THE COMMISSION MAY CAUSE THE QUESTION TO BE SUBMITTED
10 TO THE PEOPLE AT THE NEXT PRIMARY OR GENERAL ELECTION, OCCURRING
11 NOT LESS THAN SIXTY DAYS FOLLOWING THE FILING OF A COPY OF THE
12 COMMISSION'S REPORT WITH THE COUNTY BOARD OF ELECTIONS, AT SUCH
13 TIME AS THE COMMISSION'S REPORT SHALL DIRECT. AT SUCH ELECTION,
14 THE QUESTION OF ADOPTING THAT FORM OF GOVERNMENT RECOMMENDED BY
15 THE COMMISSION SHALL BE SUBMITTED TO THE VOTERS OF THE
16 MUNICIPALITY BY THE COUNTY BOARD OF ELECTIONS IN THE SAME MANNER
17 AS OTHER QUESTIONS ARE SUBMITTED TO THE VOTERS OF A MUNICIPALITY
18 UNDER THE PROVISIONS OF THE PENNSYLVANIA ELECTION CODE. THE
19 COMMISSION SHALL FRAME THE QUESTION TO BE PLACED UPON THE BALLOT
20 AS HEREIN PROVIDED, AND IF IT DEEMS APPROPRIATE AN
21 INTERPRETATIVE STATEMENT TO ACCOMPANY SUCH QUESTION.

22 SECTION 216. (A) NO ORDINANCE MAY BE PASSED AND NO PETITION
23 MAY BE FILED FOR THE ELECTION OF A GOVERNMENT STUDY COMMISSION
24 PURSUANT TO SECTION 201 OF THIS ACT WHILE PROCEEDINGS ARE
25 PENDING UNDER ANY OTHER PETITION OR ORDINANCE FILED OR PASSED
26 UNDER THE AUTHORITY OF THIS ACT, NOR ON THE SAME QUESTION IF IT
27 HAS BEEN DEFEATED WITHIN FOUR YEARS AFTER AN ELECTION SHALL HAVE
28 BEEN HELD PURSUANT TO ANY SUCH ORDINANCE OR PETITION PASSED OR
29 FILED.

30 (B) FOR THE PURPOSE OF THIS SECTION, PROCEEDINGS SHALL BE

1 CONSIDERED AS HAVING STARTED (I) IN THE CASE OF AN ORDINANCE
2 UPON THE FINAL VOTE OF COUNCIL IN FAVOR OF THE ORDINANCE,
3 NOTWITHSTANDING THE FACT THAT THE ORDINANCE CANNOT TAKE EFFECT
4 UNTIL A CERTAIN NUMBER OF DAYS THEREAFTER; OR (II) IN THE CASE
5 OF A PETITION, AS SOON AS IT IS PROPERLY SIGNED BY ONE-THIRD OF
6 THE NUMBER OF REGISTERED VOTERS REQUIRED FOR SUCH PETITION AND
7 WRITTEN NOTICE THEREOF FILED IN THE OFFICE OF THE COUNTY BOARD
8 OF ELECTIONS AND IN THE OFFICE OF THE MUNICIPAL CLERK OR
9 SECRETARY, WHO SHALL CAUSE THE SAME TO BE IMMEDIATELY POSTED IN
10 A CONSPICUOUS PLACE IN SAID OFFICE, OPEN TO PUBLIC INSPECTION.

11 SECTION 217. WHENEVER THE LEGALLY QUALIFIED VOTERS OF ANY
12 MUNICIPALITY BY A MAJORITY OF THOSE VOTING ON THE QUESTION VOTE
13 IN FAVOR OF ADOPTING A CHANGE IN THEIR FORM OF GOVERNMENT
14 PURSUANT TO THIS ACT, THE PROPOSED FORM SHALL TAKE EFFECT
15 ACCORDING TO ITS TERMS AND THE PROVISIONS OF THIS ACT.

16 SECTION 218. THE VOTERS OF ANY MUNICIPALITY WHICH HAS
17 ADOPTED A HOME RULE CHARTER OR AN OPTIONAL PLAN OF GOVERNMENT
18 PURSUANT TO THIS ACT MAY NOT VOTE ON THE QUESTION OF CHANGING
19 THE FORM OF GOVERNMENT UNTIL FOUR YEARS AFTER THE HOME RULE
20 CHARTER OR OPTIONAL PLAN BECAME EFFECTIVE.

21 SECTION 219. FOR THE PURPOSES OF THIS ACT, EACH OF THE
22 OPTIONAL FORMS OF GOVERNMENT PROVIDED BY THIS ACT AND EACH OF
23 SAID OPTIONAL FORMS AS MODIFIED BY ANY AVAILABLE PROVISIONS
24 CONCERNING SIZE OF COUNCIL, ELECTION OF MUNICIPAL OFFICIALS, THE
25 BASIS FOR ELECTING COUNCILMEN, IS HEREBY DECLARED TO BE A
26 COMPLETE AND SEPARATE FORM OF GOVERNMENT PROVIDED BY THE
27 LEGISLATURE FOR SUBMISSION TO THE VOTERS OF THE MUNICIPALITY.

28 B. AMENDMENT OF EXISTING CHARTER OR OPTIONAL FORM

29 SECTION 221. THE PROCEDURE FOR AMENDING A HOME RULE CHARTER
30 OR OPTIONAL PLAN OF GOVERNMENT SHALL BE THE SAME AS FOR THE

1 ADOPTION OF A HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT,
2 EXCEPT THAT AN OPTIONAL PLAN OF GOVERNMENT MAY BE AMENDED
3 THROUGH THE INITIATIVE PROCEDURE AS HEREINAFTER PROVIDED FOR IN
4 THIS ACT.

5 C. AMENDMENT OF OPTIONAL PLAN BY INITIATIVE
6 PETITION OR ORDINANCE AND REFERENDUM

7 SECTION 231. A REFERENDUM ON THE QUESTION OF AMENDMENT OF AN
8 OPTIONAL PLAN OF GOVERNMENT MAY BE INITIATED BY ELECTORS OF THE
9 MUNICIPALITY, AND A REFERENDUM ON THE QUESTION OF AMENDMENT OF
10 AN OPTIONAL PLAN OF GOVERNMENT MAY BE INITIATED BY AN ORDINANCE
11 OF THE GOVERNING BODY. A PROPOSAL FOR AMENDMENT OF AN OPTIONAL
12 PLAN SHALL BE LIMITED TO THE ADDITIONAL OPTIONS PROVIDED FOR IN
13 SECTION 213 OF THIS ACT.

14 SECTION 232. A PETITION CONTAINING A PROPOSAL FOR REFERENDUM
15 ON THE QUESTION OF ADOPTING OR AMENDING AN OPTIONAL PLAN OF
16 GOVERNMENT SIGNED BY ELECTORS COMPRISING TWO PER CENT OF THE
17 NUMBER OF ELECTORS VOTING FOR THE OFFICE OF GOVERNOR IN THE LAST
18 GUBERNATORIAL GENERAL ELECTION BUT NOT LESS THAN TWENTY-FIVE
19 ELECTORS OR, IF THE NUMBER OF ELECTORS SO VOTING IS LESS THAN
20 FIFTY, NOT LESS THAN A MAJORITY OF THE ELECTORS SO VOTING, OR AN
21 ORDINANCE OF THE MUNICIPAL GOVERNING BODY PROPOSING AMENDMENT OF
22 AN OPTIONAL PLAN, MAY BE FILED WITH THE ELECTION OFFICIALS AT
23 LEAST NINETY DAYS PRIOR TO THE NEXT PRIMARY OR GENERAL ELECTION.
24 THE NAME AND ADDRESS OF THE PERSON FILING THE PETITION SHALL BE
25 CLEARLY STATED ON THE PETITION.

26 THE PETITION OF ELECTORS OR ORDINANCE OF THE GOVERNING BODY
27 SHALL IDENTIFY THE OPTIONAL PLAN OF GOVERNMENT PROPOSED. IN
28 ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, THE
29 PETITION OF ELECTORS OR ORDINANCE OF THE GOVERNING BODY SHALL
30 SPECIFY A NUMBER OF MEMBERS TO SERVE ON THE MUNICIPAL COUNCIL;

1 WHETHER COUNCILMEN SHALL BE ELECTED ON AN AT-LARGE, DISTRICT, OR
2 COMBINATION DISTRICT AND AT-LARGE BASIS; WHETHER OR NOT A
3 MUNICIPAL TREASURER IS TO BE PROVIDED, AND THE MANNER OF
4 SELECTING THE TREASURER; WHETHER THE MAYOR IS TO BE ELECTED
5 DIRECTLY BY THE VOTERS OF THE MUNICIPALITY OR BY THE COUNCIL
6 UNDER THE COUNCIL-MANAGER PLAN OF GOVERNMENT; WHETHER THE
7 SHERIFF IS TO BE ELECTED DIRECTLY BY THE VOTERS OF THE COUNTY OR
8 APPOINTED, AS MAY BE PERMITTED BY THIS ACT; WHETHER THE
9 EXECUTIVE (MAYOR) OF THE MUNICIPALITY, EXCEPT UNDER THE COUNCIL-
10 MANAGER PLAN, SHALL BE CALLED "EXECUTIVE" OR "MAYOR"; AND THE
11 COMPENSATION OF THE ELECTED COUNCILMEN AND EXECUTIVE (MAYOR) AS
12 REQUIRED BY SECTION 1263 OF THIS ACT.

13 THE ELECTION OFFICIALS SHALL REVIEW THE INITIATIVE PETITION
14 AS THE NUMBER AND QUALIFICATIONS OF SIGNERS. IF THE PETITION
15 APPEARS TO BE DEFECTIVE, THE ELECTION OFFICIALS SHALL
16 IMMEDIATELY NOTIFY THE PERSONS FILING THE PETITION OF THE
17 DEFECT. WHEN THE ELECTION OFFICIALS FIND THAT THE PETITION AS
18 SUBMITTED IS IN PROPER ORDER, THEY SHALL SEND COPIES OF THE
19 INITIATIVE PETITION WITHOUT SIGNATURES THEREON TO THE GOVERNING
20 BODY OF THE MUNICIPALITY AND TO THE SECRETARY OF COMMUNITY
21 AFFAIRS. THE INITIATIVE PETITION AS SUBMITTED TO THE ELECTION
22 OFFICIALS, ALONG WITH A LIST OF SIGNATORIES, SHALL BE OPEN TO
23 INSPECTION IN THE OFFICE OF THE ELECTION OFFICIALS.

24 SECTION 233. A REFERENDUM ON THE QUESTION OF THE ADOPTION OR
25 AMENDMENT OF AN OPTIONAL PLAN OF GOVERNMENT SHALL BE HELD WHEN
26 THE ELECTION OFFICIALS FIND THAT THE INITIATIVE PETITION OR
27 ORDINANCE OF THE GOVERNING BODY IS IN PROPER ORDER, AND THE
28 REFERENDUM SHALL BE GOVERNED BY THE PROVISIONS OF THE
29 PENNSYLVANIA ELECTION CODE. THE ELECTION OFFICIALS SHALL CAUSE
30 THE QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE MUNICIPALITY

1 AT THE NEXT PRIMARY, GENERAL OR MUNICIPAL ELECTION OCCURRING NOT
2 LESS THAN SIXTY DAYS FOLLOWING THE FILING OF THE INITIATIVE
3 PETITION OR ORDINANCE WITH THE ELECTION BOARD. AT SUCH ELECTION,
4 THE QUESTION SHALL BE SUBMITTED TO THE VOTERS IN THE SAME MANNER
5 AS OTHER QUESTIONS ARE SUBMITTED UNDER THE PROVISIONS OF THE
6 PENNSYLVANIA ELECTION CODE. THE ELECTION BOARD SHALL FRAME THE
7 QUESTION TO BE PLACED UPON THE BALLOT.

8 D. CONDUCT OF ELECTION

9 SECTION 241. ALL ELECTIONS PROVIDED FOR IN THIS ACT SHALL BE
10 CONDUCTED BY THE ELECTION OFFICIALS FOR SUCH MUNICIPALITY IN
11 ACCORDANCE WITH THE PENNSYLVANIA ELECTION CODE. THE ELECTION
12 OFFICIALS SHALL COUNT THE VOTES CAST AND MAKE RETURN THEREOF TO
13 THE COUNTY BOARD OF ELECTIONS. THE RESULT OF ANY SUCH ELECTION
14 SHALL BE COMPUTED BY THE COUNTY BOARD OF ELECTIONS IN THE SAME
15 MANNER AS IS PROVIDED BY LAW FOR THE COMPUTATION OF SIMILAR
16 RETURNS. CERTIFICATES OF THE RESULT OF ANY SUCH ELECTION SHALL
17 BE FILED BY THE COUNTY BOARD OF ELECTIONS WITH THE MUNICIPAL
18 COUNCIL OR BOARD OF THE MUNICIPALITY AND WITH THE SECRETARY OF
19 THE COMMONWEALTH, AND WITH THE SECRETARY OF COMMUNITY AFFAIRS.

20 SECTION 242. AT LEAST THIRTY DAYS' NOTICE OF EACH ELECTION
21 HEREIN PROVIDED FOR SHALL BE GIVEN BY THE CLERK OR SECRETARY OF
22 THE MUNICIPALITY. A COPY OF SUCH NOTICE SHALL BE POSTED AT EACH
23 POLLING PLACE OF THE MUNICIPALITY ON THE DAY OF THE ELECTION,
24 AND SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL
25 CIRCULATION IN THE MUNICIPALITY ONCE A WEEK FOR THREE
26 CONSECUTIVE WEEKS DURING THE PERIOD OF THIRTY DAYS PRIOR TO THE
27 ELECTION.

28 ARTICLE III

29 GENERAL POWERS AND LIMITATIONS OF A

30 HOME RULE CHARTER MUNICIPALITY

1 SECTION 301. A MUNICIPALITY WHICH HAS ADOPTED A HOME RULE
2 CHARTER MAY EXERCISE ANY POWERS AND PERFORM ANY FUNCTION NOT
3 DENIED BY THE CONSTITUTION OF PENNSYLVANIA, BY ITS HOME RULE
4 CHARTER OR BY THE GENERAL ASSEMBLY AT ANY TIME. ALL GRANTS OF
5 MUNICIPAL POWER TO MUNICIPALITIES GOVERNED BY A HOME RULE
6 CHARTER UNDER THIS ACT, WHETHER IN THE FORM OF SPECIFIC
7 ENUMERATION OR GENERAL TERMS, SHALL BE LIBERALLY CONSTRUED IN
8 FAVOR OF THE MUNICIPALITY.

9 SECTION 302. (A) THE HOME RULE CHARTER ADOPTED IN ACCORDANCE
10 WITH THE PROVISIONS OF THIS ACT SHALL NOT GIVE ANY POWER OR
11 AUTHORITY TO THE MUNICIPALITY CONTRARY TO, OR IN LIMITATION OR
12 ENLARGEMENT OF POWERS GRANTED BY ACTS OF THE GENERAL ASSEMBLY
13 WHICH ARE APPLICABLE TO A CLASS OR CLASSES OF MUNICIPALITIES ON
14 THE FOLLOWING SUBJECTS:

15 (1) THE FILING AND COLLECTION OF MUNICIPAL TAX CLAIMS OR
16 LIENS AND THE SALE OF REAL OR PERSONAL PROPERTY IN SATISFACTION
17 THEREOF.

18 (2) THE PROCEDURES IN THE EXERCISE OF THE POWERS OF EMINENT
19 DOMAIN, AND THE ASSESSMENT OF DAMAGES AND BENEFITS FOR PROPERTY
20 TAKEN, INJURED OR DESTROYED.

21 (3) BOUNDARY CHANGES OF MUNICIPALITIES.

22 (4) REGULATION OF PUBLIC SCHOOLS.

23 (5) THE REGISTRATION OF ELECTORS AND THE CONDUCT OF
24 ELECTIONS.

25 (6) THE FIXING OF SUBJECTS OF TAXATION.

26 (7) THE FIXING OF THE RATES OF NONPROPERTY OR PERSONAL TAXES
27 LEVIED UPON NONRESIDENTS.

28 (8) THE ASSESSMENT OF REAL OR PERSONAL PROPERTY AND PERSONS
29 FOR TAXATION PURPOSES.

30 (9) DEFINING OR PROVIDING FOR THE PUNISHMENT OF ANY FELONY

1 OR MISDEMEANOR.

2 (B) NO MUNICIPALITY SHALL (I) ENGAGE IN ANY PROPRIETARY OR
3 PRIVATE BUSINESS EXCEPT AS AUTHORIZED BY THE GENERAL ASSEMBLY,
4 (II) EXERCISE POWERS CONTRARY TO, OR IN LIMITATION OR
5 ENLARGEMENT OF POWERS GRANTED BY ACTS OF THE GENERAL ASSEMBLY
6 WHICH BY THEIR EXPRESSED TERMS ARE APPLICABLE IN EVERY PART OF
7 THE COMMONWEALTH, NOR (III) BE GIVEN THE POWER TO DIMINISH THE
8 RIGHTS OR PRIVILEGES OF ANY PRESENT MUNICIPAL EMPLOYEE IN HIS
9 PENSION OR RETIREMENT SYSTEM.

10 (C) ACTS OF THE GENERAL ASSEMBLY IN EFFECT ON THE EFFECTIVE
11 DATE OF THIS ACT THAT ARE UNIFORM AND APPLICABLE THROUGHOUT THE
12 COMMONWEALTH SHALL REMAIN IN EFFECT AND SHALL NOT BE CHANGED OR
13 MODIFIED BY THIS ACT. ACTS OF THE GENERAL ASSEMBLY ENACTED AFTER
14 THE EFFECTIVE DATE OF THIS ACT THAT ARE UNIFORM AND APPLICABLE
15 THROUGHOUT THE COMMONWEALTH SHALL SUPERSEDE ANY MUNICIPAL
16 ORDINANCE OR RESOLUTION ON THE SAME SUBJECT.

17 SECTION 303. NO COUNTY WHICH HAS ADOPTED A HOME RULE CHARTER
18 SHALL AT ANY TIME THEREAFTER EXERCISE WITHIN ANY MUNICIPALITY IN
19 THE COUNTY, A POWER OR FUNCTION BEING EXERCISED BY THAT
20 MUNICIPALITY ON THE DATE OF THE ADOPTION OF THE COUNTY HOME RULE
21 CHARTER, EXCEPT UNDER ALL OF THE FOLLOWING CONDITIONS:

22 (1) THE EXERCISE OF SUCH POWER OR FUNCTION BY THE COUNTY
23 SHALL BE AUTHORIZED BY ORDINANCE OF THE GOVERNING BODY OF THE
24 COUNTY, WHICH ORDINANCE IN ADDITION TO SUCH OTHER FILINGS AS MAY
25 BE REQUIRED BY LAW, SHALL, WITHIN THIRTY DAYS OF ITS ENACTMENT,
26 BE FILED WITH THE CLERK OR SECRETARY OF EACH MUNICIPALITY WITHIN
27 THE COUNTY.

28 (2) THE TRANSFER OF A POWER OR FUNCTION TO THE COUNTY FROM
29 ANY MUNICIPALITY WITHIN THE COUNTY, AS AUTHORIZED BY SUCH
30 ORDINANCE, SHALL NOT BECOME EFFECTIVE FOR AT LEAST ONE YEAR FROM

1 THE DATE OF ADOPTION OF SUCH ORDINANCE.

2 (3) WITHIN ONE HUNDRED AND EIGHTY DAYS FROM THE ADOPTION OF
3 SUCH ORDINANCE, THE GOVERNING BODY OF ANY MUNICIPALITY,
4 EXERCISING ON THE DATE OF THE ADOPTION OF THE COUNTY HOME RULE
5 CHARTER ANY POWER OR FUNCTION AUTHORIZED BY ORDINANCE OF THE
6 COUNTY TO BE EXERCISED BY THE COUNTY, MAY ELECT BY ORDINANCE TO
7 BE EXCLUDED FROM THE COUNTY EXERCISE OF SUCH POWER OR FUNCTION.
8 WITHIN SIXTY DAYS AFTER THE DATE OF ADOPTION BY THE GOVERNING
9 BODY OF A MUNICIPALITY OF AN ORDINANCE EXCLUDING SUCH
10 MUNICIPALITY FROM THE EXERCISE BY THE COUNTY OF A POWER OR
11 FUNCTION, THE QUALIFIED VOTERS OF SUCH MUNICIPALITY MAY INITIATE
12 A PETITION REQUIRING THAT THE QUESTION OF EXCLUSION FROM THE
13 EXERCISE OF SUCH POWER OR FUNCTION BY THE COUNTY BE SUBMITTED TO
14 A REFERENDUM OF THE ELECTORATE AT THE ELECTION HELD ON THE DATE
15 OF THE NEXT ENSUING PRIMARY, MUNICIPAL OR GENERAL ELECTION NOT
16 LESS THAN SIXTY DAYS AFTER THE FILING OF THE INITIATIVE PETITION
17 WITH THE COUNTY BOARD OF ELECTIONS. THE INITIATIVE AND
18 REFERENDUM PROCEDURES SET FORTH IN ARTICLES III AND IV SHALL BE
19 FOLLOWED, EXCEPT WHERE THE SAME MAY BE INCONSISTENT WITH ANY OF
20 THE PROVISIONS OF THIS SECTION.

21 (4) THE GOVERNING BODY OF ANY LOCAL MUNICIPALITY MAY BY
22 ORDINANCE, SUBSEQUENT TO THE TIME LIMIT FOR ACTION AS SET FORTH
23 IN CLAUSE (3) OF THIS SECTION, REQUEST THE COUNTY TO BE INCLUDED
24 IN A MUNICIPAL POWER OR FUNCTION BEING EXERCISED BY THE COUNTY:
25 PROVIDED, HOWEVER, THAT THE COUNTY MAY SPECIFY THE TERMS AND
26 CONDITIONS FOR ACCEPTANCE OF THE POWER OR FUNCTION REQUESTED BY
27 THE LOCAL MUNICIPALITY TO BE EXERCISED BY THE COUNTY, WHICH
28 SHALL BE SUBJECT TO COURT REVIEW IF THE LOCAL MUNICIPALITY
29 DETERMINES THAT THE TERMS AND CONDITIONS AS SET FORTH BY THE
30 COUNTY ARE UNREASONABLE.

1 (5) NO TAX OR FEE LEVIED BY THE GOVERNING BODY OF A COUNTY
2 IN SUPPORT OF THE EXERCISE OF A POWER OR FUNCTION AS AUTHORIZED
3 BY ORDINANCE OF THE COUNTY, SHALL BE APPLICABLE IN ANY
4 MUNICIPALITY WITHIN THE COUNTY WHICH IS PROVIDING THE SAME
5 MUNICIPAL POWER OR FUNCTION.

6 (6) IF THE ELECTORS OF A MUNICIPALITY BY REFERENDUM VOTE TO
7 EXCLUDE THE MUNICIPALITY FROM THE EXERCISE OF A POWER OR
8 FUNCTION BY THE COUNTY, A PETITION MAY NOT BE INITIATED NOR MAY
9 A REFERENDUM BE HELD ON THE SAME QUESTION MORE OFTEN THAN EVERY
10 FOUR YEARS THEREAFTER.

11 (7) A LOCAL MUNICIPALITY MAY, BY ACTION OF THE GOVERNING
12 BODY, OR BY INITIATIVE OR REFERENDUM, WITHDRAW FROM A POWER OR
13 FUNCTION TRANSFERRED TO A COUNTY, EXERCISE ANY MUNICIPAL POWER
14 OR FUNCTION BEING EXERCISED BY A COUNTY, BUT MAY NOT VOTE ON THE
15 QUESTION OF WITHDRAWING SOONER THAN FOUR YEARS FROM THE TIME THE
16 COUNTY ASSUMED THE POWER OR FUNCTION OF THE LOCAL MUNICIPALITY.

17 SECTION 304. MUNICIPALITIES ADOPTING A HOME RULE CHARTER
18 SHALL HAVE THE POWER TO SUE AND BE SUED, TO HAVE A CORPORATE
19 SEAL, TO CONTRACT AND BE CONTRACTED WITH, TO BUY, SELL, LEASE,
20 HOLD AND DISPOSE OF REAL AND PERSONAL PROPERTY, TO APPROPRIATE
21 AND EXPEND MONEYS, AND TO ADOPT, AMEND AND REPEAL SUCH
22 ORDINANCES AND RESOLUTIONS AS MAY BE REQUIRED FOR THE GOOD
23 GOVERNMENT THEREOF.

24 SECTION 305. THE MUNICIPAL CLERK OR SECRETARY OF THE
25 MUNICIPALITY SHALL FORTHWITH CAUSE THE NEW CHARTER AS APPROVED
26 BY THE QUALIFIED ELECTORS TO BE RECORDED IN THE ORDINANCE BOOKS
27 OF THE MUNICIPALITY. HE SHALL ALSO FILE A CERTIFIED COPY THEREOF
28 IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH, WITH THE
29 SECRETARY OF THE DEPARTMENT OF COMMUNITY AFFAIRS, AND WITH THE
30 COUNTY BOARD OF ELECTIONS.

1 SECTION 306. ALL ELECTIVE OFFICIALS OF THE MUNICIPALITY IN
2 OFFICE AT THE TIME OF THE ADOPTION OF A HOME RULE CHARTER SHALL
3 CONTINUE IN OFFICE UNTIL THEIR TERMS EXPIRE.

4 SECTION 307. THE PROCEDURE FOR REPEAL OF A HOME RULE CHARTER
5 SHALL BE THE SAME AS FOR ADOPTION OF A HOME RULE CHARTER.
6 WHENEVER THE ELECTORS OF ANY MUNICIPALITY, BY A MAJORITY VOTE OF
7 THOSE VOTING ON THE QUESTION, VOTE IN FAVOR OF REPEAL OF A HOME
8 RULE CHARTER AND THE ESTABLISHMENT OF A PARTICULAR FORM OF
9 GOVERNMENT, SUCH MUNICIPALITY SHALL BE GOVERNED UNDER THE FORM
10 OF GOVERNMENT SELECTED BY THE ELECTORS, FROM THE FIRST MONDAY OF
11 JANUARY FOLLOWING THE MUNICIPAL ELECTION AT WHICH THE ELECTIVE
12 OFFICIALS OF THE FORM OF GOVERNMENT SELECTED BY THE ELECTORS
13 SHALL HAVE BEEN ELECTED. THE GOVERNMENT STUDY COMMISSION SHALL
14 PROVIDE IN ITS REPORT FOR THE NEW FORM OF GOVERNMENT TO BE
15 ESTABLISHED.

16 THE ELECTIVE OFFICIALS OF THE MUNICIPALITY UNDER A NEW FORM
17 OF GOVERNMENT SELECTED BY THE ELECTORS SHALL BE ELECTED AT THE
18 FIRST MUNICIPAL ELECTION HELD AFTER THE REFERENDUM ON THE REPEAL
19 OF A HOME RULE CHARTER OR AT SUCH LATER DATE AS MAY BE SPECIFIED
20 BY THE COMMISSION IN ITS REPORT.

21 ARTICLE IV

22 GENERAL PROVISIONS AND LIMITATIONS FOR

23 OPTIONAL PLAN MUNICIPALITIES

24 SECTION 401. UPON THE ADOPTION BY THE QUALIFIED VOTERS OF
25 ANY MUNICIPALITY OF ANY OF THE OPTIONAL PLANS OF GOVERNMENT AS
26 SET FORTH IN THIS ACT, THE MUNICIPALITY SHALL THEREAFTER BE
27 GOVERNED BY THE PLAN ADOPTED AND BY THE PROVISIONS OF GENERAL
28 LAW APPLICABLE TO THAT CLASS OR CLASSES OF MUNICIPALITY EXCEPT
29 AS OTHERWISE PROVIDED HEREIN. UNLESS AND UNTIL THE MUNICIPALITY
30 SHOULD ADOPT ANOTHER FORM OF GOVERNMENT AS PROVIDED BY LAW, THE

1 PLAN ADOPTED AND THE PROVISIONS OF GENERAL LAW APPLICABLE TO
2 THAT CLASS OR CLASSES OF MUNICIPALITY SHALL BECOME LAW IN THE
3 MUNICIPALITY AT THE TIME FIXED BY THIS ACT. ALL ACTS AND PARTS
4 OF ACTS, LOCAL, SPECIAL, OR GENERAL, AFFECTING THE ORGANIZATION,
5 GOVERNMENT AND POWERS OF SUCH MUNICIPALITY WHICH ARE NOT
6 INCONSISTENT OR IN CONFLICT HEREIN, SHALL REMAIN IN FULL FORCE
7 UNTIL MODIFIED OR REPEALED AS PROVIDED BY LAW.

8 SECTION 402. THE MUNICIPAL CLERK OR SECRETARY OF THE
9 MUNICIPALITY SHALL FORTHWITH CAUSE THE NEW PLAN OF GOVERNMENT AS
10 APPROVED BY THE QUALIFIED ELECTORS TO BE RECORDED IN THE
11 ORDINANCE BOOK OF THE MUNICIPALITY. HE SHALL ALSO FILE A
12 CERTIFIED COPY THEREOF IN THE OFFICE OF THE SECRETARY OF THE
13 COMMONWEALTH, WITH THE SECRETARY OF THE DEPARTMENT OF COMMUNITY
14 AFFAIRS, AND WITH THE COUNTY BOARD OF ELECTIONS.

15 SECTION 403. THE GENERAL GRANT OF MUNICIPAL POWER CONTAINED
16 IN THIS ARTICLE IS INTENDED TO CONFER THE GREATEST POWER OF SELF
17 GOVERNMENT CONSISTENT WITH THE CONSTITUTION OF THIS COMMONWEALTH
18 AND WITH THE PROVISIONS OF AND THE LIMITATIONS PRESCRIBED BY
19 THIS ACT. ANY SPECIFIC ENUMERATION OF MUNICIPAL POWERS
20 CONTAINED IN THIS ACT OR IN ANY OTHER LAWS WILL NOT BE CONSTRUED
21 IN ANY WAY TO LIMIT THE GENERAL DESCRIPTION OF POWER CONTAINED
22 IN THIS ARTICLE, AND ANY SUCH SPECIFICALLY ENUMERATED MUNICIPAL
23 POWERS SHALL BE CONSTRUED AS IN ADDITION AND SUPPLEMENTARY TO
24 THE POWERS CONFERRED IN GENERAL TERMS BY THIS ARTICLE. ALL
25 GRANTS OF MUNICIPAL POWER TO MUNICIPALITIES GOVERNED BY AN
26 OPTIONAL PLAN UNDER THIS ACT, WHETHER IN THE FORM OF SPECIFIC
27 ENUMERATION OR GENERAL TERMS, SHALL BE LIBERALLY CONSTRUED IN
28 FAVOR OF THE MUNICIPALITY.

29 SECTION 404. THE OPTIONAL PLAN OF ANY MUNICIPALITY ADOPTED
30 IN ACCORDANCE WITH THIS ACT SHALL NOT GIVE ANY POWER OR

1 AUTHORITY TO DIMINISH ANY RIGHTS OR PRIVILEGES OF ANY PRESENT
2 MUNICIPAL EMPLOYE IN HIS PENSION OR RETIREMENT SYSTEM. NO
3 MUNICIPALITY SHALL EXERCISE ANY POWERS OR AUTHORITY BEYOND THE
4 MUNICIPAL LIMITS EXCEPT SUCH AS ARE CONFERRED BY AN ACT OF THE
5 GENERAL ASSEMBLY, AND NO MUNICIPALITY SHALL ENGAGE IN ANY
6 PROPRIETARY OR PRIVATE BUSINESS EXCEPT AS AUTHORIZED BY THE
7 GENERAL ASSEMBLY.

8 ARTICLE V

9 OPTIONAL PLAN: EXECUTIVE (MAYOR) - COUNCIL PLAN A

10 A. FORM OF GOVERNMENT: ELECTED OFFICIALS

11 SECTION 501. THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE
12 SHALL BE KNOWN AS THE "MAYOR-COUNCIL PLAN A" AND SHALL, TOGETHER
13 WITH THE LAWS APPLICABLE TO THAT CLASS OF MUNICIPALITY AND
14 ARTICLES IV AND XII OF THIS ACT, GOVERN ANY MUNICIPALITY THE
15 VOTERS OF WHICH HAVE ADOPTED IT PURSUANT TO THIS ACT.

16 SECTION 502. EACH MUNICIPALITY HEREUNDER SHALL BE GOVERNED
17 BY AN ELECTED COUNCIL, AN ELECTED EXECUTIVE WHO MAY BE CALLED
18 MAYOR, AS DETERMINED BY THE GOVERNMENT STUDY COMMISSION, AN
19 ELECTED CONTROLLER, AN ELECTED DISTRICT ATTORNEY AND, WHEN
20 RECOMMENDED BY THE GOVERNMENT STUDY COMMISSION AND ADOPTED BY
21 THE VOTERS, AN ELECTED TREASURER, AND BY SUCH OTHER OFFICERS AND
22 EMPLOYES AS MAY BE DULY APPOINTED PURSUANT TO THIS ARTICLE,
23 GENERAL LAW OR ORDINANCE.

24 SECTION 503. THE EXECUTIVE (MAYOR), THE TREASURER, IF
25 ELECTED, THE DISTRICT ATTORNEY IN THE CASE OF COUNTIES AND THE
26 CONTROLLER SHALL BE ELECTED BY THE VOTERS OF THE MUNICIPALITY AT
27 A REGULAR MUNICIPAL ELECTION, AND SHALL SERVE FOR A TERM OF FOUR
28 YEARS BEGINNING ON THE FIRST MONDAY OF JANUARY NEXT FOLLOWING
29 HIS ELECTION.

30 SECTION 504. THE COUNCIL SHALL CONSIST OF FIVE MEMBERS,

1 UNLESS PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF
2 THIS ACT, THE MUNICIPALITY SHALL BE GOVERNED BY A COUNCIL OF
3 SEVEN OR NINE MEMBERS. MEMBERS OF THE COUNCIL SHALL BE ELECTED
4 AT LARGE BY THE VOTERS OF THE MUNICIPALITY, UNLESS, PURSUANT TO
5 THE AUTHORITY GRANTED UNDER SECTION 213 OF THIS ACT, MEMBERS
6 SHALL BE ELECTED ON A DISTRICT BASIS IN WHICH EACH DISTRICT IS
7 AS EQUAL IN POPULATION AS IS FEASIBLE, OR ON A COMBINATION AT-
8 LARGE AND DISTRICT BASIS AS DETERMINED BY THE CHARTER STUDY
9 COMMISSION, OR AS SPECIFIED IN AN INITIATIVE PETITION OR
10 ORDINANCE OF THE GOVERNING BODY UNDER THE PROVISIONS OF SECTION
11 231 THROUGH SECTION 233 OF THIS ACT, AT A REGULAR MUNICIPAL
12 ELECTION AND SHALL SERVE FOR A TERM OF FOUR YEARS, EXCEPT AS
13 HEREINAFTER PROVIDED FOR THOSE FIRST ELECTED BEGINNING ON THE
14 FIRST MONDAY OF JANUARY NEXT FOLLOWING THEIR ELECTIONS.

15 SECTION 505. AT THE FIRST MUNICIPAL ELECTION FOLLOWING THE
16 ADOPTION BY A MUNICIPALITY OF THIS PLAN, COUNCILMEN SHALL BE
17 ELECTED AND SHALL SERVE FOR THE TERMS AS PROVIDED IN SECTION
18 1262 OF THIS ACT.

19 B. COUNCIL

20 SECTION 511. THE LEGISLATIVE POWER OF THE MUNICIPALITY AS
21 PROVIDED BY LAWS APPLICABLE TO THAT CLASS OF MUNICIPALITY SHALL
22 BE EXERCISED BY THE MUNICIPAL COUNCIL, EXCEPT AS MAY OTHERWISE
23 BE PROVIDED FOR BY THE PROVISIONS OF THIS ACT.

24 SECTION 512. ON THE FIRST MONDAY OF JANUARY FOLLOWING THE
25 REGULAR MUNICIPAL ELECTION, THE MEMBERS OF COUNCIL SHALL
26 ASSEMBLE AT THE USUAL PLACE OF MEETING AND ORGANIZE AND ELECT A
27 PRESIDENT FROM AMONG ITS MEMBERS, WHO SHALL PRESIDE AT ITS
28 MEETINGS AND PERFORM SUCH OTHER DUTIES AS COUNCIL MAY PRESCRIBE,
29 AND A VICE PRESIDENT, WHO SHALL PRESIDE IN THE ABSENCE OF THE
30 PRESIDENT. IF THE FIRST MONDAY IS A LEGAL HOLIDAY, THE MEETING

1 SHALL BE HELD ON THE FIRST DAY FOLLOWING.

2 SECTION 513. THE COUNCIL, IN ADDITION TO SUCH OTHER POWERS
3 AND DUTIES AS MAY BE CONFERRED UPON IT BY GENERAL LAW, MAY
4 REQUIRE ANY MUNICIPAL OFFICER, IN ITS DISCRETION, TO PREPARE AND
5 SUBMIT SWORN STATEMENTS REGARDING HIS OFFICIAL DUTIES IN THE
6 PERFORMANCE THEREOF, AND MAY OTHERWISE INVESTIGATE THE CONDUCT
7 OF ANY DEPARTMENT, OFFICE OR AGENCY OF THE MUNICIPAL GOVERNMENT.

8 SECTION 514. A MUNICIPAL CLERK OR SECRETARY SHALL BE
9 APPOINTED IN THE MANNER SET FORTH IN THE ADMINISTRATIVE CODE AS
10 PROVIDED IN SECTION 1246 OF THIS ACT. THE MUNICIPAL CLERK OR
11 SECRETARY SHALL SERVE AS CLERK OF THE COUNCIL, KEEP ITS MINUTES
12 AND RECORDS OF ITS PROCEEDINGS, MAINTAIN AND COMPILE ITS
13 ORDINANCES AND RESOLUTIONS AS THIS ACT REQUIRES, AND PERFORM
14 SUCH FUNCTIONS AS MAY BE REQUIRED BY LAW OR BY LOCAL ORDINANCE.
15 THE MUNICIPAL CLERK SHALL, PRIOR TO HIS APPOINTMENT, HAVE BEEN
16 QUALIFIED BY TRAINING OR EXPERIENCE TO PERFORM THE DUTIES OF THE
17 OFFICE.

18 C. EXECUTIVE (MAYOR) AND ADMINISTRATION

19 SECTION 521. THE EXECUTIVE POWER OF THE MUNICIPALITY SHALL
20 BE EXERCISED BY THE EXECUTIVE (MAYOR).

21 SECTION 522. THE EXECUTIVE (MAYOR) SHALL ENFORCE THE PLAN
22 AND ORDINANCES OF THE MUNICIPALITY AND ALL GENERAL LAWS
23 APPLICABLE THERETO. HE SHALL, ANNUALLY, REPORT TO THE COUNCIL
24 AND THE PUBLIC ON THE WORK OF THE PREVIOUS YEAR AND ON THE
25 CONDITION AND REQUIREMENTS OF THE MUNICIPAL GOVERNMENT AND
26 SHALL, FROM TIME TO TIME, MAKE SUCH RECOMMENDATIONS FOR ACTION
27 BY THE COUNCIL AS HE MAY DEEM IN THE PUBLIC INTEREST. HE SHALL
28 SUPERVISE ALL OF THE DEPARTMENTS OF THE MUNICIPAL GOVERNMENT,
29 AND SHALL REQUIRE EACH DEPARTMENT TO MAKE AN ANNUAL AND SUCH
30 OTHER REPORTS OF ITS WORK AS HE MAY DEEM DESIRABLE.

1 SECTION 523. (A) ORDINANCES ADOPTED BY THE COUNCIL SHALL BE
2 SUBMITTED TO THE EXECUTIVE (MAYOR) AND HE SHALL, WITHIN TEN DAYS
3 AFTER RECEIVING ANY ORDINANCE, EITHER APPROVE THE ORDINANCE BY
4 AFFIXING HIS SIGNATURE THERETO, OR RETURN IT TO THE COUNCIL BY
5 DELIVERING IT TO THE MUNICIPAL CLERK TOGETHER WITH A STATEMENT
6 SETTING FORTH HIS OBJECTIONS THERETO OR TO ANY ITEM OR PART
7 THEREOF. NO ORDINANCE OR ANY ITEM OR PART THEREOF SHALL TAKE
8 EFFECT WITHOUT THE EXECUTIVE'S (MAYOR'S) APPROVAL, UNLESS THE
9 EXECUTIVE (MAYOR) FAILS TO RETURN AN ORDINANCE TO THE COUNCIL
10 WITHIN TEN DAYS AFTER IT HAS BEEN PRESENTED TO HIM, OR UNLESS
11 COUNCIL UPON RECONSIDERATION THEREOF ON OR AFTER THE THIRD DAY
12 FOLLOWING ITS RETURN BY THE EXECUTIVE (MAYOR) SHALL BY A VOTE OF
13 A MAJORITY PLUS ONE OF THE MEMBERS RESOLVE TO OVERRIDE THE
14 EXECUTIVE'S (MAYOR'S) VETO.

15 (B) THE EXECUTIVE (MAYOR) MAY ATTEND MEETINGS OF COUNCIL AND
16 MAY TAKE PART IN DISCUSSIONS OF COUNCIL BUT SHALL HAVE NO VOTE
17 EXCEPT IN THE CASE OF A TIE ON THE QUESTION OF FILLING A VACANCY
18 IN THE COUNCIL, IN WHICH CASE HE MAY CAST THE DECIDING VOTE.

19 SECTION 524. (A) THE EXECUTIVE (MAYOR) SHALL DESIGNATE ANY
20 DEPARTMENT HEAD, TO ACT AS EXECUTIVE (MAYOR) WHENEVER THE
21 EXECUTIVE (MAYOR) SHALL BE PREVENTED, BY ABSENCE FROM THE
22 MUNICIPALITY, DISABILITY, OR OTHER CAUSE, FROM ATTENDING TO THE
23 DUTIES OF HIS OFFICE. DURING SUCH TIME THE PERSON SO DESIGNATED
24 BY THE EXECUTIVE (MAYOR) SHALL POSSESS ALL THE RIGHTS, POWERS,
25 AND DUTIES OF THE EXECUTIVE (MAYOR). WHENEVER THE EXECUTIVE
26 (MAYOR) SHALL HAVE BEEN UNABLE TO ATTEND TO THE DUTIES OF HIS
27 OFFICE FOR A PERIOD OF SIXTY CONSECUTIVE DAYS FOR ANY OF THE
28 ABOVE STATED REASONS, A MEMBER OF COUNCIL SHALL BE APPOINTED BY
29 THE COUNCIL AS ACTING EXECUTIVE (MAYOR), WHO SHALL SUCCEED TO
30 ALL THE RIGHTS, POWERS AND DUTIES OF THE EXECUTIVE (MAYOR) OR

1 THE THEN ACTING EXECUTIVE (MAYOR), UNTIL HE SHALL RETURN OR HIS
2 DISABILITY SHALL CEASE.

3 (B) THE MUNICIPALITY MAY HAVE A DEPARTMENT OF ADMINISTRATION
4 AND SHALL HAVE SUCH OTHER DEPARTMENTS AS COUNCIL MAY ESTABLISH
5 BY ORDINANCE. ALL OF THE ADMINISTRATIVE FUNCTIONS, POWERS AND
6 DUTIES OF THE MUNICIPALITY, OTHER THAN THOSE VESTED IN THE
7 OFFICE OF THE CLERK, TREASURER, IF ELECTED, AND CONTROLLER,
8 SHALL BE ALLOCATED AND ASSIGNED AMONG AND WITHIN SUCH
9 DEPARTMENTS.

10 (C) EACH DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO SHALL
11 BE APPOINTED BY THE EXECUTIVE (MAYOR) WITH THE ADVICE AND
12 CONSENT OF THE COUNCIL. EACH MUNICIPALITY SHALL ALSO HAVE A
13 SOLICITOR WHO SHALL BE APPOINTED BY THE EXECUTIVE (MAYOR) WITH
14 THE ADVICE AND CONSENT OF THE COUNCIL. EACH DEPARTMENT HEAD AND
15 THE SOLICITOR SHALL SERVE DURING THE TERM OF OFFICE OF THE
16 EXECUTIVE (MAYOR) APPOINTING HIM, AND UNTIL THE APPOINTMENT AND
17 QUALIFICATION OF HIS SUCCESSOR. NO MEMBER OF MUNICIPAL COUNCIL
18 SHALL HEAD A DEPARTMENT.

19 (D) THE EXECUTIVE (MAYOR) MAY, IN HIS DISCRETION, REMOVE ANY
20 DEPARTMENT HEAD AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD.
21 PRIOR TO REMOVING A DEPARTMENT HEAD, THE EXECUTIVE (MAYOR) SHALL
22 FIRST FILE WRITTEN NOTICE OF HIS INTENTION WITH THE COUNCIL, AND
23 SUCH REMOVAL SHALL BECOME EFFECTIVE ON THE TWENTIETH DAY AFTER
24 THE FILING OF SUCH NOTICE.

25 (E) DEPARTMENT HEADS SHALL APPOINT SUBORDINATE OFFICERS AND
26 EMPLOYES WITHIN THEIR DEPARTMENTS UNDER PROCEDURES ESTABLISHED
27 IN SECTION 1222 OF THIS ACT.

28 SECTION 525. WHERE A DEPARTMENT OF ADMINISTRATION IS
29 ESTABLISHED, IT SHALL BE HEADED BY A DIRECTOR. HE SHALL BE
30 CHOSEN SOLELY ON THE BASIS OF HIS EXECUTIVE AND ADMINISTRATIVE

1 QUALIFICATIONS WITH SPECIAL REFERENCE TO HIS ACTUAL EXPERIENCE
2 IN, OR HIS KNOWLEDGE OF, ACCEPTED PRACTICE IN RESPECT TO THE
3 DUTIES OF HIS OFFICE AS HEREINAFTER SET FORTH. AT THE TIME OF
4 HIS APPOINTMENT, HE NEED NOT BE A RESIDENT OF THE MUNICIPALITY
5 OR STATE. HE SHALL HAVE, EXERCISE AND DISCHARGE THE FUNCTIONS,
6 POWERS AND DUTIES OF THE DEPARTMENT. THE DEPARTMENT, UNDER THE
7 DIRECTION AND SUPERVISION OF THE EXECUTIVE (MAYOR), SHALL:

- 8 (1) ASSIST IN THE PREPARATION OF THE BUDGET;
- 9 (2) ADMINISTER A CENTRALIZED PURCHASING SYSTEM;
- 10 (3) ESTABLISH AND ADMINISTER A CENTRALIZED PERSONNEL SYSTEM;
- 11 (4) ESTABLISH AND MAINTAIN A CENTRALIZED ACCOUNTING SYSTEM
12 WHICH SHALL BE SO DESIGNED AS TO ACCURATELY REFLECT THE ASSETS,
13 LIABILITIES, RECEIPTS, AND EXPENDITURES OF THE MUNICIPALITY;
- 14 (5) PERFORM SUCH OTHER DUTIES AS COUNCIL MAY PRESCRIBE
15 THROUGH AN ADMINISTRATIVE CODE OR AS THE EXECUTIVE (MAYOR) SHALL
16 DIRECT.

17 D. BUDGET

18 SECTION 531. THE MUNICIPAL BUDGET SHALL BE PREPARED BY THE
19 EXECUTIVE (MAYOR) WITH THE ASSISTANCE OF THE DIRECTOR OF THE
20 DEPARTMENT OF ADMINISTRATION, OR OTHER OFFICER DESIGNATED BY THE
21 EXECUTIVE (MAYOR).

22 SECTION 532. THE BUDGET SHALL BE IN SUCH FORM AS IS REQUIRED
23 BY COUNCIL, AND SHALL HAVE APPENDED THERETO A DETAILED ANALYSIS
24 OF THE VARIOUS ITEMS OF EXPENDITURE AND REVENUE. THE BUDGET AS
25 SUBMITTED AND ADOPTED MUST BE BALANCED. COUNCIL MAY REDUCE ANY
26 ITEM OR ITEMS IN THE EXECUTIVE'S (MAYOR'S) BUDGET BY A VOTE OF A
27 MAJORITY OF THE COUNCIL, BUT AN INCREASE IN ANY ITEM OR ITEMS
28 THEREIN SHALL BECOME EFFECTIVE ONLY UPON AN AFFIRMATIVE VOTE OF
29 A MAJORITY PLUS ONE OF THE MEMBERS OF COUNCIL.

30 COUNCIL SHALL, UPON THE INTRODUCTION OF THE PROPOSED BUDGET,

1 FIX A DATE FOR ADOPTION THEREOF, WHICH SHALL EXCEPT AS OTHERWISE
2 PROVIDED BE NOT LATER THAN THE THIRTY-FIRST DAY OF DECEMBER
3 IMMEDIATELY FOLLOWING.

4 SECTION 533. DURING THE MONTH OF JANUARY NEXT FOLLOWING ANY
5 MUNICIPAL ELECTION, THE EXECUTIVE (MAYOR) MAY SUBMIT AN AMENDED
6 BUDGET TO COUNCIL AND COUNCIL SHALL CONSIDER IT IN THE SAME
7 MANNER AS PROVIDED IN SECTION 532, BUT FINAL CONSIDERATION OF
8 THE AMENDED BUDGET SHALL BE COMPLETED BY FEBRUARY 15 OF THE SAME
9 YEAR.

10 SECTION 534. COUNCIL SHALL HAVE THE POWER TO AMEND THE
11 BUDGET DURING THE MONTH OF JANUARY NEXT FOLLOWING ANY MUNICIPAL
12 ELECTION. FINAL ADOPTION OF THE AMENDED BUDGET SHALL BE
13 COMPLETED BY FEBRUARY 15 OF THE SAME YEAR.

14 ARTICLE VI

15 OPTIONAL PLAN: EXECUTIVE (MAYOR) - COUNCIL PLAN B

16 SECTION 601. THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE
17 SHALL BE KNOWN AS THE "EXECUTIVE (MAYOR) - COUNCIL PLAN B" AND
18 SHALL, TOGETHER WITH ARTICLES IV, V, AND XII, WITH THE EXCEPTION
19 OF SUBSECTION 524 (B), GOVERN ANY MUNICIPALITY, THE VOTERS OF
20 WHICH HAVE ADOPTED IT PURSUANT TO THIS ACT.

21 SECTION 602. THE MUNICIPALITY SHALL HAVE A DEPARTMENT OF
22 ADMINISTRATION AND SHALL HAVE SUCH OTHER DEPARTMENTS AS COUNCIL
23 MAY ESTABLISH BY ORDINANCE. ALL OF THE ADMINISTRATIVE FUNCTIONS,
24 POWERS AND DUTIES OF THE MUNICIPALITY, OTHER THAN THOSE VESTED
25 IN THE OFFICE OF THE CLERK, TREASURER, IF ELECTED, AND
26 CONTROLLER, SHALL BE ALLOCATED AND ASSIGNED AMONG AND WITHIN
27 SUCH DEPARTMENTS EXCEPT THAT THE FUNCTIONS SPECIFIED IN SECTION
28 525 OF THIS ACT SHALL BE ASSIGNED TO THE DEPARTMENT OF
29 ADMINISTRATION.

30 SECTION 603. IT IS THE INTENT AND PURPOSE OF EXECUTIVE

1 (MAYOR) - COUNCIL PLAN B TO MANDATE THE ESTABLISHMENT OF A
2 DEPARTMENT OF ADMINISTRATION.

3 ARTICLE VII

4 OPTIONAL PLAN: EXECUTIVE (MAYOR) - COUNCIL PLAN C

5 SECTION 701. THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE
6 SHALL BE KNOWN AS THE "EXECUTIVE (MAYOR) - COUNCIL PLAN C" AND
7 SHALL, TOGETHER WITH ARTICLES IV, V AND XII WITH THE EXCEPTION
8 OF SECTION 522 OF THIS ACT, GOVERN ANY MUNICIPALITY, THE VOTERS
9 OF WHICH HAVE ADOPTED IT PURSUANT TO THIS ACT.

10 SECTION 702. THE EXECUTIVE (MAYOR) SHALL ENFORCE THE PLAN
11 AND ORDINANCES OF THE MUNICIPALITY AND ALL GENERAL LAWS
12 APPLICABLE THERETO. HE SHALL, ANNUALLY, REPORT TO THE COUNCIL
13 AND THE PUBLIC ON THE WORK OF THE PREVIOUS YEAR AND ON THE
14 CONDITION AND REQUIREMENTS OF THE MUNICIPAL GOVERNMENT AND
15 SHALL, FROM TIME TO TIME, MAKE SUCH RECOMMENDATIONS FOR ACTION
16 BY THE COUNCIL AS HE MAY DEEM IN THE PUBLIC INTEREST.

17 SECTION 703. THE EXECUTIVE (MAYOR) SHALL APPOINT, WITH THE
18 ADVICE AND CONSENT OF THE COUNCIL, A MANAGING DIRECTOR WHO SHALL
19 EXERCISE SUPERVISION OVER ALL ACTIVITIES OF THE DEPARTMENTS OF
20 CITY GOVERNMENT AND WHO SHALL BE THE CONTACT OFFICER BETWEEN THE
21 MAYOR AND SUCH DEPARTMENTS. THE MANAGING DIRECTOR SHALL MAKE
22 PERIODIC REPORTS WITH SUCH RECOMMENDATIONS AS HE DEEMS
23 APPROPRIATE TO THE EXECUTIVE (MAYOR) CONCERNING THE AFFAIRS OF
24 MUNICIPAL GOVERNMENT AND PARTICULARLY OF THOSE DEPARTMENTS UNDER
25 HIS JURISDICTION.

26 ARTICLE VIII

27 OPTIONAL PLAN: COUNCIL-MANAGER PLAN

28 A. FORM OF GOVERNMENT: ELECTED OFFICIALS

29 SECTION 801. THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE
30 SHALL BE KNOWN AS THE "COUNCIL-MANAGER PLAN" AND SHALL, TOGETHER

1 WITH ARTICLES IV AND XII, GOVERN ANY MUNICIPALITY, THE VOTERS OF
2 WHICH HAVE ADOPTED THIS PLAN PURSUANT TO THIS ACT.

3 SECTION 802. EACH MUNICIPALITY UNDER THIS ARTICLE SHALL BE
4 GOVERNED BY AN ELECTED COUNCIL ONE MEMBER OF WHICH SHALL BE AN
5 ELECTED MAYOR CHOSEN AS PROVIDED IN SECTIONS 213 AND 811, AN
6 ELECTED CONTROLLER, AN ELECTED DISTRICT ATTORNEY IN THE CASE OF
7 COUNTIES, AN APPOINTED MUNICIPAL MANAGER, AND, WHEN RECOMMENDED
8 BY THE CHARTER COMMISSION AND ADOPTED BY THE VOTERS AN ELECTED
9 TREASURER AND BY SUCH OTHER OFFICERS AND EMPLOYES AS MAY BE DULY
10 APPOINTED PURSUANT TO THIS ARTICLE, GENERAL LAW OR ORDINANCE.

11 SECTION 803. THE CONTROLLER, THE DISTRICT ATTORNEY IN THE
12 CASE OF COUNTIES AND THE TREASURER, IF PROVIDED FOR AND IF
13 ELECTED, SHALL BE ELECTED BY THE VOTERS OF THE MUNICIPALITY AT A
14 REGULAR MUNICIPAL ELECTION, AND SHALL SERVE FOR A TERM OF FOUR
15 YEARS BEGINNING THE FIRST MONDAY OF JANUARY NEXT FOLLOWING HIS
16 ELECTION.

17 SECTION 804. THE MUNICIPAL COUNCIL SHALL CONSIST OF FIVE
18 MEMBERS UNLESS, PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION
19 213 OF THIS ACT, THE MUNICIPALITY SHALL BE GOVERNED BY A COUNCIL
20 OF SEVEN OR NINE MEMBERS. MEMBERS OF THE MUNICIPAL COUNCIL SHALL
21 BE ELECTED, AT LARGE, BY THE VOTERS OF THE MUNICIPALITY, UNLESS,
22 PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF THIS ACT,
23 MEMBERS SHALL BE ELECTED ON A DISTRICT BASIS IN WHICH EACH
24 DISTRICT IS AS EQUAL IN POPULATION AS IS FEASIBLE, OR ON A
25 COMBINATION AT LARGE AND DISTRICT BASIS AS DETERMINED BY THE
26 CHARTER STUDY COMMISSION OR AS SPECIFIED IN AN INITIATIVE
27 PETITION OR ORDINANCE OF THE GOVERNING BODY UNDER THE PROVISIONS
28 OF SECTION 231 THROUGH SECTION 233 OF THIS ACT, AT A REGULAR
29 MUNICIPAL ELECTION, AND SHALL SERVE FOR A TERM OF FOUR YEARS,
30 EXCEPT AS HEREINAFTER PROVIDED FOR THOSE FIRST ELECTED,

1 BEGINNING ON THE FIRST MONDAY OF JANUARY NEXT FOLLOWING THEIR
2 ELECTION.

3 SECTION 805. AT THE FIRST MUNICIPAL ELECTION FOLLOWING THE
4 ADOPTION BY A MUNICIPALITY OF THIS CHARTER PLAN, COUNCILMEN
5 SHALL BE ELECTED AND SHALL SERVE FOR THE TERMS AS PROVIDED IN
6 SECTION 1262 OF THIS ACT.

7 B. COUNCIL

8 SECTION 811. (A) ON THE FIRST MONDAY OF JANUARY FOLLOWING
9 THE REGULAR MUNICIPAL ELECTION, THE MEMBERS OF THE MUNICIPAL
10 COUNCIL SHALL ASSEMBLE AT THE USUAL PLACE OF MEETING AND
11 ORGANIZE AND CHOOSE ONE OF THEIR NUMBER AS MAYOR UNLESS
12 OTHERWISE PROVIDED. THE MAYOR SHALL BE CHOSEN BY BALLOT BY
13 MAJORITY VOTE OF ALL MEMBERS OF THE MUNICIPAL COUNCIL. IF THE
14 MEMBERS SHALL BE UNABLE, WITHIN FIVE BALLOTS TO BE TAKEN WITHIN
15 TWO DAYS OF SAID ORGANIZATION MEETING, TO ELECT A MAYOR, THEN
16 THE MEMBER WHO IN THE ELECTION FOR MEMBERS OF THE MUNICIPAL
17 COUNCIL RECEIVED THE GREATEST NUMBER OF VOTES SHALL BE THE
18 MAYOR. SHOULD SUCH PERSON DECLINE TO ACCEPT THE OFFICE, THEN THE
19 PERSON RECEIVING THE NEXT HIGHEST VOTE SHALL BE THE MAYOR, AND
20 SO ON, UNTIL THE OFFICE IS FILLED. THE MAYOR SHALL PRESIDE AT
21 ALL MEETINGS OF THE MUNICIPAL COUNCIL AND SHALL HAVE A VOICE AND
22 VOTE IN ITS PROCEEDINGS.

23 (B) ON THE RECOMMENDATION OF THE GOVERNMENT STUDY COMMISSION
24 AS PROVIDED IN SECTION 213, OR AS SPECIFIED IN AN INITIATIVE
25 PETITION OR ORDINANCE OF THE GOVERNING BODY AS AUTHORIZED BY
26 SECTION 231 THROUGH SECTION 233 OF THIS ACT, THE MAYOR SHALL BE
27 ELECTED DIRECTLY BY THE VOTERS OF THE MUNICIPALITY AT THE
28 REGULAR MUNICIPAL ELECTION IN LIEU OF BEING CHOSEN AS PROVIDED
29 IN SUBSECTION (A) OF THIS SECTION.

30 SECTION 812. A MUNICIPAL CLERK OR SECRETARY SHALL BE

1 APPOINTED IN THE MANNER SET FORTH IN THE ADMINISTRATIVE CODE AS
2 PROVIDED IN SECTION 1246 OF THIS ACT. THE MUNICIPAL CLERK OR
3 SECRETARY SHALL SERVE AS CLERK OF THE COUNCIL, KEEP ITS MINUTES
4 AND RECORDS OF ITS PROCEEDINGS, MAINTAIN AND COMPILE ITS
5 ORDINANCES AND RESOLUTIONS AS THIS ACT REQUIRES, AND PERFORM
6 SUCH FUNCTIONS AS MAY BE REQUIRED BY LAW OR BY LOCAL ORDINANCE.
7 THE MUNICIPAL CLERK SHALL, PRIOR TO HIS APPOINTMENT, HAVE BEEN
8 QUALIFIED BY TRAINING OR EXPERIENCE TO PERFORM THE DUTIES OF THE
9 OFFICE.

10 SECTION 813. (A) ALL POWERS AS PROVIDED BY LAWS APPLICABLE
11 TO THAT CLASS OF MUNICIPALITY SHALL BE VESTED IN THE MUNICIPAL
12 COUNCIL, EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, AND THE
13 COUNCIL SHALL PROVIDE FOR THE EXERCISE THEREOF AND FOR THE
14 PERFORMANCE OF ALL DUTIES AND OBLIGATIONS IMPOSED ON THE
15 MUNICIPALITY BY LAW.

16 (B) THE COUNCIL SHALL BY ORDINANCE ADOPT AN ADMINISTRATIVE
17 CODE DEFINING THE RESPONSIBILITIES OF THE MUNICIPAL DEPARTMENTS
18 AND AGENCIES AS IT DEEMS NECESSARY AND PROPER FOR THE EFFICIENT
19 CONDUCT OF MUNICIPAL AFFAIRS.

20 (C) THE MUNICIPAL COUNCIL SHALL APPOINT A MUNICIPAL MANAGER.
21 THE OFFICE OF MUNICIPAL MANAGER AND MUNICIPAL CLERK OR SECRETARY
22 MAY BE HELD BY THE SAME PERSON.

23 (D) THE COUNCIL MAY MAKE INVESTIGATIONS INTO THE AFFAIRS OF
24 THE MUNICIPALITY AND THE CONDUCT OF ANY MUNICIPAL DEPARTMENT,
25 OFFICE OR AGENCY.

26 (E) THE MUNICIPAL COUNCIL SHALL CONTINUE OR CREATE, AND
27 DETERMINE AND DEFINE, THE POWERS AND DUTIES OF SUCH EXECUTIVE
28 AND ADMINISTRATIVE DEPARTMENTS, BOARDS, AND OFFICES, IN ADDITION
29 TO THOSE PROVIDED FOR HEREIN, AS IT MAY DEEM NECESSARY FOR THE
30 PROPER AND EFFICIENT CONDUCT OF THE AFFAIRS OF THE MUNICIPALITY

1 INCLUDING THE OFFICE OF DEPUTY MANAGER. ANY DEPARTMENT, BOARD OR
2 OFFICE SO CONTINUED OR CREATED MAY, AT ANY TIME, BE ABOLISHED BY
3 THE MUNICIPAL COUNCIL. NO MEMBER OF MUNICIPAL COUNCIL SHALL HEAD
4 AN ADMINISTRATIVE DEPARTMENT.

5 (F) IT IS THE INTENTION OF THIS ARTICLE THAT THE MUNICIPAL
6 COUNCIL SHALL ACT IN ALL MATTERS AS A BODY, AND IT IS CONTRARY
7 TO THE SPIRIT OF THIS ARTICLE FOR ANY OF ITS MEMBERS TO SEEK
8 INDIVIDUALLY TO INFLUENCE THE OFFICIAL ACTS OF THE MUNICIPAL
9 MANAGER, OR ANY OTHER OFFICER, OR FOR THE COUNCIL OR ANY OF ITS
10 MEMBERS TO DIRECT OR REQUEST THE APPOINTMENT OF ANY PERSON TO,
11 OR HIS REMOVAL FROM OFFICE, OR TO INTERFERE IN ANY WAY WITH THE
12 PERFORMANCE BY SUCH OFFICERS OF THEIR DUTIES. THE COUNCIL AND
13 ITS MEMBERS SHALL DEAL WITH THE ADMINISTRATIVE SERVICE SOLELY
14 THROUGH THE MUNICIPAL MANAGER AND SHALL NOT GIVE ORDERS TO ANY
15 SUBORDINATES OF THE MUNICIPAL MANAGER, EITHER PUBLICLY OR
16 PRIVATELY. NOTHING HEREIN CONTAINED SHALL PREVENT THE MUNICIPAL
17 COUNCIL FROM APPOINTING COMMITTEES OR COMMISSIONS OF ITS OWN
18 MEMBERS OR OF CITIZENS TO CONDUCT INVESTIGATIONS INTO THE
19 CONDUCT OF ANY OFFICER OR DEPARTMENT, OR ANY MATTER RELATING TO
20 THE WELFARE OF THE MUNICIPALITY, AND DELEGATING TO SUCH
21 COMMITTEES OR COMMISSIONS SUCH POWERS OF INQUIRY AS THE
22 MUNICIPAL COUNCIL MAY DEEM NECESSARY. ANY COUNCILMAN VIOLATING
23 ANY OF THE PROVISIONS OF THIS SECTION IS GUILTY OF MISDEMEANOR
24 IN OFFICE, AND UPON CONVICTION THEREOF IN A COURT OF COMPETENT
25 JURISDICTION, SHALL BE DISQUALIFIED AND FORFEIT HIS OFFICE AS
26 COUNCILMAN.

27 C. MUNICIPAL MANAGER

28 SECTION 821. THE MUNICIPAL MANAGER SHALL BE CHOSEN BY THE
29 COUNCIL SOLELY ON THE BASIS OF HIS EXECUTIVE AND ADMINISTRATIVE
30 QUALIFICATIONS WITH SPECIAL REFERENCE TO HIS ACTUAL EXPERIENCE

1 IN, OR HIS KNOWLEDGE OF, ACCEPTED PRACTICE IN RESPECT TO THE
2 DUTIES OF HIS OFFICE AS HEREINAFTER SET FORTH. AT THE TIME OF
3 HIS APPOINTMENT, HE NEED NOT BE A RESIDENT OF THE MUNICIPALITY
4 OR STATE. THE MUNICIPAL MANAGER SHALL NOT HOLD ANY ELECTIVE
5 GOVERNMENTAL OFFICE.

6 SECTION 822. THE MUNICIPAL MANAGER SHALL HOLD OFFICE FOR AN
7 INDEFINITE TERM, AND MAY BE REMOVED BY A MAJORITY VOTE OF THE
8 COUNCIL. AT LEAST THIRTY DAYS BEFORE SUCH REMOVAL SHALL BECOME
9 EFFECTIVE, THE COUNCIL SHALL, BY A MAJORITY VOTE OF ITS MEMBERS,
10 ADOPT A PRELIMINARY RESOLUTION STATING THE REASONS FOR HIS
11 REMOVAL. THE MUNICIPAL MANAGER MAY REPLY IN WRITING AND MAY
12 REQUEST A PUBLIC HEARING, WHICH SHALL BE HELD NOT EARLIER THAN
13 TWENTY DAYS NOR LATER THAN THIRTY DAYS AFTER THE FILING OF SUCH
14 REQUEST. AFTER SUCH PUBLIC HEARING, IF ONE BE REQUESTED, AND
15 AFTER FULL CONSIDERATION, THE COUNCIL BY MAJORITY VOTE OF ITS
16 MEMBERS MAY ADOPT A FINAL RESOLUTION OF REMOVAL. BY THE
17 PRELIMINARY RESOLUTION, THE COUNCIL MAY SUSPEND THE MUNICIPAL
18 MANAGER FROM DUTY, BUT SHALL, IN ANY CASE, CAUSE TO BE PAID HIM
19 FORTHWITH ANY UNPAID BALANCE OF HIS SALARY AND HIS SALARY FOR
20 THE NEXT THREE CALENDAR MONTHS FOLLOWING ADOPTION OF THE
21 PRELIMINARY RESOLUTION.

22 SECTION 823. THE MUNICIPAL MANAGER MAY DESIGNATE A QUALIFIED
23 ADMINISTRATIVE OFFICER OF THE MUNICIPALITY TO PERFORM HIS DUTIES
24 DURING HIS TEMPORARY ABSENCE OR DISABILITY. IN THE EVENT OF HIS
25 FAILURE TO MAKE SUCH DESIGNATION, OR IF THE ABSENCE OR
26 DISABILITY CONTINUES MORE THAN THIRTY DAYS, THE COUNCIL MAY, BY
27 RESOLUTION, APPOINT AN OFFICER OF THE MUNICIPALITY TO PERFORM
28 THE DUTIES OF THE MANAGER DURING SUCH ABSENCE OR DISABILITY
29 UNTIL HE SHALL RETURN OR HIS DISABILITY SHALL CEASE.

30 SECTION 824. THE MUNICIPAL MANAGER SHALL:

1 (1) BE THE CHIEF EXECUTIVE AND ADMINISTRATIVE OFFICIAL OF
2 THE MUNICIPALITY.

3 (2) EXECUTE ALL LAWS AND ORDINANCES OF THE MUNICIPALITY.

4 (3) APPOINT AND HAVE POWER TO REMOVE DEPARTMENT HEADS, A
5 DEPUTY MANAGER, IF ONE BE AUTHORIZED BY COUNCIL, AND APPOINT
6 SUBORDINATE OFFICERS AND EMPLOYES UNDER PROCEDURES ESTABLISHED
7 IN SECTION 1222 OF THIS ACT.

8 (4) NEGOTIATE CONTRACTS FOR THE MUNICIPALITY, SUBJECT TO THE
9 APPROVAL OF THE MUNICIPAL COUNCIL, MAKE RECOMMENDATIONS
10 CONCERNING THE NATURE AND LOCATION OF MUNICIPAL IMPROVEMENTS,
11 AND EXECUTE MUNICIPAL IMPROVEMENTS AS DETERMINED BY THE
12 MUNICIPAL COUNCIL.

13 (5) SEE THAT ALL TERMS AND CONDITIONS IMPOSED IN FAVOR OF
14 THE MUNICIPALITY OR ITS INHABITANTS IN ANY STATUTE, PUBLIC
15 UTILITY FRANCHISE OR OTHER CONTRACT ARE FAITHFULLY KEPT AND
16 PERFORMED, AND UPON KNOWLEDGE OF ANY VIOLATION, CALL THE SAME TO
17 THE ATTENTION OF THE MUNICIPAL COUNCIL.

18 (6) PREPARE AGENDA FOR AND ATTEND ALL MEETINGS OF THE
19 MUNICIPAL COUNCIL WITH THE RIGHT TO TAKE PART IN THE
20 DISCUSSIONS, BUT WITHOUT THE RIGHT TO VOTE.

21 (7) MAKE SUCH RECOMMENDATIONS TO THE COUNCIL CONCERNING
22 POLICY FORMULATION AS HE DEEMS DESIRABLE AND KEEP THE COUNCIL
23 AND THE PUBLIC INFORMED AS TO THE CONDUCT OF MUNICIPAL AFFAIRS.

24 (8) PREPARE AND SUBMIT THE ANNUAL BUDGET TO THE COUNCIL
25 TOGETHER WITH SUCH EXPLANATORY COMMENT AS HE MAY DEEM DESIRABLE,
26 AND ADMINISTER THE COUNCIL APPROVED BUDGET.

27 (9) PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED OF THE
28 MUNICIPAL MANAGER BY ORDINANCE OR RESOLUTION OF THE MUNICIPAL
29 COUNCIL.

30 (10) BE RESPONSIBLE TO THE COUNCIL FOR CARRYING OUT ALL

1 POLICIES ESTABLISHED BY IT AND FOR THE PROPER ADMINISTRATION OF
2 ALL AFFAIRS OF THE MUNICIPALITY WITHIN THE JURISDICTION OF THE
3 COUNCIL.

4 D. BUDGET

5 SECTION 825. THE MUNICIPAL MANAGER SHALL SUBMIT TO COUNCIL
6 HIS RECOMMENDED BUDGET, TOGETHER WITH SUCH EXPLANATORY COMMENT
7 OR STATEMENT AS HE MAY DEEM DESIRABLE. THE BUDGET SHALL BE IN
8 SUCH FORM AS IS REQUIRED BY COUNCIL FOR MUNICIPAL BUDGETS, AND
9 SHALL IN ADDITION HAVE APPENDED THERETO DETAILED ANALYSIS OF THE
10 VARIOUS ITEMS OF EXPENDITURE AND REVENUE. THE BUDGET AS
11 SUBMITTED AND ADOPTED MUST BE BALANCED. COUNCIL SHALL UPON
12 INTRODUCTION OF THE PROPOSED BUDGET FIX A DATE FOR ADOPTION
13 THEREOF WHICH SHALL BE NOT LATER THAN THE THIRTY-FIRST DAY OF
14 DECEMBER IMMEDIATELY FOLLOWING.

15 SECTION 826. DURING THE MONTH OF JANUARY NEXT FOLLOWING ANY
16 MUNICIPAL ELECTION, COUNCIL MAY REQUEST THE MANAGER TO SUBMIT AN
17 AMENDED BUDGET TO COUNCIL WHICH SHALL CONSIDER IT IN THE SAME
18 MANNER AS PROVIDED IN SECTION 825, EXCEPT THAT FINAL ADOPTION OF
19 THE AMENDED BUDGET SHALL NOT BE LATER THAN FEBRUARY 15 OF THE
20 SAME YEAR.

21 ARTICLE IX

22 OPTIONAL PLAN: SMALL MUNICIPALITY PLAN

23 A. FORM OF GOVERNMENT:

24 ELECTED OFFICIALS

25 SECTION 901. THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE
26 SHALL BE KNOWN AS THE "SMALL MUNICIPALITY PLAN." IT MAY BE
27 ADOPTED BY ANY MUNICIPALITY HAVING A POPULATION OF LESS THAN
28 FIVE THOUSAND INHABITANTS BY THE LAST FEDERAL CENSUS. THE PLAN
29 TOGETHER WITH ARTICLES IV AND XII OF THIS ACT SHALL GOVERN ANY
30 MUNICIPALITY THE VOTERS OF WHICH HAVE ADOPTED IT PURSUANT TO

1 THIS ACT.

2 SECTION 902. EACH MUNICIPALITY SHALL BE GOVERNED BY AN
3 ELECTED EXECUTIVE (MAYOR) AND COUNCILMEN, AN ELECTED CONTROLLER,
4 AN ELECTED DISTRICT ATTORNEY IN THE CASE OF COUNTIES AND SUCH
5 OTHER OFFICERS AS SHALL BE APPOINTED PURSUANT TO THIS ARTICLE,
6 GENERAL LAW OR ORDINANCE.

7 B. COUNCIL

8 SECTION 911. THE COUNCIL SHALL CONSIST OF THE EXECUTIVE
9 (MAYOR), WHO SHALL BE ELECTED AT LARGE, AND TWO COUNCILMEN
10 UNLESS PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF
11 THIS ACT THE MUNICIPALITY SHALL BE GOVERNED BY AN EXECUTIVE
12 (MAYOR) AND FOUR COUNCILMEN, AND EXECUTIVE (MAYOR) AND SIX
13 COUNCILMEN, OR AN EXECUTIVE (MAYOR) AND EIGHT COUNCILMEN.
14 MEMBERS OF THE COUNCIL SHALL BE ELECTED AT LARGE, UNLESS,
15 PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF THIS ACT,
16 MEMBERS SHALL BE ELECTED ON A DISTRICT BASIS IN WHICH EACH
17 DISTRICT IS AS EQUAL IN POPULATION AS IS FEASIBLE, OR ON A
18 COMBINATION AT LARGE AND DISTRICT BASIS AS DETERMINED BY THE
19 CHARTER STUDY COMMISSION OR AS SPECIFIED IN AN INITIATIVE
20 PETITION OR ORDINANCE OF THE GOVERNING BODY UNDER THE PROVISIONS
21 OF SECTION 231 THROUGH SECTION 233 OF THIS ACT, AT A REGULAR
22 MUNICIPAL ELECTION BY THE VOTERS OF THE MUNICIPALITY AND SHALL
23 SERVE A TERM OF FOUR YEARS BEGINNING ON THE FIRST MONDAY IN
24 JANUARY NEXT FOLLOWING THEIR ELECTION, EXCEPT AS HEREINAFTER
25 PROVIDED FOR THOSE FIRST ELECTED.

26 SECTION 912. ON THE FIRST MONDAY OF JANUARY FOLLOWING THE
27 REGULAR MUNICIPAL ELECTION, THE MEMBERS OF THE COUNCIL SHALL
28 ASSEMBLE AT THE USUAL PLACE OF MEETING AND ORGANIZE. THE
29 EXECUTIVE (MAYOR) SHALL PRESIDE AT ALL MEETINGS OF THE COUNCIL
30 AND SHALL HAVE A VOICE AND VOTE ON ITS PROCEEDINGS. THE COUNCIL

1 SHALL SELECT FROM AMONG ITS MEMBERS A PRESIDENT OF THE COUNCIL
2 WHO SHALL SERVE IN PLACE OF THE EXECUTIVE (MAYOR) IN THE EVENT
3 OF HIS ABSENCE OR DISABILITY.

4 SECTION 913. THE LEGISLATIVE POWER OF THE MUNICIPALITY SHALL
5 BE EXERCISED BY THE COUNCIL, EXCEPT AS MAY BE OTHERWISE PROVIDED
6 BY GENERAL LAW. A MAJORITY OF THE WHOLE NUMBER OF THE COUNCIL
7 SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, BUT A
8 SMALLER NUMBER MAY MEET AND ADJOURN FROM TIME TO TIME.

9 SECTION 914. (A) A MUNICIPAL CLERK OR SECRETARY SHALL BE
10 APPOINTED IN THE MANNER SET FORTH IN THE ADMINISTRATIVE CODE, AS
11 PROVIDED IN SECTION 1246 OF THIS ACT. THE MUNICIPAL CLERK OR
12 SECRETARY SHALL SERVE AS CLERK OF THE COUNCIL, KEEP ITS MINUTES
13 AND RECORDS OF ITS PROCEEDINGS, MAINTAIN AND COMPILE ITS
14 ORDINANCES AND RESOLUTIONS AS THIS ACT REQUIRES, AND PERFORM
15 SUCH FUNCTIONS AS MAY BE REQUIRED BY LAW. THE CLERK SHALL, PRIOR
16 TO HIS APPOINTMENT, HAVE BEEN QUALIFIED BY TRAINING OR
17 EXPERIENCE TO PERFORM THE DUTIES OF THE OFFICE.

18 (B) THE COUNCIL MAY CONSISTENT WITH ACTS OF THE GENERAL
19 ASSEMBLY APPLICABLE TO THAT CLASS OR CLASSES OF MUNICIPALITY
20 PROVIDE FOR THE MANNER OF APPOINTMENT OF A SOLICITOR, ANY
21 PLANNING BOARD, ZONING BOARD OF ADJUSTMENT OR PERSONNEL BOARD IN
22 THE MUNICIPALITY AND MAY CREATE COMMISSIONS AND OTHER BODIES
23 WITH ADVISORY POWERS.

24 C. EXECUTIVE (MAYOR) AND ADMINISTRATION

25 SECTION 921. THE EXECUTIVE POWER OF THE MUNICIPALITY SHALL
26 BE EXERCISED BY THE EXECUTIVE (MAYOR). IT SHALL BE HIS DUTY TO
27 SEE THAT ALL LAWS AND ORDINANCES IN FORCE AND EFFECT WITHIN THE
28 MUNICIPALITY ARE OBSERVED. HE SHALL ADDRESS THE COUNCIL AND
29 REPORT TO THE RESIDENTS ANNUALLY, AND AT SUCH OTHER TIMES AS HE
30 MAY DEEM DESIRABLE, ON THE CONDITION OF THE MUNICIPALITY AND

1 UPON ITS PROBLEMS OF GOVERNMENT. THE EXECUTIVE (MAYOR) SHALL
2 ALSO APPOINT A FINANCE COMMITTEE OF THE COUNCIL, WHICH SHALL
3 CONSIST OF ONE OR MORE COUNCILMEN, AND MAY APPOINT AND DESIGNATE
4 OTHER COMMITTEES OF COUNCIL OF SIMILAR COMPOSITION.

5 SECTION 922. THE EXECUTIVE (MAYOR) SHALL APPOINT SUBORDINATE
6 OFFICERS AND EMPLOYES WITH THE ADVICE AND CONSENT OF COUNCIL
7 UNDER PROCEDURES ESTABLISHED IN SECTION 1222 OF THIS ACT, EXCEPT
8 THAT IN MUNICIPALITIES COMMONLY KNOWN AS COUNTIES, THE OFFICE OF
9 PROTHONOTARY AND CLERK OF COURTS, REGISTER OF WILLS AND CLERK OF
10 ORPHANS COURT SHALL BE FILLED BY APPOINTMENT BY THE PRESIDENT
11 JUDGE OF THE APPROPRIATE COURT WITH ADVICE AND CONSENT OF THE
12 COUNCIL.

13 D. BUDGET

14 SECTION 941. THE MUNICIPAL BUDGET SHALL BE PREPARED BY THE
15 EXECUTIVE (MAYOR) AND SHALL BE SUBMITTED TO COUNCIL IN A FORM AS
16 IS REQUIRED BY COUNCIL. THE BUDGET AS SUBMITTED AND ADOPTED MUST
17 BE BALANCED. COUNCIL SHALL UPON INTRODUCTION OF THE PROPOSED
18 BUDGET, FIX A DATE FOR ADOPTION THEREOF WHICH SHALL BE NOT LATER
19 THAN THE THIRTY-FIRST DAY OF DECEMBER IMMEDIATELY FOLLOWING.

20 SECTION 942. DURING THE MONTH OF JANUARY NEXT FOLLOWING ANY
21 MUNICIPAL ELECTION, THE EXECUTIVE (MAYOR), UPON HIS OWN
22 INITIATIVE OR AT THE REQUEST OF COUNCIL, MAY SUBMIT AN AMENDED
23 BUDGET TO COUNCIL, WHICH SHALL CONSIDER IT IN THE SAME MANNER AS
24 PROVIDED IN SECTION 941, EXCEPT FINAL ADOPTION OF THE AMENDED
25 BUDGET SHALL NOT BE LATER THAN FEBRUARY 15 OF THE SAME YEAR.

26 ARTICLE X

27 OPTIONAL PLAN: OPTIONAL COUNTY PLAN

28 A. FORM OF GOVERNMENT: ELECTED OFFICIALS

29 SECTION 1001. THE FORM OF GOVERNMENT PROVIDED IN THIS
30 ARTICLE SHALL BE KNOWN AS THE "OPTIONAL COUNTY PLAN" AND SHALL,

1 TOGETHER WITH ARTICLES IV AND XII GOVERN ANY COUNTY, THE VOTERS
2 OF WHICH HAVE ADOPTED THIS PLAN PURSUANT TO THIS ACT. THIS
3 OPTION SHALL BE AVAILABLE ONLY TO THOSE MUNICIPALITIES COMMONLY
4 KNOWN AS "COUNTIES."

5 SECTION 1002. (A) THE COUNTY OFFICERS ARE:

- 6 (1) COUNTY COMMISSIONERS,
- 7 (2) CONTROLLER OR AUDITORS,
- 8 (3) DISTRICT ATTORNEYS,
- 9 (4) PUBLIC DEFENDERS,
- 10 (5) TREASURERS,
- 11 (6) SHERIFFS,
- 12 (7) REGISTERS OF WILLS,
- 13 (8) RECORDERS OF DEEDS,
- 14 (9) PROTHONOTARIES,
- 15 (10) CLERKS OF THE COURTS.

16 (B) COUNTY OFFICERS, EXCEPT FOR PUBLIC DEFENDERS WHO SHALL
17 BE APPOINTED AS PROVIDED BY LAW, SHALL BE ELECTED AT THE
18 MUNICIPAL ELECTIONS AND SHALL HOLD THEIR OFFICES FOR THE TERM OF
19 FOUR YEARS, BEGINNING ON THE FIRST MONDAY OF JANUARY NEXT AFTER
20 THEIR ELECTION, AND UNTIL THEIR SUCCESSORS SHALL BE DULY
21 QUALIFIED; ALL VACANCIES SHALL BE FILLED IN SUCH MANNER AS MAY
22 BE PROVIDED BY LAW.

23 (C) COUNTY OFFICERS SHALL BE PAID ONLY BY SALARY AS PROVIDED
24 BY LAW FOR SERVICES PERFORMED FOR THE COUNTY OR ANY OTHER
25 GOVERNMENTAL UNIT. FEES INCIDENTAL TO THE CONDUCT OF ANY COUNTY
26 OFFICE SHALL BE PAYABLE DIRECTLY TO THE COUNTY OR THE
27 COMMONWEALTH, OR AS OTHERWISE PROVIDED BY LAW.

28 (D) THREE COUNTY COMMISSIONERS SHALL BE ELECTED IN EACH
29 COUNTY. IN THE ELECTION OF THESE OFFICERS EACH QUALIFIED ELECTOR
30 SHALL VOTE FOR NOT MORE THAN TWO PERSONS, AND THE THREE PERSONS

1 RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED.

2 (E) THE CORONER OR MEDICAL EXAMINER SHALL BE A STATUTORY
3 OFFICE ELECTED AT THE MUNICIPAL ELECTION AND SHALL HOLD THE
4 OFFICE FOR THE TERM OF FOUR YEARS BEGINNING ON THE FIRST MONDAY
5 OF JANUARY NEXT AFTER ELECTION, AND UNTIL THEIR SUCCESSORS SHALL
6 BE DULY QUALIFIED; SHALL BE PAID ONLY BY SALARY AS PROVIDED BY
7 LAW; ALL VACANCIES SHALL BE FILLED IN SUCH MANNER AS MAY BE
8 PROVIDED BY LAW.

9 (F) JURY COMMISSIONERS SHALL BE STATUTORY OFFICERS AND SHALL
10 BE ELECTED AT THE MUNICIPAL ELECTION AND SHALL HOLD THEIR OFFICE
11 FOR THE TERM OF FOUR YEARS BEGINNING ON THE FIRST MONDAY OF
12 JANUARY NEXT AFTER ELECTION AND UNTIL THEIR SUCCESSORS SHALL BE
13 DULY QUALIFIED; THE SALARY BOARD SHALL FIX THEIR SALARY;
14 VACANCIES SHALL BE FILLED BY THE PRESIDENT JUDGE OF THE COURT OF
15 COMMON PLEAS.

16 SECTION 1003. ALL COUNTY OFFICERS MAY EXERCISE THOSE POWERS
17 GRANTED BY GENERAL LAW TO COUNTY OFFICES OF THE CLASS OF COUNTY
18 TO WHICH IT BELONGS.

19 ARTICLE XI

20 ADDITIONAL COUNTY OPTION; ELECTED SHERIFF

21 SECTION 1101. A GOVERNMENT STUDY COMMISSION CREATED AND
22 CONSTITUTED AS PROVIDED IN ARTICLE II OF THIS ACT FOR THE
23 MUNICIPALITY COMMONLY KNOWN AS COUNTIES, OR AN INITIATIVE
24 PETITION OR ORDINANCE OF THE GOVERNING BODY AS AUTHORIZED BY
25 SECTION 231 THROUGH SECTION 233 OF THIS ACT, MAY RECOMMEND AND
26 CAUSE TO BE PLACED ON THE BALLOT AS A PART OF THE QUESTION
27 SUBMITTED TO THE VOTERS FOR APPROVAL, ADDITIONAL OPTIONS AS PART
28 OF THE OPTIONAL PLANS AS SET FORTH IN ARTICLE V, EXECUTIVE
29 (MAYOR) - COUNCIL PLAN A; ARTICLE VI EXECUTIVE (MAYOR) - COUNCIL
30 PLAN B; ARTICLE VII EXECUTIVE (MAYOR) - COUNCIL PLAN C; ARTICLE

1 VIII COUNCIL-MANAGER PLAN; OR ARTICLE IX, SMALL MUNICIPALITIES
2 PLAN, PROVIDING FOR THE ELECTION OF THE COUNTY SHERIFF.

3 SECTION 1102. IF THE OPTIONAL PLAN, INCLUDING AN ADDITIONAL
4 OPTION OR OPTIONS AS PROVIDED IN SECTION 1101, IS APPROVED BY
5 THE VOTERS, THE COUNTY SHALL BE GOVERNED BY THE PROVISIONS OF
6 THE ARTICLE PROVIDING THE BASIC OPTIONAL PLAN AND BY THE
7 PROVISIONS OF ARTICLES IV AND XII OF THIS ACT, EXCEPT THAT THE
8 ELECTED SHERIFF SHALL BE SUBJECT TO THE PROVISIONS PERTAINING TO
9 THAT OFFICE AS PROVIDED IN ARTICLE X OF THIS ACT.

10 ARTICLE XII

11 GENERAL PROVISIONS COMMON TO OPTIONAL PLANS

12 A. OFFICERS AND EMPLOYEES

13 SECTION 1201. IN ANY CASE WHERE A MUNICIPAL OFFICER OR
14 OFFICIAL ELECTED OR APPOINTED KNOWS OR BY THE EXERCISE OF
15 REASONABLE DILIGENCE COULD KNOW THAT HE IS INTERESTED TO ANY
16 APPRECIABLE DEGREE, EITHER DIRECTLY OR INDIRECTLY, IN ANY
17 CONTRACT FOR THE SALE OR FURNISHING OF ANY PERSONAL PROPERTY FOR
18 THE USE OF THE MUNICIPALITY, OR FOR ANY SERVICES TO BE RENDERED
19 FOR SUCH MUNICIPALITY INVOLVING THE EXPENDITURE BY THE
20 MUNICIPALITY OF MORE THAN THREE HUNDRED DOLLARS (\$300) IN ANY
21 YEAR, HE SHALL NOTIFY COUNCIL THEREOF, AND ANY SUCH CONTRACT
22 SHALL NOT BE PASSED AND APPROVED BY COUNCIL EXCEPT BY AN
23 AFFIRMATIVE VOTE OF AT LEAST THREE-FOURTHS OF THE MEMBERS
24 THEREOF. IN CASE THE INTERESTED OFFICER IS A MEMBER OF COUNCIL,
25 HE SHALL REFRAIN FROM VOTING UPON SAID CONTRACT. THE PROVISIONS
26 OF THIS SECTION SHALL NOT APPLY TO CASES WHERE SUCH OFFICER OR
27 OFFICIAL IS AN EMPLOYEE OF THE PERSON, FIRM OR CORPORATION TO
28 WHICH MONEY IS TO BE PAID IN A CAPACITY WITH NO POSSIBLE
29 INFLUENCE ON THE TRANSACTION AND IN WHICH HE CANNOT POSSIBLY BE
30 BENEFITED THEREBY, EITHER FINANCIALLY OR IN ANY OTHER MATERIAL

1 MANNER. ANY OFFICER OR OFFICIALS WHO SHALL KNOWINGLY VIOLATE THE
2 PROVISIONS OF THIS SECTION SHALL BE LIABLE TO THE MUNICIPALITY
3 UPON HIS BOND, IF ANY, OR PERSONALLY, TO THE EXTENT OF THE
4 DAMAGE SHOWN TO BE SUSTAINED THEREBY BY THE MUNICIPALITY, TO
5 OUSTER FROM OFFICE, AND SHALL BE GUILTY OF A MISDEMEANOR; AND
6 UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT
7 EXCEEDING FIVE HUNDRED DOLLARS (\$500), OR IMPRISONMENT NOT
8 EXCEEDING ONE YEAR, OR BOTH.

9 SECTION 1202. NO OFFICER OR EMPLOYE SHALL ACCEPT OR RECEIVE,
10 DIRECTLY OR INDIRECTLY, FROM ANY PERSON OPERATING WITHIN THE
11 TERRITORIAL LIMITS OF A MUNICIPALITY AND INTERURBAN RAILWAY, BUS
12 LINE, STREET RAILWAY, GAS WORKS, WATERWORKS, ELECTRIC LIGHT OR
13 POWER PLANT, HEATING PLANT, TELEGRAPH LINE, TELEPHONE EXCHANGE
14 OR OTHER BUSINESS USING OR OPERATING UNDER A PUBLIC FRANCHISE,
15 ANY FRANK, FREE PASS, FREE TICKET OR FREE SERVICE, OR ACCEPT OR
16 RECEIVE, DIRECTLY OR INDIRECTLY, FROM ANY PERSON, ANY OTHER
17 SERVICE UPON TERMS MORE FAVORABLE THAN IS GRANTED TO THE PUBLIC
18 GENERALLY, EXCEPT THAT SUCH PROHIBITION OF FREE TRANSPORTATION
19 SHALL NOT APPLY TO POLICEMEN OR FIREMEN IN UNIFORM. NOR SHALL
20 ANY FREE SERVICE TO THE MUNICIPAL OFFICIALS HERETOFORE PROVIDED
21 BY ANY FRANCHISE OR ORDINANCE BE AFFECTED BY THIS SECTION.

22 SECTION 1203. NO CANDIDATE FOR OFFICE, APPOINTMENT OR
23 EMPLOYMENT AND NO OFFICER, APPOINTEE OR EMPLOYE IN ANY
24 MUNICIPALITY SHALL, DIRECTLY OR INDIRECTLY, GIVE OR PROMISE ANY
25 PERSON ANY OFFICE, POSITION, EMPLOYMENT, BENEFIT OR ANYTHING OF
26 VALUE FOR THE PURPOSE OF INFLUENCING OR OBTAINING THE POLITICAL
27 SUPPORT, AID OR VOTE OF ANY PERSON, UNDER THE PENALTY OF BEING
28 DISQUALIFIED TO HOLD THE OFFICE OR EMPLOYMENT TO WHICH HE MAY BE
29 OR MAY HAVE BEEN ELECTED OR APPOINTED.

30 SECTION 1204. IF ANY PERSON HEREAFTER ELECTED OR APPOINTED

1 TO ANY OFFICE OR POSITION IN A MUNICIPALITY GOVERNED UNDER THIS
2 ACT SHALL, AFTER LAWFUL NOTICE OR PROCESS, WILFULLY REFUSE OR
3 FAIL TO APPEAR BEFORE ANY COURT, ANY LEGISLATIVE COMMITTEE, OR
4 THE GOVERNOR, OR HAVING APPEARED SHALL REFUSE TO TESTIFY OR TO
5 ANSWER ANY QUESTION REGARDING THE PROPERTY, GOVERNMENT OR
6 AFFAIRS OF THE MUNICIPALITY, OR REGARDING HIS NOMINATION,
7 ELECTION, APPOINTMENT OR OFFICIAL CONDUCT ON THE GROUND THAT HIS
8 ANSWER WOULD TEND TO INCRIMINATE HIM, OR SHALL REFUSE TO WAIVE
9 IMMUNITY FROM PROSECUTION ON ACCOUNT OF ANY SUCH MATTER IN
10 RELATION TO WHICH HE MAY BE ASKED TO TESTIFY, MAY BE REMOVED
11 FROM OFFICE BY THE COUNCIL OF THE MUNICIPALITY IN ITS
12 DISCRETION.

13 B. TREASURER

14 SECTION 1211. (A) UNDER ANY OF THE OPTIONAL PLANS AS SET
15 FORTH IN THIS ACT, EXCEPT FOR THE PLAN SET FORTH IN ARTICLE X -
16 OPTIONAL COUNTY PLAN, THE OFFICE OF MUNICIPAL TREASURER MAY BE
17 OMITTED, OR MAY BE FILLED BY APPOINTMENT AS RECOMMENDED BY THE
18 CHARTER COMMISSION AND ADOPTED BY THE VOTERS. IF THE OFFICE OF
19 MUNICIPAL TREASURER IS TO BE FILLED BY APPOINTMENT, THE
20 APPOINTMENT SHALL BE MADE IN ACCORDANCE WITH THE APPOINTMENT
21 PROCEDURES FOR OTHER DEPARTMENT HEADS.

22 (B) THE MUNICIPAL TREASURER, IF ELECTED, SHALL PERFORM SUCH
23 FUNCTIONS AND DUTIES AND HAVE SUCH POWERS RELATING TO THE
24 COLLECTION, RECEIVING, SAFEKEEPING AND PAYMENT OVER OF PUBLIC
25 MONEYS INCLUDING MUNICIPAL, COUNTY, INSTITUTION DISTRICT AND
26 SCHOOL DISTRICT TAXES AS PROVIDED BY GENERAL LAW AND SHALL HAVE
27 SUCH OTHER FUNCTIONS, POWERS AND DUTIES AS MAY BE ASSIGNED TO
28 HIM BY THE EXECUTIVE OF THE MUNICIPALITY.

29 C. APPOINTMENT POWER AND PERSONNEL

30 SECTION 1221. THE APPOINTMENT POWER OF THE CHIEF EXECUTIVE

1 OF THE MUNICIPALITY UNDER ANY OF THE PLANS AUTHORIZED BY THIS
2 ACT SHALL INCLUDE THE APPOINTMENT OF MEMBERS OF BOARDS AND
3 COMMISSIONS AUTHORIZED BY THIS ACT, BY GENERAL LAW NOW OR
4 HEREAFTER ENACTED, OR BY ACTION OF MUNICIPAL COUNCIL. ALL SUCH
5 APPOINTMENTS SHALL BE WITH THE ADVICE AND CONSENT OF MUNICIPAL
6 COUNCIL.

7 SECTION 1222. APPOINTMENTS AND PROMOTIONS OF SUBORDINATE
8 OFFICERS AND EMPLOYEES WITHIN DEPARTMENTS SHALL BE MADE BY THE
9 DEPARTMENT HEAD ON THE BASIS OF A PERSONNEL SYSTEM WHICH SHALL
10 INCLUDE WRITTEN PROCEDURES FOR APPOINTMENT AND PROMOTION BASED
11 SOLELY ON MERIT AND FITNESS AS DEMONSTRATED BY EXAMINATION OR
12 OTHER EVIDENCE OF POSITION COMPETENCE. THE PERSONNEL SYSTEM
13 SHALL BE GOVERNED BY PERSONNEL RULES WHICH SHALL BE PREPARED BY
14 THE EXECUTIVE (MAYOR) OR MANAGER AND SUBMITTED TO THE MUNICIPAL
15 COUNCIL WHICH SHALL ADOPT THEM WITH OR WITHOUT AMENDMENTS. THE
16 PERSONNEL RULES MAY PROVIDE FOR:

17 (1) THE CLASSIFICATION OF ALL MUNICIPAL POSITIONS, BASED ON
18 THE DUTIES, AUTHORITY AND RESPONSIBILITY OF EACH POSITION, WITH
19 ADEQUATE PROVISION FOR RECLASSIFICATION OF ANY POSITION WHENEVER
20 WARRANTED BY CHANGE OF CIRCUMSTANCES.

21 (2) A PAY PLAN FOR ALL MUNICIPAL POSITIONS.

22 (3) METHODS FOR DETERMINING THE MERIT AND FITNESS OF
23 CANDIDATES FOR APPOINTMENT OR PROMOTION.

24 (4) THE POLICIES AND PROCEDURES REGULATING REDUCTION IN
25 FORCE AND DISCIPLINARY ACTION, INCLUDING SUSPENSION AND REMOVAL
26 OF EMPLOYEES.

27 (5) THE HOURS OF WORK, AND PROVISIONS FOR SICK AND VACATION
28 LEAVE AND HOLIDAYS, AND PROVISIONS FOR OVERTIME COMPENSATION.

29 (6) GRIEVANCE PROCEDURES, INCLUDING PROCEDURES FOR THE
30 HEARING OF GRIEVANCES.

1 (7) OTHER PRACTICES AND PROCEDURES NECESSARY TO THE
2 ADMINISTRATION OF THE MUNICIPAL PERSONNEL SYSTEM, INCLUDING
3 THOSE ARRIVED AT THROUGH THE COLLECTIVE BARGAINING PROCESS.

4 D. FILLING VACANCIES IN ELECTED OFFICE

5 SECTION 1231. THIS SECTION SHALL APPLY TO THE FILLING OF
6 VACANCIES IN ELECTED OFFICE IN ALL OPTIONAL PLANS AND OPTIONS
7 EXCEPT THOSE SET FORTH IN ARTICLE X - OPTIONAL COUNTY PLAN, AND
8 ARTICLE XI - ADDITIONAL COUNTY OPTIONS.

9 SECTION 1232. (A) IF A VACANCY EXISTS IN THE MUNICIPAL
10 COUNCIL, THE MUNICIPAL COUNCIL SHALL, BY A MAJORITY OF ITS
11 REMAINING MEMBERS, FILL SUCH VACANCY, WITHIN THIRTY DAYS
12 THEREAFTER, BY ELECTING A QUALIFIED PERSON TO SERVE UNTIL THAT
13 FIRST MONDAY OF JANUARY WHEN HIS SUCCESSOR WHO SHALL HAVE BEEN
14 ELECTED BY THE QUALIFIED ELECTORS AT THE NEXT MUNICIPAL
15 ELECTION, OCCURRING AT LEAST FIFTY DAYS AFTER SUCH VACANCY
16 EXISTS, IS DULY SWORN INTO OFFICE FOR THE REMAINDER OF THE TERM
17 OF THE PERSON ORIGINALLY ELECTED TO SAID OFFICE.

18 IN CASE VACANCIES SHOULD EXIST WHEREBY THE OFFICES OF A
19 MAJORITY OR MORE MEMBERS OF THE MUNICIPAL COUNCIL BECOME VACANT,
20 THE REMAINING MEMBERS SHALL FILL SUCH VACANCIES, ONE AT A TIME,
21 GIVING EACH NEW APPOINTEE SUCH REASONABLE NOTICE OF HIS
22 APPOINTMENT AS WILL ENABLE HIM TO MEET AND ACT WITH THE THEN
23 QUALIFIED MEMBER OR MEMBERS OF THE MUNICIPAL COUNCIL IN MAKING
24 FURTHER APPOINTMENTS UNTIL A BARE MAJORITY OF MEMBERS OF
25 MUNICIPAL COUNCIL MEMBERS HAVE BEEN QUALIFIED, WHEREUPON THE
26 SAID MEMBERS SHALL FILL THE REMAINING VACANCIES AT A MEETING
27 ATTENDED BY THE SAID MAJORITY MEMBERS OF MUNICIPAL COUNCIL, SUCH
28 APPOINTEES TO RECEIVE A MAJORITY OF THE VOTES OF THE MEMBERS
29 PRESENT AT ANY SUCH MEETING. THE PERSON OR PERSONS SELECTED TO
30 FILL SUCH VACANCY OR VACANCIES SHALL HOLD THEIR OFFICES AS

1 HEREIN PROVIDED.

2 IF, BY REASON OF A TIE VOTE, OR OTHERWISE, SUCH VACANCY SHALL
3 NOT HAVE BEEN FILLED BY THE REMAINING MEMBERS OF MUNICIPAL
4 COUNCIL WITHIN THE TIME AS LIMITED HEREIN, THE COURT OF COMMON
5 PLEAS, UPON THE PETITION OF TEN OR MORE QUALIFIED ELECTORS,
6 SHALL FILL SUCH VACANCY BY THE APPOINTMENT OF A QUALIFIED
7 PERSON, FOR THE PORTION OF THE UNEXPIRED TERM AS ABOVE PROVIDED.

8 (B) IF A VACANCY OCCURS IN THE OFFICE OF EXECUTIVE (MAYOR),
9 MUNICIPAL TREASURER, IF ELECTED, MUNICIPAL CONTROLLER, IF
10 ELECTED, COUNTY DISTRICT ATTORNEY, IF ELECTED, OR COUNTY
11 SHERIFF, IF ELECTED, THE MUNICIPAL COUNCIL SHALL FILL SUCH
12 VACANCY, WITHIN THIRTY DAYS THEREAFTER, BY CHOOSING AN EXECUTIVE
13 (MAYOR), A MUNICIPAL TREASURER, A MUNICIPAL CONTROLLER, A COUNTY
14 DISTRICT ATTORNEY OR A COUNTY SHERIFF, AS THE CASE MAY BE, TO
15 SERVE UNTIL HIS SUCCESSOR IS ELECTED BY THE QUALIFIED ELECTORS
16 AT THE NEXT MUNICIPAL ELECTION, OCCURRING AT LEAST FIFTY DAYS
17 AFTER SUCH VACANCY OCCURS, AND IS DULY SWORN INTO OFFICE. THE
18 PERSON SO ELECTED SHALL SERVE FROM THE FIRST MONDAY OF JANUARY
19 NEXT SUCCEEDING HIS ELECTION FOR THE REMAINDER OF THE TERM OF
20 THE PERSON ORIGINALLY ELECTED TO SUCH OFFICE.

21 IF, BY REASON OF A TIE VOTE OR OTHERWISE, A VACANCY IN THE
22 OFFICE OF EXECUTIVE (MAYOR), TREASURER, CONTROLLER, COUNTY
23 DISTRICT ATTORNEY, OR COUNTY SHERIFF SHALL NOT HAVE BEEN FILLED
24 BY COUNCIL WITHIN THE TIME AS LIMITED HEREIN, THE COURT OF
25 COMMON PLEAS, UPON PETITION OF TEN OR MORE QUALIFIED ELECTORS,
26 SHALL FILL SUCH VACANCY BY THE APPOINTMENT OF A QUALIFIED PERSON
27 FOR THE PORTION OF THE UNEXPIRED TERM AS HEREIN PROVIDED.

28 E. LEGISLATION BY COUNCIL

29 SECTION 1241. THE COUNCIL SHALL, BY ORDINANCE OR RESOLUTION,
30 DESIGNATE THE TIME OF HOLDING REGULAR MEETINGS WHICH SHALL BE AT

1 LEAST MONTHLY. THE EXECUTIVE (MAYOR) OR THE PRESIDENT OF
2 COUNCIL, AS THE CASE MAY BE, MAY AND, UPON WRITTEN REQUEST OF A
3 MAJORITY OF THE MEMBERS OF THE COUNCIL, SHALL CALL A SPECIAL
4 MEETING OF THE COUNCIL. IN THE CALL, HE SHALL DESIGNATE THE
5 PURPOSE OF THE SPECIAL MEETING AND NO OTHER BUSINESS SHALL BE
6 CONSIDERED. ALL MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE
7 PUBLIC. THE MUNICIPAL CLERK OR SECRETARY SHALL KEEP A JOURNAL
8 OF ITS PROCEEDINGS AND RECORD THE MINUTES OF EVERY MEETING.

9 SECTION 1242. (A) COUNCIL SHALL DETERMINE ITS OWN RULES OF
10 PROCEDURE, NOT INCONSISTENT WITH ORDINANCE OR STATUTE. A
11 MAJORITY OF THE WHOLE NUMBER OF MEMBERS OF THE COUNCIL SHALL
12 CONSTITUTE A QUORUM, AND NO ORDINANCE SHALL BE ADOPTED BY THE
13 COUNCIL WITHOUT THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE
14 MEMBERS OF THE COUNCIL.

15 (B) EACH ORDINANCE OR RESOLUTION SHALL BE PRESENTED AND
16 CONSIDERED AS DETERMINED BY COUNCIL RULES OF PROCEDURE. THE
17 VOTE UPON EVERY MOTION, RESOLUTION OR ORDINANCE SHALL BE TAKEN
18 BY ROLL CALL AND THE YEAS AND NAYS SHALL BE ENTERED ON THE
19 MINUTES. THE MINUTES OF EACH MEETING SHALL BE SIGNED BY THE
20 OFFICER PRESIDING AT SUCH MEETING AND BY THE MUNICIPAL CLERK OR
21 SECRETARY.

22 (C) COUNCIL SHALL ADOPT BY ORDINANCE AN ADMINISTRATIVE CODE
23 WHICH SHALL PROVIDE FOR THE ESTABLISHMENT AND FILING OF
24 ADDITIONAL ADMINISTRATIVE OFFICES WHICH IT SHALL DEEM NECESSARY,
25 AND SHALL PROVIDE FOR ADMINISTRATIVE PROCEDURES NOT OTHERWISE
26 PROVIDED FOR IN THIS ACT OR BY GENERAL LAW.

27 (D) THE COMPENSATION OF THE CONTROLLER AND TREASURER SHALL
28 BE FIXED BY THE COUNCIL.

29 SECTION 1243. (A) EXCEPT AS MAY OTHERWISE BE PROVIDED IN
30 THIS ACT ALL ORDINANCES SHALL BE ADOPTED AND PUBLISHED AS

1 PROVIDED BY LAW: PROVIDED, HOWEVER, THAT ANY ORDINANCE MAY
2 INCORPORATE BY REFERENCE ANY STANDARD TECHNICAL REGULATION OR
3 CODE, OFFICIAL OR UNOFFICIAL, WHICH NEED NOT BE SO PUBLISHED
4 WHENEVER TEN COPIES OF SAID REGULATIONS OR CODE HAVE BEEN PLACED
5 ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK OR SECRETARY AND IN
6 THE OFFICE OF THE BODY OR DEPARTMENT CHARGED WITH THE
7 ENFORCEMENT OF SAID ORDINANCE.

8 (B) NO ORDINANCE OTHER THAN THE LOCAL BUDGET ORDINANCE SHALL
9 TAKE EFFECT LESS THAN TEN DAYS AFTER ITS FINAL PASSAGE BY
10 COUNCIL AND APPROVAL BY THE EXECUTIVE (MAYOR) WHERE SUCH
11 APPROVAL IS REQUIRED, UNLESS THE COUNCIL SHALL ADOPT A
12 RESOLUTION DECLARING AN EMERGENCY AND AT LEAST A MAJORITY PLUS
13 ONE OF ALL THE MEMBERS OF THE COUNCIL VOTE IN FAVOR OF SUCH
14 RESOLUTION.

15 SECTION 1244. THE MUNICIPAL CLERK OR SECRETARY SHALL RECORD
16 ALL ORDINANCES AND RESOLUTIONS ADOPTED BY COUNCIL AND AT THE
17 CLOSE OF EACH YEAR, WITH THE ADVICE AND ASSISTANCE OF THE
18 MUNICIPAL SOLICITOR, SHALL BIND, COMPILE OR CODIFY ALL THE
19 ORDINANCES AND RESOLUTIONS, OR TRUE COPIES THEREOF, OF THE
20 MUNICIPALITY WHICH THEN REMAIN IN FORCE AND EFFECT. HE SHALL
21 ALSO PROPERLY INDEX THE RECORD BOOKS, COMPILATION OR
22 CODIFICATION OF ORDINANCES AND RESOLUTIONS.

23 SECTION 1245. NO RULE OR REGULATION MADE BY ANY DEPARTMENT,
24 OFFICER, AGENCY OR AUTHORITY OF THE MUNICIPALITY, EXCEPT SUCH AS
25 RELATES TO THE ORGANIZATION OR INTERNAL MANAGEMENT OF THE
26 MUNICIPAL GOVERNMENT OR A PART THEREOF, SHALL TAKE EFFECT UNTIL
27 IT IS FILED EITHER WITH THE MUNICIPAL CLERK OR SECRETARY OR IN
28 SUCH OTHER MANNER AS MAY BE PROVIDED BY ORDINANCE. THE COUNCIL
29 SHALL PROVIDE FOR THE PROMPT PUBLICATION OF SUCH RULES AND
30 REGULATIONS.

1 SECTION 1246. THE COUNCIL SHALL CAUSE TO BE PREPARED AND
2 PASS AS AN ORDINANCE AN ADMINISTRATIVE CODE WHICH SHALL PROVIDE
3 FOR THE MANNER OF APPOINTMENT OF A SOLICITOR, CLERK OR
4 SECRETARY, AND MAY CREATE COMMISSIONS AND OTHER BODIES WITH
5 ADVISORY POWERS, AND MAY PROVIDE ADDITIONAL PROVISIONS RELATING
6 TO THE INTERNAL STRUCTURE OF THE MUNICIPALITY AS LONG AS THE
7 PROVISIONS OF THE ADMINISTRATIVE CODE ARE NOT IN CONFLICT WITH
8 ANY OF THE PROVISIONS OF THIS LAW APPLICABLE TO THE
9 MUNICIPALITY.

10 F. AUDIT AND CONTROL

11 SECTION 1251. THE COUNCIL SHALL PROVIDE BY SEPARATE
12 ORDINANCE OR IN THE ADMINISTRATIVE CODE FOR THE EXERCISE OF A
13 CONTROL FUNCTION IN THE MANAGEMENT OF THE FINANCES OF THE
14 MUNICIPALITY BY THE MUNICIPAL CONTROLLER OR, IN THE CASE OF THE
15 OPTIONAL PLAN SET FORTH IN ARTICLE X, THE OPTIONAL COUNTY PLAN,
16 BY THE CONTROLLER OR AUDITORS.

17 SECTION 1252. THE COUNCIL MAY PROVIDE FOR ANNUAL POST AUDITS
18 OF ALL ACCOUNTS BY AN INDEPENDENT AUDITOR WHO SHALL BE A
19 CERTIFIED PUBLIC ACCOUNTANT, REGISTERED IN PENNSYLVANIA, OR A
20 FIRM OF CERTIFIED PUBLIC ACCOUNTANTS SO REGISTERED.

21 G. TRANSITION TO OPTIONAL CHARTER PLAN

22 SECTION 1261. WHENEVER THE ELECTORS OF A MUNICIPALITY ADOPT
23 ANY OF THE OPTIONAL PLANS PROVIDED BY THIS ACT AT ANY ELECTION
24 FOR THAT PURPOSE, SUCH MUNICIPALITY SHALL BE GOVERNED UNDER THE
25 PROVISIONS OF SUCH PLAN, THE PROVISIONS OF GENERAL LAW
26 APPLICABLE TO THAT CLASS OF MUNICIPALITY AND THIS ACT FROM THE
27 FIRST MONDAY IN JANUARY FOLLOWING THE NEXT SUCCEEDING MUNICIPAL
28 ELECTION, EXCEPT AS PROVIDED IN SECTION 213 (C) OF THIS ACT.

29 SECTION 1262. (A) ANY ELECTED MUNICIPAL OFFICIAL IN OFFICE
30 AT THE TIME OF THE ADOPTION OF ANY OPTIONAL PLAN PROVIDED BY

1 THIS ACT SHALL CONTINUE IN OFFICE ONLY UNTIL THE NEW PLAN OF
2 GOVERNMENT GOES INTO EFFECT AS PROVIDED IN SECTION 1261, EXCEPT
3 AS OTHERWISE PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS
4 SECTION.

5 (B) AT THE MUNICIPAL ELECTION NEXT SUCCEEDING THE ADOPTION
6 OF ONE OF THE OPTIONAL PLANS PROVIDED FOR IN THIS ACT, IF FOUR
7 OR LESS COUNCILMEN ARE ELECTED, THEY SHALL SERVE FOR TERMS OF
8 FOUR YEARS. IF FIVE ARE ELECTED, THE FOUR CANDIDATES RECEIVING
9 THE HIGHEST NUMBER OF VOTES SHALL SERVE FOR TERMS OF FOUR YEARS,
10 AND THE CANDIDATE RECEIVING THE NEXT HIGHEST NUMBER OF VOTES
11 SHALL SERVE FOR A TERM OF TWO YEARS. IF SIX OR MORE COUNCILMEN
12 ARE ELECTED, THE FIVE CANDIDATES RECEIVING THE HIGHEST NUMBER OF
13 VOTES SHALL SERVE FOR TERMS OF FOUR YEARS, AND THE REMAINING
14 SUCCESSFUL CANDIDATES RECEIVING THE NEXT HIGHEST NUMBER OF VOTES
15 SHALL SERVE FOR TERMS OF TWO YEARS. THEREAFTER, ALL COUNCILMEN
16 SHALL BE ELECTED FOR TERMS OF FOUR YEARS.

17 (C) IF AN ELECTED MUNICIPAL TREASURER OR ELECTED MUNICIPAL
18 CONTROLLER OR ELECTED COUNTY DISTRICT ATTORNEY OR ELECTED COUNTY
19 SHERIFF IS IN OFFICE AT THE TIME OF THE ADOPTION OF AN OPTIONAL
20 PLAN UNDER THE PROVISIONS OF THIS ACT, A TREASURER OR CONTROLLER
21 OR DISTRICT ATTORNEY OR SHERIFF, AS THE CASE MAY BE, SHALL NOT
22 BE ELECTED OR APPOINTED TO TAKE OFFICE UNTIL AFTER THE
23 RESIGNATION, DEATH, REMOVAL OR EXPIRATION OF THE TERM OF SAID
24 TREASURER, CONTROLLER, DISTRICT ATTORNEY OR SHERIFF.

25 (D) ANY MEMBER OF A MUNICIPAL GOVERNING BODY IN OFFICE AT
26 THE TIME OF THE ADOPTION OF AN OPTIONAL PLAN SHALL REMAIN IN
27 OFFICE, CONTINUING AS AN AT-LARGE OR DISTRICT COUNCILMAN, AS THE
28 CASE MAY BE, UNTIL THE EXPIRATION OF HIS TERM IN OFFICE, AND
29 SHALL RECEIVE THE COMPENSATION PROVIDED BY LAW AT THAT TIME:
30 PROVIDED, THAT IF THAT COUNCILMAN WAS ELECTED ON AN AT-LARGE

1 BASIS, THE NEWLY ADOPTED OPTIONAL PLAN PROVIDES FOR A TOTAL
2 NUMBER OF AT-LARGE COUNCILMEN EQUAL TO OR EXCEEDING THE TOTAL
3 NUMBER OF AT-LARGE COUNCILMEN UNDER THE EXISTING FORM OF
4 GOVERNMENT; OR, IF THAT COUNCILMAN WAS ELECTED ON A DISTRICT
5 BASIS, THE DISTRICT FROM WHICH THAT COUNCILMAN WAS ELECTED
6 REMAINS UNCHANGED AND CONTINUES TO ENCOMPASS THE EXACT SAME
7 GEOGRAPHICAL AREA UNDER THE NEWLY ADOPTED OPTIONAL PLAN AS UNDER
8 THE EXISTING FORM OF GOVERNMENT, AND THE NUMBER OF COUNCILMEN TO
9 BE ELECTED FROM THAT DISTRICT UNDER THE NEWLY ADOPTED OPTIONAL
10 PLAN IS EQUAL TO OR EXCEEDS THE NUMBER ELECTED FROM THAT
11 DISTRICT UNDER THE EXISTING FORM OF GOVERNMENT. ANY SUCH
12 COUNCILMAN MAY, BY WRITING FILED WITH THE MUNICIPAL TREASURER,
13 DIRECT THAT ANY PORTION OF HIS ANNUAL COMPENSATION FOR SERVING
14 IN OFFICE BE RETURNED TO THE MUNICIPAL TREASURY. FOR THE
15 PURPOSE OF THIS SECTION, AN EXECUTIVE OR MAYOR WHO IS ALSO A
16 MEMBER OF THE COUNCIL UNDER AN EXISTING PLAN SHALL BE CONSIDERED
17 AS A MEMBER OF THE COUNCIL, AND AFTER THE NEW PLAN GOES INTO
18 EFFECT, HIS DUTIES SHALL BE ONLY THOSE OF A MEMBER OF COUNCIL AS
19 PRESCRIBED BY THE NEW PLAN.

20 (E) AT THE MUNICIPAL ELECTION NEXT SUCCEEDING THE ADOPTION
21 OF ONE OF THE OPTIONAL PLANS PROVIDED FOR IN THIS ACT, THE
22 NUMBER OF COUNCILMEN PRESCRIBED BY THE TERMS IN THE PLAN LESS
23 THE NUMBER OF COUNCILMEN THEN IN OFFICE WHOSE TERMS DO NOT
24 EXPIRE ON THE FIRST MONDAY OF JANUARY NEXT FOLLOWING, AS MAY BE
25 DETERMINED BY THE FOREGOING SUBSECTION (D), SHALL BE ELECTED.

26 (F) IF ANY VACANCIES IN COUNCIL OCCURRING BY REASON OF
27 RESIGNATION, DEATH OR REMOVAL SHALL EXIST NINETY DAYS OR MORE
28 BEFORE SUCH ELECTION, THEY SHALL BE FILLED FOR THE REMAINDER OF
29 THE TERM OF THE PERSON ORIGINALLY ELECTED TO THAT OFFICE.

30 SECTION 1263. (A) THE ANNUAL COMPENSATION OF THE EXECUTIVE

1 (MAYOR) AND COUNCILMEN ELECTED TO THEIR OFFICES IN THE YEAR
2 PRIOR TO THE TRANSITION YEAR UNDER ANY OF THE OPTIONAL PLANS,
3 EXCEPT THE OPTIONAL COUNTY PLAN SET FORTH IN ARTICLE X, ADOPTED
4 PURSUANT TO THIS ACT, SHALL BE ESTABLISHED BY THE COMMISSION AS
5 PART OF ITS RECOMMENDATIONS OR BY THE INITIATIVE PETITION OR
6 ORDINANCE OF THE GOVERNING BODY AUTHORIZED BY SECTION 231
7 THROUGH SECTION 233 OF THIS ACT.

8 (B) THE COMPENSATION OF THE EXECUTIVE (MAYOR), COUNCILMEN,
9 CONTROLLER, AND TREASURER ELECTED TO THEIR OFFICES SUBSEQUENT TO
10 THE TRANSITION YEAR TO ANY OF THE OPTIONAL PLANS SET FORTH IN
11 THIS ACT, EXCEPT FOR THE PLAN SET FORTH IN ARTICLE X, THE
12 OPTIONAL COUNTY PLAN, SHALL BE FIXED BY ORDINANCE OF COUNCIL
13 FINALLY PASSED OR ADOPTED AT LEAST TWO DAYS PRIOR TO THE LAST
14 DAY FIXED BY LAW FOR CANDIDATES TO WITHDRAW THEIR NAMES FROM
15 NOMINATING PETITIONS PREVIOUS TO THE DAY OF THE MUNICIPAL
16 ELECTION. AFTER SUCH COMPENSATION IS ONCE FIXED BY ORDINANCE,
17 ONLY AN INCREASE OR DECREASE THEREOF NEED BE FIXED BY SUCH
18 ORDINANCE.

19 SECTION 1264. ON THE EFFECTIVE DATE OF AN OPTIONAL PLAN
20 ADOPTED PURSUANT TO THIS ACT, ALL ORDINANCES AND RESOLUTIONS OF
21 THE MUNICIPALITY TO THE EXTENT THAT THEY ARE NOT INCONSISTENT
22 WITH THE PROVISIONS OF THIS ACT SHALL REMAIN IN FULL FORCE AND
23 EFFECT UNTIL MODIFIED OR REPEALED AS PROVIDED BY LAW.

24 SECTION 1265. (A) ON THE EFFECTIVE DATE OF AN OPTIONAL PLAN
25 ADOPTED PURSUANT TO THIS ACT, ALL APPOINTIVE OFFICES THEN
26 EXISTING IN SUCH MUNICIPALITY SHALL BE ABOLISHED AND THE TERMS
27 OF ALL APPOINTED OFFICERS SHALL IMMEDIATELY CEASE AND TERMINATE:
28 PROVIDED, THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
29 ABOLISH THE OFFICE OR TERMINATE THE TERMS OF OFFICE OF ANY
30 ALDERMAN OR CONSTABLE OR OF ANY OFFICIAL OR EMPLOYEE NOW

1 PROTECTED BY ANY TENURE OF OFFICE OR CIVIL SERVICE LAW, OR OF
2 ANY POLICEMAN OR FIREMAN, WHETHER OR NOT PROTECTED BY A TENURE
3 OF OFFICE LAW.

4 (B) PROVISIONS FOR OFFICERS AND FOR THE ORGANIZATION AND
5 ADMINISTRATION OF THE MUNICIPAL GOVERNMENT UNDER THE OPTIONAL
6 PLAN MAY BE MADE BY RESOLUTION PENDING THE ADOPTION OF
7 ORDINANCES, BUT ANY SUCH RESOLUTION SHALL EXPIRE NOT LATER THAN
8 SIXTY DAYS AFTER THE EFFECTIVE DATE OF THE OPTIONAL PLAN.

9 SECTION 1266. ALL ACTIONS AND PROCEEDINGS OF A LEGISLATIVE,
10 EXECUTIVE OR JUDICIAL CHARACTER, WHICH ARE PENDING UPON THE
11 EFFECTIVE DATE OF AN OPTIONAL PLAN ADOPTED PURSUANT TO THIS ACT,
12 MAY CONTINUE AND THE APPROPRIATE OFFICER OR EMPLOYEE UNDER SUCH
13 OPTIONAL PLAN SHALL BE SUBSTITUTED FOR THE OFFICER OR EMPLOYEE
14 THERETOFORE EXERCISING OR DISCHARGING THE FUNCTION, POWER OR
15 DUTY INVOLVED IN SUCH ACTION OR PROCEEDING.

1 H. REPEAL OF AN OPTIONAL PLAN

2 SECTION 1271. THE PROCEDURE FOR REPEAL OF AN OPTIONAL PLAN
3 SHALL BE THE SAME AS FOR ADOPTION OF AN OPTIONAL PLAN AS
4 PROVIDED IN ARTICLE II OF THIS ACT, EXCLUDING THE PROCEDURE
5 PROVIDED IN SECTION 231 THROUGH SECTION 233 OF THIS ACT.
6 WHENEVER THE ELECTORS OF ANY MUNICIPALITY, BY A MAJORITY VOTE OF
7 THOSE VOTING ON THE QUESTION, VOTE IN FAVOR OF REPEAL OF AN
8 OPTIONAL PLAN AND THE ESTABLISHMENT OF A PARTICULAR FORM OF
9 GOVERNMENT, SUCH MUNICIPALITY SHALL BE GOVERNED UNDER THE FORM
10 OF GOVERNMENT SELECTED BY THE ELECTORS, FROM THE FIRST MONDAY OF
11 JANUARY FOLLOWING THE MUNICIPAL ELECTION AT WHICH THE ELECTIVE
12 OFFICIALS OF THE FORM OF GOVERNMENT SELECTED BY THE ELECTORS
13 SHALL HAVE BEEN ELECTED. THE GOVERNMENT STUDY COMMISSION SHALL
14 PROVIDE IN ITS REPORT FOR THE NEW FORM OF GOVERNMENT TO BE
15 ESTABLISHED.

16 IT IS NOT THE INTENT OF THIS SECTION TO PROHIBIT OR LIMIT IN
17 ANY WAY UTILIZING THE PROCEDURE PROVIDED IN SECTION 231 THROUGH
18 SECTION 233 OF THIS ACT TO ADOPT AN OPTIONAL PLAN TO REPLACE
19 ANOTHER OPTIONAL PLAN THEN IN EFFECT IN A MUNICIPALITY.

20 ARTICLE XIII

21 GENERAL

22 SECTION 1301. THIS ACT SHALL NOT APPLY TO ANY CITY OF THE
23 FIRST CLASS OR TO ANY COUNTY OF THE FIRST CLASS.

24 SECTION 1302. EACH MUNICIPALITY WHICH DOES NOT ADOPT A HOME
25 RULE CHARTER OR AN OPTIONAL PLAN OF GOVERNMENT UNDER THE
26 PROVISIONS OF THIS ACT, SHALL RETAIN ITS EXISTING FORM OF
27 GOVERNMENT AS PROVIDED IN THE CODE UNDER WHICH IT OPERATES, OR
28 UNDER GENERAL LAW, OR UNDER THE CONSTITUTION OF PENNSYLVANIA.

29 SECTION 1303. IN CASE THE ELECTORS OF ANY MUNICIPALITY
30 DISAPPROVE A PROPOSAL TO ADOPT A HOME RULE CHARTER OR AN

1 OPTIONAL PLAN OF GOVERNMENT THE MUNICIPALITY SHALL RETAIN ITS
2 EXISTING FORM OF GOVERNMENT.

3 SECTION 1304. A MUNICIPALITY ASSUMING A FUNCTION PREVIOUSLY
4 PERFORMED BY A LOCAL MUNICIPALITY UNDER THE TERMS OF THIS ACT
5 SHALL ALSO ASSUME ALL THE INDEBTEDNESS AND OBLIGATIONS OF THE
6 LOCAL MUNICIPALITY PERFORMING THE FUNCTION. IF PROPERTY,
7 INDEBTEDNESS, OR OBLIGATIONS OF ANOTHER MUNICIPALITY NOT WITHIN
8 THE BOUNDARIES OF THE MUNICIPALITY ASSUMING THE FUNCTION IS
9 INVOLVED, THE GOVERNING BODIES OF THE PARTY MUNICIPALITIES SHALL
10 MAKE AN ADJUSTMENT AND APPORTIONMENT OF ALL PUBLIC PROPERTY
11 INVOLVED.

12 THE ADJUSTMENT AND APPORTIONMENT AS MADE SHALL BE REDUCED TO
13 WRITING, AND SHALL BE FILED WITH THE COURT OF COMMON PLEAS OF
14 THE COUNTY, AND A COPY SHALL ALSO BE FILED WITH THE DEPARTMENT
15 OF COMMUNITY AFFAIRS.

16 IN CASE THE MUNICIPALITIES CANNOT MAKE AN AMICABLE ADJUSTMENT
17 AND APPORTIONMENT OF THE PROPERTY, OBLIGATIONS AND INDEBTEDNESS
18 WITHIN SIX MONTHS AFTER THE FUNCTION IS ASSUMED ANY OF THE
19 MUNICIPALITIES MAY PRESENT A PETITION TO THE COURT OF COMMON
20 PLEAS. THE COURT SHALL THEN APPOINT THREE DISINTERESTED
21 COMMISSIONERS, ALL RESIDENTS AND TAXPAYERS OF THE COUNTY, BUT
22 NONE RESIDING IN OR OWNERS OF REAL ESTATE IN THE MUNICIPALITIES,
23 WHO, AFTER HEARING, NOTICE OF WHICH SHALL BE GIVEN TO THE
24 MUNICIPALITIES AS THE COURT SHALL DIRECT, SHALL MAKE REPORT TO
25 THE COURT MAKING AN ADJUSTMENT AND APPORTIONMENT OF ALL THE
26 PROPERTY AS WELL AS THE OBLIGATIONS OR INDEBTEDNESS. THE REPORT
27 SHALL STATE THE AMOUNT THAT SHALL BE DUE AND PAYABLE FROM EACH
28 MUNICIPALITY, THE FORMS OF PAYMENT AND THE AMOUNT OF OBLIGATIONS
29 AND INDEBTEDNESS THAT SHALL BE ASSUMED BY EACH.

30 THE COMMISSIONERS SHALL GIVE THE MUNICIPALITIES AT LEAST FIVE

1 DAYS' WRITTEN NOTICE OF THE FILING OF THEIR REPORT. UNLESS
2 EXCEPTIONS ARE FILED TO SUCH REPORT WITHIN THIRTY DAYS AFTER THE
3 DATE OF THE FILING, THE REPORT SHALL BE CONFIRMED BY THE COURT
4 ABSOLUTELY. ANY SUM AWARDED BY THE REPORT SHALL BE A LEGAL AND
5 VALID CLAIM IN ITS FAVOR AGAINST THE MUNICIPALITY CHARGED. ANY
6 PROPERTY REAL OR PERSONAL GIVEN TO A MUNICIPALITY SHALL BECOME
7 ITS PROPERTY. ANY CLAIM OR INDEBTEDNESS CHARGED AGAINST THE
8 MUNICIPALITY MAY BE COLLECTED FROM IT.

9 IF EXCEPTIONS ARE FILED TO THE REPORT OF THE COMMISSIONERS,
10 THE COURT SHALL DISPOSE OF THE SAME, TAKING TESTIMONY THEREIN IF
11 IT DEEMS THE SAME ADVISABLE. THE COURT SHALL ENTER ITS DECREE
12 CONFIRMING THE AWARD OF THE COMMISSIONERS, OR MODIFYING THE SAME
13 AS TO IT APPEARS JUST AND PROPER.

14 THE COMMISSIONERS SHALL BE ALLOWED SUCH COMPENSATION AND
15 EXPENSES FOR THEIR SERVICES AS THE COURT SHALL FIX. THE COSTS OF
16 THE PROCEEDINGS, INCLUDING THE COMPENSATION AND EXPENSES OF THE
17 COMMISSIONERS, SHALL BE APPORTIONED BY THE COURT BETWEEN THE
18 MUNICIPALITIES AS IT DEEMS PROPER.

19 IN CASE A MUNICIPALITY OR PART OF A MUNICIPALITY IS LOCATED
20 IN TWO OR MORE COUNTIES, THE COURT OF COMMON PLEAS OF THE COUNTY
21 WHERE THE LARGER PART OF THE MUNICIPALITY ASSUMING THE FUNCTION
22 IS LOCATED SHALL HAVE EXCLUSIVE JURISDICTION OVER THE
23 PROCEEDINGS.

24 SECTION 1305. ALL ACTS AND PARTS OF ACTS ARE REPEALED IN SO
25 FAR AS THEY ARE INCONSISTENT HEREWITH.

26 SECTION 1306. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.