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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 752

Session of  
1971

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

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AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 14, 1972

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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~~

1 ~~or by its charter.~~

2 ~~(2) "Home rule charter" means a written document, adopted by~~  
3 ~~the people through referendum, constituting the inhabitants of~~  
4 ~~the municipality a body politic and corporate, defining the~~  
5 ~~powers, class of municipality and the structure, privileges,~~  
6 ~~rights and duties of the municipal government and limitations~~  
7 ~~thereon. The charter shall also provide for the composition and~~  
8 ~~election of the governing body as established therein and not~~  
9 ~~limited to the definition in clause (4) of this section, which~~  
10 ~~in all cases shall be chosen by popular election.~~

11 ~~(3) "Municipality" means a county, city, borough,~~  
12 ~~incorporated town or township.~~

13 ~~(4) "Governing body" means a board of county commissioners,~~  
14 ~~city council and mayor, borough or incorporated town council and~~  
15 ~~mayor, commissioners of a township of the first class, and~~  
16 ~~supervisors of a township of the second class, as defined in~~  
17 ~~existing law.~~

18 ~~(5) "Electors" means the registered voters of a~~  
19 ~~municipality.~~

20 ~~(6) "Home Rule Charter Commission" means the body composed~~  
21 ~~of electors of the municipality elected under the provisions of~~  
22 ~~this act.~~

23 ~~(7) "Election officials" means the county boards of~~  
24 ~~elections, except in Philadelphia, where "election officials"~~  
25 ~~shall be the city board of elections.~~

26 ~~ARTICLE II~~

27 ~~MUNICIPAL REFERENDUM ORDINANCE~~

28 ~~Section 201. Referendum Ordinance. The governing body of a~~  
29 ~~municipality may, by ordinance, provide for a referendum on the~~  
30 ~~question of framing of a home rule charter.~~



1 ~~petition of the defect.~~

2 ~~Section 304. — Petition as Public Record. — The initiative~~  
3 ~~petition as submitted to the election officials along with the~~  
4 ~~list of signatories shall be open to public inspection in the~~  
5 ~~office of the election officials.~~

6 ~~Section 305. — Distribution of Petition. — When the election~~  
7 ~~officials find that the petition as submitted is in proper~~  
8 ~~order, they shall send copies of the initiative petition without~~  
9 ~~the signatures thereon to the governing body of the municipality~~  
10 ~~and to the Secretary of Community Affairs.~~

11 ~~ARTICLE IV~~

12 ~~REFERENDUM~~

13 ~~Section 401. — Referendum; Procedure. — (a) A referendum on the~~  
14 ~~question of the framing of a home rule charter shall be held~~  
15 ~~when authorized by ordinance of the governing body of a~~  
16 ~~municipality in accordance with Article II of this act, or when~~  
17 ~~initiated by electors of the municipality in accordance with~~  
18 ~~Article III of this act.~~

19 ~~(b) The procedure for the referendum shall be governed by~~  
20 ~~the act of June 3, 1937 (P.L.1333), known as the "Pennsylvania~~  
21 ~~Election Code."~~

22 ~~Section 402. — Placing Question on Ballot. — When the election~~  
23 ~~officials find that the ordinance authorized by the governing~~  
24 ~~body of the municipality, or the initiative petition as submitted~~  
25 ~~by the electors meets the requirements of this act, they shall~~  
26 ~~place the proposal on the ballot in a manner fairly representing~~  
27 ~~the content of the ordinance or of the initiative petition for~~  
28 ~~decision by referendum at the proper election.~~

29 ~~Section 403. — Date of Election. — The election officials shall~~  
30 ~~certify the date for the referendum, and shall so notify the~~

1 ~~governing body of the municipality at least thirty days prior to~~  
2 ~~such date.~~

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

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

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

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

28 ~~ARTICLE V~~

29 ~~ELECTION OF HOME RULE CHARTER COMMISSION~~

30 ~~Section 501. Election of Commission. (a) If a referendum~~

1 ~~for the framing of a home rule charter is approved by a majority~~  
2 ~~of votes of the electors voting thereon, the governing body~~  
3 ~~shall within thirty days of certification of the result of the~~  
4 ~~referendum election submit to the election officials a petition~~  
5 ~~to provide for the election of a Home Rule Charter Commission.~~

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

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

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

30 ~~Section 503. Election Returns. The result of the votes cast~~

1 ~~for members of the Home Rule Charter Commission shall be~~  
2 ~~returned by the election officials to the governing body and to~~  
3 ~~the Secretary of Community Affairs.~~

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

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

10 ~~ARTICLE VI~~

11 ~~ORGANIZATION AND DUTIES OF HOME RULE~~

12 ~~CHARTER COMMISSION~~

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

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

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

27 ~~From all appropriations made to it by the governing body of~~  
28 ~~the municipality and privately contributed funds and services~~  
29 ~~made available to it, the Home Rule Charter Commission may~~  
30 ~~appoint consulting, clerical and other assistants to serve at~~

1 ~~its pleasure, and may fix a reasonable compensation for such~~  
2 ~~services.~~

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

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

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

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

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

29 ~~Section 604. Proposed Charter. The Home Rule Charter~~  
30 ~~Commission shall publish or cause to be published sufficient~~



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

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

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

19 ~~ARTICLE VII~~

20 ~~ADOPTION, AMENDMENT AND REPEAL OF~~

21 ~~A HOME RULE CHARTER~~

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

1       ~~Section 702. Election of Municipal Officials. The elective~~  
2 ~~officials of the municipality required by the adopted home rule~~  
3 ~~charter shall be elected at the first municipal election held at~~  
4 ~~least ninety days after the referendum election at which the~~  
5 ~~home rule charter was adopted.~~

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

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

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

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

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

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

1 ~~this act. The ordinance or initiative petition shall set forth~~  
2 ~~the form of government the municipality shall be governed under~~  
3 ~~in the event the home rule charter shall be repealed.~~

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

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

19 ~~ARTICLE VIII~~

20 ~~HOME RULE CHARTER POWERS~~

21 ~~AND LIMITATIONS~~

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

30 ~~Section 802. Powers of a County Adopting a Home Rule~~

1 ~~Charter. No county which has adopted a home rule charter shall~~  
2 ~~at any time thereafter exercise within any municipality in the~~  
3 ~~county, a power or function being exercised by that municipality~~  
4 ~~on the date of the adoption of the county home rule charter or~~  
5 ~~which may be subsequently included in a local municipality~~  
6 ~~adopting a home rule charter, except under all of the following~~  
7 ~~conditions:~~

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

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

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

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

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

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

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

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

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

1    ~~thereof.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

12 ~~ARTICLE IX~~

13 ~~REPEALS AND EFFECTIVE DATE~~

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

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

19 ~~ARTICLE I~~ ←

20 ~~PRELIMINARY PROVISION~~

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

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

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

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

1 "ELECTION OFFICIALS" MEANS THE COUNTY BOARDS OF ELECTIONS.

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

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

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

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

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

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

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

22 ARTICLE II

23 PROCEDURE FOR ADOPTION OF A HOME RULE CHARTER

24 OR OPTIONAL PLAN OF GOVERNMENT

25 A. GOVERNMENT STUDY COMMISSION

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



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

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

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

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

26 WITHIN FIVE DAYS AFTER THE FINAL ENACTMENT OF AN ORDINANCE  
27 AUTHORIZING SUCH ELECTION, THE MUNICIPAL CLERK OR SECRETARY  
28 SHALL FILE A CERTIFIED COPY OF THE ORDINANCE WITH THE COUNTY  
29 BOARD OF ELECTIONS, TOGETHER WITH A COPY OF THE QUESTION TO BE  
30 SUBMITTED TO THE ELECTORS. AT THE NEXT MUNICIPAL OR GENERAL OR

1 PRIMARY ELECTION OCCURRING NOT LESS THAN SIXTY DAYS AFTER THE  
2 FILING OF THE ORDINANCE OR THE PETITION WITH THE COUNTY ELECTION  
3 BOARD, IT SHALL CAUSE THE APPROPRIATE QUESTION ABOVE STATED TO  
4 BE SUBMITTED TO THE ELECTORS OF THE MUNICIPALITY AS OTHER  
5 QUESTIONS ARE SUBMITTED UNDER THE PROVISIONS OF THE PENNSYLVANIA  
6 ELECTION CODE.

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

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

1 COMMISSION WHO SHALL SERVE IF THE QUESTION IS OR HAS BEEN  
2 DETERMINED IN THE AFFIRMATIVE.

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

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

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

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

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

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

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

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

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

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

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

30 SECTION 209. THE GOVERNMENT STUDY COMMISSION SHALL HOLD ONE

1 OR MORE PUBLIC HEARINGS, MAY HOLD PRIVATE HEARINGS AND SPONSOR  
2 PUBLIC FORUMS, AND GENERALLY SHALL PROVIDE FOR THE WIDEST  
3 POSSIBLE PUBLIC INFORMATION AND DISCUSSION RESPECTING THE  
4 PURPOSES AND PROGRESS OF ITS WORK.

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

18 (B) THERE SHALL BE ATTACHED TO EACH COPY OF THE REPORT OF <—  
19 THE COMMISSION, AS A PART THEREOF, A STATEMENT SWORN TO BY THE  
20 MEMBERS OF THE COMMISSION LISTING IN DETAIL THE FUNDS, GOODS,  
21 MATERIALS AND SERVICES, BOTH PUBLIC AND PRIVATE, USED BY THE  
22 COMMISSION IN THE PERFORMANCE OF ITS WORK AND THE PREPARATION  
23 AND FILING OF THE REPORT. IN ADDITION, THE LIST SHALL IDENTIFY  
24 SPECIFICALLY THE SUPPLIER OF EACH ITEM THEREON.

25 ~~(B)~~ (C) A COPY OF THE FINAL REPORT OF THE COMMISSION WITH <—  
26 ITS FINDINGS AND RECOMMENDATIONS SHALL BE FILED WITH THE  
27 DEPARTMENT OF COMMUNITY AFFAIRS.

28 SECTION 211. (A) THE GOVERNMENT STUDY COMMISSION SHALL BE  
29 DISCHARGED UPON THE FILING OF ITS REPORT: PROVIDED, THAT IF THE  
30 COMMISSION'S RECOMMENDATIONS REQUIRE FURTHER PROCEDURE ON THE

1 PART OF THE MUNICIPAL COUNCIL OR BOARD OR THE PEOPLE OF THE  
2 MUNICIPALITY, THE COMMISSION SHALL NOT BE DISCHARGED UNTIL A  
3 COPY OF THE REPORT HAS BEEN CERTIFIED TO THE COUNTY BOARD OF  
4 ELECTIONS. ANY TIME BEFORE SUCH PROCEDURE HAS BEEN FINALLY  
5 CONCLUDED BUT NOT LATER THAN ONE YEAR FROM THE DATE OF THE  
6 PUBLICATION OF ITS FINAL REPORT, THE COMMISSION MAY MODIFY OR  
7 CHANGE ANY RECOMMENDATION SET FORTH IN SAID FINAL REPORT BY  
8 PUBLISHING AN AMENDED REPORT.

9 (B) WHENEVER A COMMISSION ISSUES AN AMENDED REPORT PURSUANT  
10 TO SUBSECTION (A) ABOVE, SUCH AMENDED REPORT SHALL SUPERSEDE THE  
11 FINAL REPORT AND SUCH FINAL REPORT SHALL CEASE TO HAVE ANY LEGAL  
12 EFFECT UNDER THIS ACT.

13 (C) THE PROCEDURE TO BE TAKEN UNDER THE AMENDED REPORT SHALL  
14 BE GOVERNED BY ALL PROVISIONS OF ARTICLE II OF THIS ACT  
15 APPLICABLE TO THE FINAL REPORT OF A COMMISSION SUBMITTED  
16 PURSUANT TO SECTION 210 OF THIS ACT.

17 SECTION 212. THE GOVERNMENT STUDY COMMISSION SHALL REPORT  
18 AND RECOMMEND IN ACCORDANCE WITH THE QUESTION PRESENTED TO THE  
19 ELECTORATE AS PROVIDED IN SECTION 201:

20 (1) THAT A REFERENDUM SHALL BE HELD TO SUBMIT TO THE  
21 QUALIFIED VOTERS OF THE MUNICIPALITY THE QUESTION OF ADOPTING  
22 ONE OF THE OPTIONAL PLANS OF GOVERNMENT AUTHORIZED BY THIS ACT  
23 TO BE SPECIFIED BY THE COMMISSION; OR

24 (2) THAT A REFERENDUM SHALL BE HELD TO SUBMIT TO THE  
25 QUALIFIED VOTERS OF THE MUNICIPALITY THE QUESTION OF ADOPTING A  
26 HOME RULE CHARTER AS PREPARED BY THE COMMISSION AND AS  
27 AUTHORIZED BY THIS ACT; OR

28 (3) THAT THE FORM OF GOVERNMENT OF THE MUNICIPALITY SHALL  
29 REMAIN UNCHANGED; OR

30 (4) SUCH OTHER ACTION AS IT MAY DEEM ADVISABLE CONSISTENT

1 WITH ITS FUNCTIONS AS SET FORTH IN THIS ARTICLE.

2 SECTION 213. (A) IF THE GOVERNMENT STUDY COMMISSION REPORT,  
3 SHALL RECOMMEND THE AMENDMENT OF ANY OF THE OPTIONAL PLANS OF  
4 GOVERNMENT SET FORTH IN THIS ACT, EXCEPT THE OPTIONAL COUNTY  
5 PLAN PROVIDED IN ARTICLE X, THE REPORT OF THE COMMISSION MAY  
6 SPECIFY THAT (I) THE MUNICIPAL COUNCIL SHALL CONSIST OF FIVE,  
7 SEVEN OR NINE MEMBERS (EXCEPT THAT UNDER THE SMALL MUNICIPALITY  
8 PLAN AS PROVIDED FOR IN ARTICLE IX, AND UNDER THE OPTIONAL  
9 COUNTY PLAN AS PROVIDED IN ARTICLE X, THE NUMBER OF COUNCILMEN  
10 SHALL BE AS PROVIDED IN SECTION 911 AND SECTION 1002,  
11 RESPECTIVELY); AND (II) THE TREASURER, WHERE SUCH OFFICE IS  
12 PROVIDED, SHALL BE ELECTED BY THE VOTERS.

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

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

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

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



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

6 (C) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, IF AN  
7 APPROVED HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT OR  
8 OTHER FORM OF GOVERNMENT ADOPTED PURSUANT TO THE PROVISIONS OF  
9 THIS ACT SHALL SPECIFY THAT THE ELECTION OF THE MUNICIPAL  
10 COUNCIL SHALL BE ON AN AT-LARGE, DISTRICT, OR COMBINATION  
11 DISTRICT AND AT-LARGE BASIS, WHICH BASIS DIFFERS FROM THE  
12 EXISTING BASIS AND THEREFORE REQUIRES ELIMINATING DISTRICTS OR  
13 ESTABLISHING REVISED OR NEW DISTRICTS, THEN ELECTION OF  
14 MUNICIPAL OFFICIALS SHALL NOT TAKE PLACE ON THE NEW BASIS UNTIL  
15 THE MUNICIPAL ELECTION FOLLOWING THE NEXT PRIMARY ELECTION  
16 TAKING PLACE LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE  
17 ELECTION AT WHICH THE REFERENDUM ON THE QUESTION OF A NEW FORM  
18 OF GOVERNMENT HAS BEEN APPROVED BY THE ELECTORATE. THE NEW FORM  
19 OF GOVERNMENT SHALL NOT GO INTO EFFECT UNTIL THE FIRST MONDAY IN  
20 JANUARY FOLLOWING THE ELECTION OF MUNICIPAL OFFICIALS ON THE NEW  
21 BASIS. NEW OR REVISED DISTRICTS SHALL BE ESTABLISHED BY THE  
22 COURT OF COMMON PLEAS IN THE COUNTY WITHIN NINETY DAYS FROM THE  
23 DATE OF APPROVAL BY THE ELECTORATE OF A NEW FORM OF GOVERNMENT.

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

28 "SHALL THE HOME RULE CHARTER CONTAINED  
29 IN THE REPORT, DATED \_\_\_\_\_

30 OF THE GOVERNMENT STUDY COMMISSION, PREPARED YES

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

1 REPORT OF THE GOVERNMENT STUDY COMMISSION  
2 FILED WITH THE ELECTION  
3 OFFICIALS OF THE COUNTY OF  
4 \_\_\_\_\_, ON \_\_\_\_\_  
5 (INSERT NAME OF COUNTY) (INSERT DATE)  
6 AS AUTHORIZED BY THE HOME RULE CHARTER AND  
7 OPTIONAL PLANS LAW?" NO  
8 SECTION 215. IF THE GOVERNMENT STUDY COMMISSION SHALL  
9 RECOMMEND THAT THE QUESTION OF ADOPTING A HOME RULE CHARTER OR  
10 ONE OF THE OPTIONAL PLANS OF GOVERNMENT AUTHORIZED BY THIS ACT  
11 SHALL BE SUBMITTED TO THE VOTERS OF THE MUNICIPALITY, IT SHALL  
12 BE THE DUTY OF THE MUNICIPAL CLERK OR SECRETARY, WITHIN FIVE  
13 DAYS THEREAFTER, TO CERTIFY A COPY OF THE COMMISSION'S REPORT TO  
14 THE COUNTY ELECTION BOARD, WHICH SHALL CAUSE THE QUESTION OF  
15 ADOPTION OR REJECTION TO BE PLACED UPON THE BALLOT OR VOTING  
16 MACHINES AT SUCH TIME AS THE COMMISSION SHALL IN ITS REPORT  
17 SPECIFY. THE COMMISSION MAY CAUSE THE QUESTION TO BE SUBMITTED  
18 TO THE PEOPLE AT THE NEXT PRIMARY , MUNICIPAL OR GENERAL ←  
19 ELECTION, OCCURRING NOT LESS THAN SIXTY DAYS FOLLOWING THE  
20 FILING OF A COPY OF THE COMMISSION'S REPORT WITH THE COUNTY  
21 BOARD OF ELECTIONS, AT SUCH TIME AS THE COMMISSION'S REPORT  
22 SHALL DIRECT. AT SUCH ELECTION, THE QUESTION OF ADOPTING THAT  
23 FORM OF GOVERNMENT RECOMMENDED BY THE COMMISSION SHALL BE  
24 SUBMITTED TO THE VOTERS OF THE MUNICIPALITY BY THE COUNTY BOARD  
25 OF ELECTIONS IN THE SAME MANNER AS OTHER QUESTIONS ARE SUBMITTED  
26 TO THE VOTERS OF A MUNICIPALITY UNDER THE PROVISIONS OF THE  
27 PENNSYLVANIA ELECTION CODE. THE COMMISSION SHALL FRAME THE  
28 QUESTION TO BE PLACED UPON THE BALLOT AS HEREIN PROVIDED, AND IF  
29 IT DEEMS APPROPRIATE AN INTERPRETATIVE STATEMENT TO ACCOMPANY  
30 SUCH QUESTION.

1 SECTION 216. (A) NO ORDINANCE MAY BE PASSED AND NO PETITION  
2 MAY BE FILED FOR THE ELECTION OF A GOVERNMENT STUDY COMMISSION  
3 PURSUANT TO SECTION 201 OF THIS ACT WHILE PROCEEDINGS ARE  
4 PENDING UNDER ANY OTHER PETITION OR ORDINANCE FILED OR PASSED  
5 UNDER THE AUTHORITY OF THIS ACT, NOR ON THE SAME QUESTION IF IT  
6 HAS BEEN DEFEATED WITHIN FOUR YEARS AFTER AN ELECTION SHALL HAVE  
7 BEEN HELD PURSUANT TO ANY SUCH ORDINANCE OR PETITION PASSED OR  
8 FILED.

9 (B) FOR THE PURPOSE OF THIS SECTION, PROCEEDINGS SHALL BE  
10 CONSIDERED AS HAVING STARTED (I) IN THE CASE OF AN ORDINANCE  
11 UPON THE FINAL VOTE OF COUNCIL IN FAVOR OF THE ORDINANCE,  
12 NOTWITHSTANDING THE FACT THAT THE ORDINANCE CANNOT TAKE EFFECT  
13 UNTIL A CERTAIN NUMBER OF DAYS THEREAFTER; OR (II) IN THE CASE  
14 OF A PETITION, AS SOON AS IT IS PROPERLY SIGNED BY ONE-THIRD OF  
15 THE NUMBER OF REGISTERED VOTERS REQUIRED FOR SUCH PETITION AND  
16 WRITTEN NOTICE THEREOF FILED IN THE OFFICE OF THE COUNTY BOARD  
17 OF ELECTIONS AND IN THE OFFICE OF THE MUNICIPAL CLERK OR  
18 SECRETARY, WHO SHALL CAUSE THE SAME TO BE IMMEDIATELY POSTED IN  
19 A CONSPICUOUS PLACE IN SAID OFFICE, OPEN TO PUBLIC INSPECTION.

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

25 SECTION 218. THE VOTERS OF ANY MUNICIPALITY WHICH HAS  
26 ADOPTED A HOME RULE CHARTER OR AN OPTIONAL PLAN OF GOVERNMENT  
27 PURSUANT TO THIS ACT MAY NOT VOTE ON THE QUESTION OF CHANGING  
28 THE FORM OF GOVERNMENT UNTIL ~~FOUR~~ FIVE YEARS AFTER THE HOME RULE ←  
29 CHARTER OR OPTIONAL PLAN BECAME EFFECTIVE.

30 SECTION 219. FOR THE PURPOSES OF THIS ACT, EACH OF THE

1 OPTIONAL FORMS OF GOVERNMENT PROVIDED BY THIS ACT AND EACH OF  
2 SAID OPTIONAL FORMS AS MODIFIED BY ANY AVAILABLE PROVISIONS  
3 CONCERNING SIZE OF COUNCIL, ELECTION OF MUNICIPAL OFFICIALS, THE  
4 BASIS FOR ELECTING COUNCILMEN, IS HEREBY DECLARED TO BE A  
5 COMPLETE AND SEPARATE FORM OF GOVERNMENT PROVIDED BY THE  
6 LEGISLATURE FOR SUBMISSION TO THE VOTERS OF THE MUNICIPALITY.

7 B. AMENDMENT OF EXISTING CHARTER OR OPTIONAL FORM

8 SECTION 221. THE PROCEDURE FOR AMENDING A HOME RULE CHARTER  
9 OR OPTIONAL PLAN OF GOVERNMENT SHALL BE THE SAME AS FOR THE  
10 ADOPTION OF A HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT,  
11 EXCEPT THAT AN OPTIONAL PLAN OF GOVERNMENT MAY BE AMENDED  
12 THROUGH THE INITIATIVE PROCEDURE AS HEREINAFTER PROVIDED FOR IN  
13 THIS ACT.

14 C. AMENDMENT OF OPTIONAL PLAN BY INITIATIVE

15 PETITION OR ORDINANCE AND REFERENDUM

16 SECTION 231. A REFERENDUM ON THE QUESTION OF AMENDMENT OF AN  
17 OPTIONAL PLAN OF GOVERNMENT MAY BE INITIATED BY ELECTORS OF THE  
18 MUNICIPALITY, AND A REFERENDUM ON THE QUESTION OF AMENDMENT OF  
19 AN OPTIONAL PLAN OF GOVERNMENT MAY BE INITIATED BY AN ORDINANCE  
20 OF THE GOVERNING BODY. A PROPOSAL FOR AMENDMENT OF AN OPTIONAL  
21 PLAN SHALL BE LIMITED TO THE ADDITIONAL OPTIONS PROVIDED FOR IN  
22 SECTION 213 OF THIS ACT.

23 SECTION 232. A PETITION CONTAINING A PROPOSAL FOR REFERENDUM  
24 ON THE QUESTION OF ~~ADOPTING OR~~ AMENDING AN OPTIONAL PLAN OF <—  
25 GOVERNMENT SIGNED BY ELECTORS COMPRISING ~~TWO~~ FIVE PER CENT OF <—  
26 THE NUMBER OF ELECTORS VOTING FOR THE OFFICE OF GOVERNOR IN THE  
27 LAST GUBERNATORIAL GENERAL ELECTION ~~BUT NOT LESS THAN TWENTY—~~ <—  
28 ~~FIVE ELECTORS OR, IF THE NUMBER OF ELECTORS SO VOTING IS LESS~~  
29 ~~THAN FIFTY, NOT LESS THAN A MAJORITY OF THE ELECTORS SO VOTING,~~  
30 IN THE MUNICIPALITY, OR AN ORDINANCE OF THE MUNICIPAL GOVERNING <—

1 BODY PROPOSING AMENDMENT OF AN OPTIONAL PLAN, MAY BE FILED WITH  
2 THE ELECTION OFFICIALS AT LEAST NINETY DAYS PRIOR TO THE NEXT  
3 PRIMARY OR GENERAL ELECTION. THE NAME AND ADDRESS OF THE PERSON  
4 FILING THE PETITION SHALL BE CLEARLY STATED ON THE PETITION.

5 ~~THE PETITION OF ELECTORS OR ORDINANCE OF THE GOVERNING BODY~~ <—  
6 ~~SHALL IDENTIFY THE OPTIONAL PLAN OF GOVERNMENT PROPOSED. IN~~  
7 ~~ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT, THE~~  
8 ~~PETITION OF ELECTORS OR ORDINANCE OF THE GOVERNING BODY SHALL~~  
9 ~~SPECIFY A NUMBER OF MEMBERS TO SERVE ON THE MUNICIPAL COUNCIL;~~  
10 ~~WHETHER COUNCILMEN SHALL BE ELECTED ON AN AT LARGE, DISTRICT, OR~~  
11 ~~COMBINATION DISTRICT AND AT LARGE BASIS; WHETHER OR NOT A~~  
12 ~~MUNICIPAL TREASURER IS TO BE PROVIDED, AND THE MANNER OF~~  
13 ~~SELECTING THE TREASURER; WHETHER THE MAYOR IS TO BE ELECTED~~  
14 ~~DIRECTLY BY THE VOTERS OF THE MUNICIPALITY OR BY THE COUNCIL~~  
15 ~~UNDER THE COUNCIL MANAGER PLAN OF GOVERNMENT; WHETHER THE~~  
16 ~~SHERIFF IS TO BE ELECTED DIRECTLY BY THE VOTERS OF THE COUNTY OR~~  
17 ~~APPOINTED, AS MAY BE PERMITTED BY THIS ACT; WHETHER THE~~  
18 ~~EXECUTIVE (MAYOR) OF THE MUNICIPALITY, EXCEPT UNDER THE COUNCIL~~  
19 ~~MANAGER PLAN, SHALL BE CALLED "EXECUTIVE" OR "MAYOR"; AND THE~~  
20 ~~COMPENSATION OF THE ELECTED COUNCILMEN AND EXECUTIVE (MAYOR) AS~~  
21 ~~REQUIRED BY SECTION 1263 OF THIS ACT.~~

22 THE ELECTION OFFICIALS SHALL REVIEW THE INITIATIVE PETITION  
23 AS THE NUMBER AND QUALIFICATIONS OF SIGNERS. IF THE PETITION  
24 APPEARS TO BE DEFECTIVE, THE ELECTION OFFICIALS SHALL  
25 IMMEDIATELY NOTIFY THE PERSONS FILING THE PETITION OF THE  
26 DEFECT. WHEN THE ELECTION OFFICIALS FIND THAT THE PETITION AS  
27 SUBMITTED IS IN PROPER ORDER, THEY SHALL SEND COPIES OF THE  
28 INITIATIVE PETITION WITHOUT SIGNATURES THEREON TO THE GOVERNING  
29 BODY OF THE MUNICIPALITY AND TO THE SECRETARY OF COMMUNITY  
30 AFFAIRS. THE INITIATIVE PETITION AS SUBMITTED TO THE ELECTION

1 OFFICIALS, ALONG WITH A LIST OF SIGNATORIES, SHALL BE OPEN TO  
2 INSPECTION IN THE OFFICE OF THE ELECTION OFFICIALS.

3 SECTION 233. A REFERENDUM ON THE QUESTION OF THE ~~ADOPTION OR~~ ←  
4 AMENDMENT OF AN OPTIONAL PLAN OF GOVERNMENT SHALL BE HELD WHEN  
5 THE ELECTION OFFICIALS FIND THAT THE INITIATIVE PETITION OR  
6 ORDINANCE OF THE GOVERNING BODY IS IN PROPER ORDER, AND THE  
7 REFERENDUM SHALL BE GOVERNED BY THE PROVISIONS OF THE  
8 PENNSYLVANIA ELECTION CODE. THE ELECTION OFFICIALS SHALL CAUSE  
9 THE QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE MUNICIPALITY  
10 AT THE NEXT PRIMARY, GENERAL OR MUNICIPAL ELECTION OCCURRING NOT  
11 LESS THAN SIXTY DAYS FOLLOWING THE FILING OF THE INITIATIVE  
12 PETITION OR ORDINANCE WITH THE ELECTION BOARD. AT SUCH ELECTION,  
13 THE QUESTION SHALL BE SUBMITTED TO THE VOTERS IN THE SAME MANNER  
14 AS OTHER QUESTIONS ARE SUBMITTED UNDER THE PROVISIONS OF THE  
15 PENNSYLVANIA ELECTION CODE. THE ELECTION BOARD SHALL FRAME THE  
16 QUESTION TO BE PLACED UPON THE BALLOT.

17 D. CONDUCT OF ELECTION

18 SECTION 241. ALL ELECTIONS PROVIDED FOR IN THIS ACT SHALL BE  
19 CONDUCTED BY THE ELECTION OFFICIALS FOR SUCH MUNICIPALITY IN  
20 ACCORDANCE WITH THE PENNSYLVANIA ELECTION CODE. THE ELECTION  
21 OFFICIALS SHALL COUNT THE VOTES CAST AND MAKE RETURN THEREOF TO  
22 THE COUNTY BOARD OF ELECTIONS. THE RESULT OF ANY SUCH ELECTION  
23 SHALL BE COMPUTED BY THE COUNTY BOARD OF ELECTIONS IN THE SAME  
24 MANNER AS IS PROVIDED BY LAW FOR THE COMPUTATION OF SIMILAR  
25 RETURNS. CERTIFICATES OF THE RESULT OF ANY SUCH ELECTION SHALL  
26 BE FILED BY THE COUNTY BOARD OF ELECTIONS WITH THE MUNICIPAL  
27 COUNCIL OR BOARD OF THE MUNICIPALITY AND WITH THE SECRETARY OF  
28 THE COMMONWEALTH, AND WITH THE SECRETARY OF COMMUNITY AFFAIRS.

29 SECTION 242. AT LEAST THIRTY DAYS' NOTICE OF EACH ELECTION  
30 HEREIN PROVIDED FOR SHALL BE GIVEN BY THE CLERK OR SECRETARY OF

1 THE MUNICIPALITY. A COPY OF SUCH NOTICE SHALL BE POSTED AT EACH  
2 POLLING PLACE OF THE MUNICIPALITY ON THE DAY OF THE ELECTION,  
3 AND SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL  
4 CIRCULATION IN THE MUNICIPALITY ONCE A WEEK FOR THREE  
5 CONSECUTIVE WEEKS DURING THE PERIOD OF THIRTY DAYS PRIOR TO THE  
6 ELECTION.

7 ARTICLE III

8 GENERAL POWERS AND LIMITATIONS OF A  
9 HOME RULE CHARTER MUNICIPALITY

10 SECTION 301. A MUNICIPALITY WHICH HAS ADOPTED A HOME RULE  
11 CHARTER MAY EXERCISE ANY POWERS AND PERFORM ANY FUNCTION NOT  
12 DENIED BY THE CONSTITUTION OF PENNSYLVANIA, BY ITS HOME RULE  
13 CHARTER OR BY THE GENERAL ASSEMBLY AT ANY TIME. ALL GRANTS OF  
14 MUNICIPAL POWER TO MUNICIPALITIES GOVERNED BY A HOME RULE  
15 CHARTER UNDER THIS ACT, WHETHER IN THE FORM OF SPECIFIC  
16 ENUMERATION OR GENERAL TERMS, SHALL BE LIBERALLY CONSTRUED IN  
17 FAVOR OF THE MUNICIPALITY.

18 SECTION 302. (A) THE HOME RULE CHARTER ADOPTED IN ACCORDANCE  
19 WITH THE PROVISIONS OF THIS ACT SHALL NOT GIVE ANY POWER OR  
20 AUTHORITY TO THE MUNICIPALITY CONTRARY TO, OR IN LIMITATION OR  
21 ENLARGEMENT OF POWERS GRANTED BY ACTS OF THE GENERAL ASSEMBLY  
22 WHICH ARE APPLICABLE TO A CLASS OR CLASSES OF MUNICIPALITIES ON  
23 THE FOLLOWING SUBJECTS:

24 (1) THE FILING AND COLLECTION OF MUNICIPAL TAX CLAIMS OR  
25 LIENS AND THE SALE OF REAL OR PERSONAL PROPERTY IN SATISFACTION  
26 THEREOF.

27 (2) THE PROCEDURES IN THE EXERCISE OF THE POWERS OF EMINENT  
28 DOMAIN, AND THE ASSESSMENT OF DAMAGES AND BENEFITS FOR PROPERTY  
29 TAKEN, INJURED OR DESTROYED.

30 (3) BOUNDARY CHANGES OF MUNICIPALITIES.



1 (4) REGULATION OF PUBLIC SCHOOLS.

2 (5) THE REGISTRATION OF ELECTORS AND THE CONDUCT OF  
3 ELECTIONS.

4 (6) THE FIXING OF SUBJECTS OF TAXATION.

5 (7) THE FIXING OF THE RATES OF NONPROPERTY OR PERSONAL TAXES  
6 LEVIED UPON NONRESIDENTS.

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

9 (9) DEFINING OR PROVIDING FOR THE PUNISHMENT OF ANY FELONY  
10 OR MISDEMEANOR.

11 (B) NO MUNICIPALITY SHALL (I) ENGAGE IN ANY PROPRIETARY OR  
12 PRIVATE BUSINESS EXCEPT AS AUTHORIZED BY THE GENERAL ASSEMBLY,

13 (II) EXERCISE POWERS CONTRARY TO, OR IN LIMITATION OR

14 ENLARGEMENT OF POWERS GRANTED BY ACTS OF THE GENERAL ASSEMBLY

15 WHICH ~~BY THEIR EXPRESSED TERMS~~ ARE APPLICABLE IN EVERY PART OF <—

16 THE COMMONWEALTH, ~~NOR~~ (III) BE GIVEN THE POWER TO DIMINISH THE <—

17 RIGHTS OR PRIVILEGES OF ANY PRESENT MUNICIPAL EMPLOYEE IN HIS

18 PENSION OR RETIREMENT SYSTEM, (IV) ENACT OR PROMULGATE ANY <—

19 ORDINANCE OR REGULATION WITH RESPECT TO DEFINITIONS, SANITATION,

20 SAFETY, HEALTH, STANDARDS OF IDENTITY OR LABELING PERTAINING TO

21 THE MANUFACTURE, PROCESSING, STORAGE, DISTRIBUTION AND SALE OF

22 ANY FOODS, GOODS OR SERVICES SUBJECT TO ANY COMMONWEALTH LAWS OR

23 REGULATIONS UNLESS SUCH MUNICIPAL ORDINANCE OR REGULATION IS

24 UNIFORM IN ALL RESPECTS WITH SUCH COMMONWEALTH LAWS AND

25 REGULATIONS. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO IN

26 ANY WAY AFFECT THE POWER OF ANY MUNICIPALITY TO ENACT AND

27 ENFORCE ORDINANCES RELATING TO BUILDING CODES OR ANY OTHER

28 SAFETY, SANITATION OR HEALTH REGULATION PERTAINING THERETO, NOR

29 (V) ENACT ANY PROVISION INCONSISTENT WITH ANY STATUTE HERETOFORE

30 ENACTED BY THE GENERAL ASSEMBLY AFFECTING THE RIGHTS, BENEFITS

1 OR WORKING CONDITIONS OF ANY EMPLOYE OF A POLITICAL SUBDIVISION  
2 OF THE COMMONWEALTH.

3 (C) ACTS OF THE GENERAL ASSEMBLY IN EFFECT ON THE EFFECTIVE  
4 DATE OF THIS ACT THAT ARE UNIFORM AND APPLICABLE THROUGHOUT THE  
5 COMMONWEALTH SHALL REMAIN IN EFFECT AND SHALL NOT BE CHANGED OR  
6 MODIFIED BY THIS ACT. ACTS OF THE GENERAL ASSEMBLY ENACTED AFTER  
7 THE EFFECTIVE DATE OF THIS ACT THAT ARE UNIFORM AND APPLICABLE  
8 THROUGHOUT THE COMMONWEALTH SHALL SUPERSEDE ANY MUNICIPAL  
9 ORDINANCE OR RESOLUTION ON THE SAME SUBJECT.

10 (D) NO MUNICIPALITY WHICH ADOPTS A HOME RULE CHARTER SHALL ←  
11 AT ANY TIME THEREUNDER DETERMINE DUTIES, RESPONSIBILITIES OR  
12 REQUIREMENTS PLACED UPON BUSINESSES, OCCUPATIONS AND EMPLOYERS,  
13 INCLUDING THE DUTY TO WITHHOLD, REMIT OR REPORT TAXES OR  
14 PENALTIES LEVIED OR IMPOSED UPON THEM OR UPON PERSONS IN THEIR  
15 EMPLOYMENT, EXCEPT AS EXPRESSLY PROVIDED BY ACTS OF THE GENERAL  
16 ASSEMBLY, WHICH ARE APPLICABLE IN EVERY PART OF THE COMMONWEALTH  
17 OR WHICH ARE APPLICABLE TO ALL MUNICIPALITIES OR TO A CLASS OR  
18 CLASSES OF MUNICIPALITIES.

19 (E) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS  
20 OCCUPYING THE WHOLE FIELD OF REGULATION OF THE TRANSFER,  
21 OWNERSHIP, POSSESSION AND TRANSPORTATION OF FIREARMS TO THE  
22 EXCLUSION OF ALL EXISTING AND FUTURE MUNICIPAL ORDINANCES OR  
23 REGULATIONS RELATING THERETO. ANY SUCH EXISTING ORDINANCES ARE  
24 HEREBY DECLARED NULL AND VOID.

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

30 (1) THE EXERCISE OF SUCH POWER OR FUNCTION BY THE COUNTY

1 SHALL BE AUTHORIZED BY ORDINANCE OF THE GOVERNING BODY OF THE  
2 COUNTY, WHICH ORDINANCE IN ADDITION TO SUCH OTHER FILINGS AS MAY  
3 BE REQUIRED BY LAW, SHALL, WITHIN THIRTY DAYS OF ITS ENACTMENT,  
4 BE FILED WITH THE CLERK OR SECRETARY OF EACH MUNICIPALITY WITHIN  
5 THE COUNTY.

6 (2) THE TRANSFER OF A POWER OR FUNCTION TO THE COUNTY FROM  
7 ANY MUNICIPALITY WITHIN THE COUNTY, AS AUTHORIZED BY SUCH  
8 ORDINANCE, SHALL NOT BECOME EFFECTIVE FOR AT LEAST ~~ONE YEAR~~ <—  
9 FIFTEEN MONTHS FROM THE DATE OF ADOPTION OF SUCH ORDINANCE.

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

29 (3) WITHIN ONE HUNDRED EIGHTY DAYS FROM THE ADOPTION OF SUCH <—  
30 ORDINANCE, THE GOVERNING BODY OF ANY MUNICIPALITY, EXERCISING ON

1 THE DATE OF THE ADOPTION OF THE COUNTY HOME RULE CHARTER ANY  
2 POWER OR FUNCTION AUTHORIZED BY ORDINANCE OF THE COUNTY TO BE  
3 EXERCISED BY THE COUNTY, MAY ELECT BY ORDINANCE TO BE EXCLUDED  
4 FROM THE COUNTY EXERCISE OF SUCH POWER OR FUNCTION, UNLESS  
5 WITHIN SAID PERIOD THE QUALIFIED VOTERS OF SUCH MUNICIPALITY  
6 INITIATE A PETITION REQUIRING THAT THE QUESTION OF EXCLUSION  
7 FROM THE EXERCISE OF SUCH POWER OR FUNCTION BY THE COUNTY BE  
8 SUBMITTED TO A REFERENDUM OF THE ELECTORATE AT THE ELECTION HELD  
9 ON THE DATE OF THE NEXT ENSUING PRIMARY, MUNICIPAL OR GENERAL  
10 ELECTION NOT LESS THAN SIXTY DAYS AFTER THE FILING OF THE  
11 INITIATIVE PETITION WITH THE COUNTY BOARD OF ELECTIONS, IN WHICH  
12 EVENT THE RESULT OF THE REFERENDUM SHALL DETERMINE WHETHER OR  
13 NOT THE POWER IS EXCLUDED. THE INITIATIVE AND REFERENDUM  
14 PROCEDURES SET FORTH IN ARTICLES III AND IV SHALL BE FOLLOWED,  
15 EXCEPT WHERE THE SAME MAY BE INCONSISTENT WITH ANY OF THE  
16 PROVISIONS OF THIS SECTION.

17 IN THE EVENT THE COUNTY DETERMINES THERE IS INSUFFICIENT  
18 INTEREST OR THAT IT IS NOT FEASIBLE TO ESTABLISH THE PROPOSED  
19 MUNICIPAL FUNCTION OR POWER AS PROVIDED FOR IN THE ORDINANCE  
20 PASSED BY THE COUNTY, THE COUNTY MAY REPEAL THE COUNTY ORDINANCE  
21 PRIOR TO THE EFFECTIVE DATE OF THE ORDINANCE.

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

←

1 FORTH BY THE COUNTY ARE UNREASONABLE.

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

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

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

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

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

1 SECRETARY OF THE DEPARTMENT OF COMMUNITY AFFAIRS, AND WITH THE  
2 COUNTY BOARD OF ELECTIONS.

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

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

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

23 ARTICLE IV

24 GENERAL PROVISIONS AND LIMITATIONS FOR

25 OPTIONAL PLAN MUNICIPALITIES

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

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

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

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

1 SECTION 404. THE OPTIONAL PLAN OF ANY MUNICIPALITY ADOPTED  
2 IN ACCORDANCE WITH THIS ACT SHALL NOT GIVE ANY POWER OR  
3 AUTHORITY TO DIMINISH ANY RIGHTS OR PRIVILEGES OF ANY PRESENT  
4 MUNICIPAL EMPLOYE IN HIS PENSION OR RETIREMENT SYSTEM. NO  
5 MUNICIPALITY SHALL EXERCISE ANY POWERS OR AUTHORITY BEYOND THE  
6 MUNICIPAL LIMITS EXCEPT SUCH AS ARE CONFERRED BY AN ACT OF THE  
7 GENERAL ASSEMBLY, AND NO MUNICIPALITY SHALL ENGAGE IN ANY  
8 PROPRIETARY OR PRIVATE BUSINESS EXCEPT AS AUTHORIZED BY THE  
9 GENERAL ASSEMBLY.

10 ARTICLE V

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

12 A. FORM OF GOVERNMENT: ELECTED OFFICIALS

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

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

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



1 HIS ELECTION.

2 SECTION 504. THE COUNCIL SHALL CONSIST OF FIVE MEMBERS,  
3 UNLESS PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF  
4 THIS ACT, THE MUNICIPALITY SHALL BE GOVERNED BY A COUNCIL OF  
5 SEVEN OR NINE MEMBERS. MEMBERS OF THE COUNCIL SHALL BE ELECTED  
6 AT LARGE BY THE VOTERS OF THE MUNICIPALITY, UNLESS, PURSUANT TO  
7 THE AUTHORITY GRANTED UNDER SECTION 213 OF THIS ACT, MEMBERS  
8 SHALL BE ELECTED ON A DISTRICT BASIS IN WHICH EACH DISTRICT IS  
9 AS EQUAL IN POPULATION AS IS FEASIBLE, OR ON A COMBINATION AT-  
10 LARGE AND DISTRICT BASIS AS DETERMINED BY THE CHARTER STUDY  
11 COMMISSION, OR AS SPECIFIED IN AN INITIATIVE PETITION OR  
12 ORDINANCE OF THE GOVERNING BODY UNDER THE PROVISIONS OF SECTION  
13 231 THROUGH SECTION 233 OF THIS ACT, AT A REGULAR MUNICIPAL  
14 ELECTION AND SHALL SERVE FOR A TERM OF FOUR YEARS, EXCEPT AS  
15 HEREINAFTER PROVIDED FOR THOSE FIRST ELECTED BEGINNING ON THE  
16 FIRST MONDAY OF JANUARY NEXT FOLLOWING THEIR ELECTIONS.

17 SECTION 505. AT THE FIRST MUNICIPAL ELECTION FOLLOWING THE  
18 ADOPTION BY A MUNICIPALITY OF THIS PLAN, COUNCILMEN SHALL BE  
19 ELECTED AND SHALL SERVE FOR THE TERMS AS PROVIDED IN SECTION  
20 1262 OF THIS ACT.

21 B. COUNCIL

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

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

1 AND A VICE PRESIDENT, WHO SHALL PRESIDE IN THE ABSENCE OF THE  
2 PRESIDENT. IF THE FIRST MONDAY IS A LEGAL HOLIDAY, THE MEETING  
3 SHALL BE HELD ON THE FIRST DAY FOLLOWING.

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

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

20 C. EXECUTIVE (MAYOR) AND ADMINISTRATION

21 SECTION 521. THE EXECUTIVE POWER OF THE MUNICIPALITY SHALL  
22 BE EXERCISED BY THE EXECUTIVE (MAYOR).

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

1 AND SHALL REQUIRE EACH DEPARTMENT TO MAKE AN ANNUAL AND SUCH  
2 OTHER REPORTS OF ITS WORK AS HE MAY DEEM DESIRABLE.

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

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

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

1 THE COUNCIL AS ACTING EXECUTIVE (MAYOR), WHO SHALL SUCCEED TO  
2 ALL THE RIGHTS, POWERS AND DUTIES OF THE EXECUTIVE (MAYOR) OR  
3 THE THEN ACTING EXECUTIVE (MAYOR), UNTIL HE SHALL RETURN OR HIS  
4 DISABILITY SHALL CEASE.

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

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

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

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

30 SECTION 525. WHERE A DEPARTMENT OF ADMINISTRATION IS

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

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

19 D. BUDGET

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

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

1 A MAJORITY PLUS ONE OF THE MEMBERS OF COUNCIL.

2 COUNCIL SHALL, UPON THE INTRODUCTION OF THE PROPOSED BUDGET,  
3 FIX A DATE FOR ADOPTION THEREOF, WHICH SHALL EXCEPT AS OTHERWISE  
4 PROVIDED BE NOT LATER THAN THE THIRTY-FIRST DAY OF DECEMBER  
5 IMMEDIATELY FOLLOWING.

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

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

16 ARTICLE VI

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

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

23 SECTION 602. THE MUNICIPALITY SHALL HAVE A DEPARTMENT OF  
24 ADMINISTRATION AND SHALL HAVE SUCH OTHER DEPARTMENTS AS COUNCIL  
25 MAY ESTABLISH BY ORDINANCE. ALL OF THE ADMINISTRATIVE FUNCTIONS,  
26 POWERS AND DUTIES OF THE MUNICIPALITY, OTHER THAN THOSE VESTED  
27 IN THE OFFICE OF THE CLERK, TREASURER, IF ELECTED, AND  
28 CONTROLLER, SHALL BE ALLOCATED AND ASSIGNED AMONG AND WITHIN  
29 SUCH DEPARTMENTS EXCEPT THAT THE FUNCTIONS SPECIFIED IN SECTION  
30 525 OF THIS ACT SHALL BE ASSIGNED TO THE DEPARTMENT OF

1 ADMINISTRATION.

2 SECTION 603. IT IS THE INTENT AND PURPOSE OF EXECUTIVE  
3 (MAYOR) - COUNCIL PLAN B TO MANDATE THE ESTABLISHMENT OF A  
4 DEPARTMENT OF ADMINISTRATION.

5 ARTICLE VII

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

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

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

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

28 THE EXECUTIVE (MAYOR) MAY, IN HIS DISCRETION, REMOVE A  
29 MANAGING DIRECTOR AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD.  
30 PRIOR TO REMOVING A MANAGING DIRECTOR, THE EXECUTIVE (MAYOR)

←

1 SHALL FIRST FILE WRITTEN NOTICE OF HIS INTENTION WITH THE  
2 COUNCIL, AND SUCH REMOVAL SHALL BECOME EFFECTIVE ON THE  
3 TWENTIETH DAY AFTER THE FILING OF SUCH NOTICE.

4 ARTICLE VIII

5 OPTIONAL PLAN: COUNCIL-MANAGER PLAN

6 A. FORM OF GOVERNMENT: ELECTED OFFICIALS

7 SECTION 801. THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE  
8 SHALL BE KNOWN AS THE "COUNCIL-MANAGER PLAN" AND SHALL, TOGETHER  
9 WITH ARTICLES IV AND XII, GOVERN ANY MUNICIPALITY, THE VOTERS OF  
10 WHICH HAVE ADOPTED THIS PLAN PURSUANT TO THIS ACT.

11 SECTION 802. EACH MUNICIPALITY UNDER THIS ARTICLE SHALL BE  
12 GOVERNED BY AN ELECTED COUNCIL ONE MEMBER OF WHICH SHALL BE AN  
13 ELECTED MAYOR CHOSEN AS PROVIDED IN SECTIONS 213 AND 811, AN  
14 ELECTED CONTROLLER, AN ELECTED DISTRICT ATTORNEY IN THE CASE OF  
15 COUNTIES, AN APPOINTED MUNICIPAL MANAGER, AND, WHEN RECOMMENDED  
16 BY THE CHARTER COMMISSION AND ADOPTED BY THE VOTERS AN ELECTED  
17 TREASURER AND BY SUCH OTHER OFFICERS AND EMPLOYES AS MAY BE DULY  
18 APPOINTED PURSUANT TO THIS ARTICLE, GENERAL LAW OR ORDINANCE.

19 SECTION 803. THE CONTROLLER, THE DISTRICT ATTORNEY IN THE  
20 CASE OF COUNTIES AND THE TREASURER, IF PROVIDED FOR AND IF  
21 ELECTED, SHALL BE ELECTED BY THE VOTERS OF THE MUNICIPALITY AT A  
22 REGULAR MUNICIPAL ELECTION, AND SHALL SERVE FOR A TERM OF FOUR  
23 YEARS BEGINNING THE FIRST MONDAY OF JANUARY NEXT FOLLOWING HIS  
24 ELECTION.

25 SECTION 804. THE MUNICIPAL COUNCIL SHALL CONSIST OF FIVE  
26 MEMBERS UNLESS, PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION  
27 213 OF THIS ACT, THE MUNICIPALITY SHALL BE GOVERNED BY A COUNCIL  
28 OF SEVEN OR NINE MEMBERS. MEMBERS OF THE MUNICIPAL COUNCIL SHALL  
29 BE ELECTED, AT LARGE, BY THE VOTERS OF THE MUNICIPALITY, UNLESS,  
30 PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF THIS ACT,



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

11 SECTION 805. AT THE FIRST MUNICIPAL ELECTION FOLLOWING THE  
12 ADOPTION BY A MUNICIPALITY OF THIS CHARTER PLAN, COUNCILMEN  
13 SHALL BE ELECTED AND SHALL SERVE FOR THE TERMS AS PROVIDED IN  
14 SECTION 1262 OF THIS ACT.

15 B. COUNCIL

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

1 (B) ON THE RECOMMENDATION OF THE GOVERNMENT STUDY COMMISSION  
2 AS PROVIDED IN SECTION 213, OR AS SPECIFIED IN AN INITIATIVE  
3 PETITION OR ORDINANCE OF THE GOVERNING BODY AS AUTHORIZED BY  
4 SECTION 231 THROUGH SECTION 233 OF THIS ACT, THE MAYOR SHALL BE  
5 ELECTED DIRECTLY BY THE VOTERS OF THE MUNICIPALITY AT THE  
6 REGULAR MUNICIPAL ELECTION IN LIEU OF BEING CHOSEN AS PROVIDED  
7 IN SUBSECTION (A) OF THIS SECTION.

8 SECTION 812. 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 SECTION 813. (A) ALL POWERS AS PROVIDED BY LAWS APPLICABLE  
19 TO THAT CLASS OF MUNICIPALITY SHALL BE VESTED IN THE MUNICIPAL  
20 COUNCIL, EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, AND THE  
21 COUNCIL SHALL PROVIDE FOR THE EXERCISE THEREOF AND FOR THE  
22 PERFORMANCE OF ALL DUTIES AND OBLIGATIONS IMPOSED ON THE  
23 MUNICIPALITY BY LAW.

24 (B) THE COUNCIL SHALL BY ORDINANCE ADOPT AN ADMINISTRATIVE  
25 CODE DEFINING THE RESPONSIBILITIES OF THE MUNICIPAL DEPARTMENTS  
26 AND AGENCIES AS IT DEEMS NECESSARY AND PROPER FOR THE EFFICIENT  
27 CONDUCT OF MUNICIPAL AFFAIRS.

28 (C) THE MUNICIPAL COUNCIL SHALL APPOINT A MUNICIPAL MANAGER.  
29 THE OFFICE OF MUNICIPAL MANAGER AND MUNICIPAL CLERK OR SECRETARY  
30 MAY BE HELD BY THE SAME PERSON.

1 (D) THE COUNCIL MAY MAKE INVESTIGATIONS INTO THE AFFAIRS OF  
2 THE MUNICIPALITY AND THE CONDUCT OF ANY MUNICIPAL DEPARTMENT,  
3 OFFICE OR AGENCY.

4 (E) THE MUNICIPAL COUNCIL SHALL CONTINUE OR CREATE, AND  
5 DETERMINE AND DEFINE, THE POWERS AND DUTIES OF SUCH EXECUTIVE  
6 AND ADMINISTRATIVE DEPARTMENTS, BOARDS, AND OFFICES, IN ADDITION  
7 TO THOSE PROVIDED FOR HEREIN, AS IT MAY DEEM NECESSARY FOR THE  
8 PROPER AND EFFICIENT CONDUCT OF THE AFFAIRS OF THE MUNICIPALITY  
9 INCLUDING THE OFFICE OF DEPUTY MANAGER. ANY DEPARTMENT, BOARD OR  
10 OFFICE SO CONTINUED OR CREATED MAY, AT ANY TIME, BE ABOLISHED BY  
11 THE MUNICIPAL COUNCIL. NO MEMBER OF MUNICIPAL COUNCIL SHALL HEAD  
12 AN ADMINISTRATIVE DEPARTMENT.

13 (F) IT IS THE INTENTION OF THIS ARTICLE THAT THE MUNICIPAL  
14 COUNCIL SHALL ACT IN ALL MATTERS AS A BODY, AND IT IS CONTRARY  
15 TO THE SPIRIT OF THIS ARTICLE FOR ANY OF ITS MEMBERS TO SEEK  
16 INDIVIDUALLY TO INFLUENCE THE OFFICIAL ACTS OF THE MUNICIPAL  
17 MANAGER, OR ANY OTHER OFFICER, OR FOR THE COUNCIL OR ANY OF ITS  
18 MEMBERS TO DIRECT OR REQUEST THE APPOINTMENT OF ANY PERSON TO,  
19 OR HIS REMOVAL FROM OFFICE, OR TO INTERFERE IN ANY WAY WITH THE  
20 PERFORMANCE BY SUCH OFFICERS OF THEIR DUTIES. THE COUNCIL AND  
21 ITS MEMBERS SHALL DEAL WITH THE ADMINISTRATIVE SERVICE SOLELY  
22 THROUGH THE MUNICIPAL MANAGER AND SHALL NOT GIVE ORDERS TO ANY  
23 SUBORDINATES OF THE MUNICIPAL MANAGER, EITHER PUBLICLY OR  
24 PRIVATELY. NOTHING HEREIN CONTAINED SHALL PREVENT THE MUNICIPAL  
25 COUNCIL FROM APPOINTING COMMITTEES OR COMMISSIONS OF ITS OWN  
26 MEMBERS OR OF CITIZENS TO CONDUCT INVESTIGATIONS INTO THE  
27 CONDUCT OF ANY OFFICER OR DEPARTMENT, OR ANY MATTER RELATING TO  
28 THE WELFARE OF THE MUNICIPALITY, AND DELEGATING TO SUCH  
29 COMMITTEES OR COMMISSIONS SUCH POWERS OF INQUIRY AS THE  
30 MUNICIPAL COUNCIL MAY DEEM NECESSARY. ~~ANY COUNCILMAN VIOLATING~~ <—

1 ~~ANY OF THE PROVISIONS OF THIS SECTION IS GUILTY OF MISDEMEANOR~~  
2 ~~IN OFFICE, AND UPON CONVICTION THEREOF IN A COURT OF COMPETENT~~  
3 ~~JURISDICTION, SHALL BE DISQUALIFIED AND FORFEIT HIS OFFICE AS~~  
4 ~~COUNCILMAN.~~

5 C. MUNICIPAL MANAGER

6 SECTION 821. THE MUNICIPAL MANAGER SHALL BE CHOSEN BY THE  
7 COUNCIL ~~SOLELY~~ ON THE BASIS OF HIS EXECUTIVE AND ADMINISTRATIVE <—  
8 QUALIFICATIONS. ~~WITH SPECIAL REFERENCE TO HIS ACTUAL EXPERIENCE~~ <—  
9 ~~IN, OR HIS KNOWLEDGE OF, ACCEPTED PRACTICE IN RESPECT TO THE~~  
10 ~~DUTIES OF HIS OFFICE AS HEREINAFTER SET FORTH.~~ AT THE TIME OF  
11 HIS APPOINTMENT, HE NEED NOT BE A RESIDENT OF THE MUNICIPALITY  
12 OR STATE. THE MUNICIPAL MANAGER SHALL NOT HOLD ANY ELECTIVE  
13 GOVERNMENTAL OFFICE.

14 SECTION 822. THE MUNICIPAL MANAGER SHALL ~~HOLD OFFICE~~ BE <—  
15 APPOINTED FOR AN INDEFINITE TERM, AND MAY BE REMOVED BY A  
16 MAJORITY VOTE OF THE COUNCIL. AT LEAST THIRTY DAYS BEFORE SUCH  
17 REMOVAL SHALL BECOME EFFECTIVE, THE COUNCIL SHALL NOTIFY THE <—  
18 MUNICIPAL MANAGER OF ITS DECISION TO REMOVE HIM FROM OFFICE, BY  
19 A MAJORITY VOTE OF ITS MEMBERS, ~~ADOPT A PRELIMINARY RESOLUTION~~ <—  
20 STATING THE REASONS FOR HIS REMOVAL. THE MUNICIPAL MANAGER MAY  
21 REPLY IN WRITING AND MAY REQUEST A PUBLIC HEARING, WHICH SHALL  
22 BE HELD NOT EARLIER THAN TWENTY DAYS NOR LATER THAN THIRTY DAYS  
23 AFTER THE FILING OF SUCH REQUEST. AFTER SUCH PUBLIC HEARING, IF  
24 ONE BE REQUESTED, AND AFTER FULL CONSIDERATION, THE COUNCIL BY  
25 MAJORITY VOTE OF ITS MEMBERS MAY ADOPT A FINAL RESOLUTION OF  
26 REMOVAL. ~~BY THE~~ THE PRELIMINARY RESOLUTION, THE COUNCIL MAY <—  
27 SUSPEND THE MUNICIPAL MANAGER FROM DUTY, BUT SHALL, IN ANY CASE,  
28 CAUSE TO BE PAID HIM FORTHWITH ANY UNPAID BALANCE OF HIS SALARY  
29 AND HIS SALARY FOR THE NEXT THREE CALENDAR MONTHS. ~~FOLLOWING~~ <—  
30 ~~ADOPTION OF THE PRELIMINARY RESOLUTION.~~

1 SECTION 823. THE MUNICIPAL MANAGER MAY DESIGNATE A QUALIFIED  
2 ADMINISTRATIVE OFFICER OF THE MUNICIPALITY TO PERFORM HIS DUTIES  
3 DURING HIS TEMPORARY ABSENCE OR DISABILITY. IN THE EVENT OF HIS  
4 FAILURE TO MAKE SUCH DESIGNATION, OR IF THE ABSENCE OR  
5 DISABILITY CONTINUES MORE THAN THIRTY DAYS, THE COUNCIL MAY, ~~BY~~ <—  
6 ~~RESOLUTION,~~ APPOINT AN OFFICER OF THE MUNICIPALITY TO PERFORM  
7 THE DUTIES OF THE MANAGER DURING SUCH ABSENCE OR DISABILITY  
8 UNTIL HE SHALL RETURN OR HIS DISABILITY SHALL CEASE.

9 SECTION 824. THE MUNICIPAL MANAGER SHALL:

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

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

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

17 (4) NEGOTIATE CONTRACTS FOR THE MUNICIPALITY, SUBJECT TO THE  
18 APPROVAL OF THE MUNICIPAL COUNCIL, MAKE RECOMMENDATIONS  
19 CONCERNING THE NATURE AND LOCATION OF MUNICIPAL IMPROVEMENTS,  
20 AND EXECUTE MUNICIPAL IMPROVEMENTS AS DETERMINED BY THE  
21 MUNICIPAL COUNCIL.

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

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

30 (7) MAKE SUCH RECOMMENDATIONS TO THE COUNCIL CONCERNING

1 POLICY FORMULATION AS HE DEEMS DESIRABLE AND KEEP THE COUNCIL  
2 AND THE PUBLIC INFORMED AS TO THE CONDUCT OF MUNICIPAL AFFAIRS.

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

6 (9) PERFORM SUCH OTHER DUTIES AS MAY BE REQUIRED OF THE  
7 MUNICIPAL MANAGER BY ORDINANCE OR RESOLUTION OF THE MUNICIPAL  
8 COUNCIL.

9 (10) BE RESPONSIBLE TO THE COUNCIL FOR CARRYING OUT ALL  
10 POLICIES ESTABLISHED BY IT AND FOR THE PROPER ADMINISTRATION OF  
11 ALL AFFAIRS OF THE MUNICIPALITY WITHIN THE JURISDICTION OF THE  
12 COUNCIL.

13 D. BUDGET

14 SECTION 825. THE MUNICIPAL MANAGER SHALL SUBMIT TO COUNCIL  
15 HIS RECOMMENDED BUDGET, TOGETHER WITH SUCH EXPLANATORY COMMENT  
16 OR STATEMENT AS HE MAY DEEM DESIRABLE. THE BUDGET SHALL BE IN  
17 SUCH FORM AS IS REQUIRED BY COUNCIL FOR MUNICIPAL BUDGETS, AND  
18 SHALL IN ADDITION HAVE APPENDED THERETO DETAILED ANALYSIS OF THE  
19 VARIOUS ITEMS OF EXPENDITURE AND REVENUE. THE BUDGET AS  
20 SUBMITTED AND ADOPTED MUST BE BALANCED. COUNCIL SHALL UPON  
21 INTRODUCTION OF THE PROPOSED BUDGET FIX A DATE FOR ADOPTION  
22 THEREOF WHICH SHALL BE NOT LATER THAN THE THIRTY-FIRST DAY OF  
23 DECEMBER IMMEDIATELY FOLLOWING.

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

30 ARTICLE IX

1                   OPTIONAL PLAN:   SMALL MUNICIPALITY PLAN

2                           A.   FORM OF GOVERNMENT:

3                                   ELECTED OFFICIALS

4           SECTION 901.   THE FORM OF GOVERNMENT PROVIDED IN THIS ARTICLE  
5 SHALL BE KNOWN AS THE "SMALL MUNICIPALITY PLAN." IT MAY BE  
6 ADOPTED BY ANY MUNICIPALITY HAVING A POPULATION OF LESS THAN  
7 ~~FIVE THOUSAND~~ SEVEN THOUSAND FIVE HUNDRED INHABITANTS BY THE         <—  
8 LAST FEDERAL CENSUS. THE PLAN TOGETHER WITH ARTICLES IV AND XII  
9 OF THIS ACT SHALL GOVERN ANY MUNICIPALITY THE VOTERS OF WHICH  
10 HAVE ADOPTED IT PURSUANT TO THIS ACT.

11          SECTION 902.   EACH MUNICIPALITY SHALL BE GOVERNED BY AN  
12 ELECTED EXECUTIVE (MAYOR) AND COUNCILMEN, AN ELECTED CONTROLLER,  
13 AN ELECTED DISTRICT ATTORNEY IN THE CASE OF COUNTIES AND SUCH  
14 OTHER OFFICERS AS SHALL BE APPOINTED PURSUANT TO THIS ARTICLE,  
15 GENERAL LAW OR ORDINANCE.

16                                   B.   COUNCIL

17          SECTION 911.   THE COUNCIL SHALL CONSIST OF THE EXECUTIVE  
18 (MAYOR), WHO SHALL BE ELECTED AT LARGE, AND TWO COUNCILMEN  
19 UNLESS PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF  
20 THIS ACT THE MUNICIPALITY SHALL BE GOVERNED BY AN EXECUTIVE  
21 (MAYOR) AND FOUR COUNCILMEN, ~~AND~~ AN EXECUTIVE (MAYOR) AND SIX         <—  
22 COUNCILMEN, OR AN EXECUTIVE (MAYOR) AND EIGHT COUNCILMEN.  
23 MEMBERS OF THE COUNCIL SHALL BE ELECTED AT LARGE, UNLESS,  
24 PURSUANT TO THE AUTHORITY GRANTED UNDER SECTION 213 OF THIS ACT,  
25 MEMBERS SHALL BE ELECTED ON A DISTRICT BASIS IN WHICH EACH  
26 DISTRICT IS AS EQUAL IN POPULATION AS IS FEASIBLE, OR ON A  
27 COMBINATION AT LARGE AND DISTRICT BASIS AS DETERMINED BY THE  
28 CHARTER STUDY COMMISSION OR AS SPECIFIED IN AN INITIATIVE  
29 PETITION OR ORDINANCE OF THE GOVERNING BODY UNDER THE PROVISIONS  
30 OF SECTION 231 THROUGH SECTION 233 OF THIS ACT, AT A REGULAR

1 MUNICIPAL ELECTION BY THE VOTERS OF THE MUNICIPALITY AND SHALL  
2 SERVE A TERM OF FOUR YEARS BEGINNING ON THE FIRST MONDAY IN  
3 JANUARY NEXT FOLLOWING THEIR ELECTION, EXCEPT AS HEREINAFTER  
4 PROVIDED FOR THOSE FIRST ELECTED.

5 SECTION 912. ON THE FIRST MONDAY OF JANUARY FOLLOWING THE  
6 REGULAR MUNICIPAL ELECTION, THE MEMBERS OF THE COUNCIL SHALL  
7 ASSEMBLE AT THE USUAL PLACE OF MEETING AND ORGANIZE. THE  
8 EXECUTIVE (MAYOR) SHALL PRESIDE AT ALL MEETINGS OF THE COUNCIL  
9 AND SHALL HAVE A VOICE AND VOTE ON ITS PROCEEDINGS. THE COUNCIL  
10 SHALL SELECT FROM AMONG ITS MEMBERS A PRESIDENT OF THE COUNCIL  
11 WHO SHALL SERVE IN PLACE OF THE EXECUTIVE (MAYOR) IN THE EVENT  
12 OF HIS ABSENCE OR DISABILITY.

13 SECTION 913. THE LEGISLATIVE POWER OF THE MUNICIPALITY SHALL  
14 BE EXERCISED BY THE COUNCIL, EXCEPT AS MAY BE OTHERWISE PROVIDED  
15 BY GENERAL LAW. A MAJORITY OF THE WHOLE NUMBER OF THE COUNCIL  
16 SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS, BUT A  
17 SMALLER NUMBER MAY MEET AND ADJOURN FROM TIME TO TIME.

18 SECTION 914. (A) A MUNICIPAL CLERK OR SECRETARY SHALL BE  
19 APPOINTED IN THE MANNER SET FORTH IN THE ADMINISTRATIVE CODE, AS  
20 PROVIDED IN SECTION 1246 OF THIS ACT. THE MUNICIPAL CLERK OR  
21 SECRETARY SHALL SERVE AS CLERK OF THE COUNCIL, KEEP ITS MINUTES  
22 AND RECORDS OF ITS PROCEEDINGS, MAINTAIN AND COMPILE ITS  
23 ORDINANCES AND RESOLUTIONS AS THIS ACT REQUIRES, AND PERFORM  
24 SUCH FUNCTIONS AS MAY BE REQUIRED BY LAW. THE CLERK SHALL, PRIOR  
25 TO HIS APPOINTMENT, HAVE BEEN QUALIFIED BY TRAINING OR  
26 EXPERIENCE TO PERFORM THE DUTIES OF THE OFFICE.

27 (B) THE COUNCIL MAY CONSISTENT WITH ACTS OF THE GENERAL  
28 ASSEMBLY APPLICABLE TO THAT CLASS OR CLASSES OF MUNICIPALITY  
29 PROVIDE FOR THE MANNER OF APPOINTMENT OF A SOLICITOR, ANY  
30 PLANNING BOARD, ZONING BOARD OF ADJUSTMENT OR PERSONNEL BOARD IN



1 THE MUNICIPALITY AND MAY CREATE COMMISSIONS AND OTHER BODIES  
2 WITH ADVISORY POWERS.

3 C. EXECUTIVE (MAYOR) AND ADMINISTRATION

4 SECTION 921. THE EXECUTIVE POWER OF THE MUNICIPALITY SHALL  
5 BE EXERCISED BY THE EXECUTIVE (MAYOR). IT SHALL BE HIS DUTY TO  
6 SEE THAT ALL LAWS AND ORDINANCES IN FORCE AND EFFECT WITHIN THE  
7 MUNICIPALITY ARE OBSERVED. HE SHALL ADDRESS THE COUNCIL AND  
8 REPORT TO THE RESIDENTS ANNUALLY, AND AT SUCH OTHER TIMES AS HE  
9 MAY DEEM DESIRABLE, ON THE CONDITION OF THE MUNICIPALITY AND  
10 UPON ITS PROBLEMS OF GOVERNMENT. THE EXECUTIVE (MAYOR) SHALL  
11 ALSO APPOINT A FINANCE COMMITTEE OF THE COUNCIL, WHICH SHALL  
12 CONSIST OF ONE OR MORE COUNCILMEN, AND MAY APPOINT AND DESIGNATE  
13 OTHER COMMITTEES OF COUNCIL OF SIMILAR COMPOSITION.

14 SECTION 922. THE EXECUTIVE (MAYOR) SHALL APPOINT SUBORDINATE  
15 OFFICERS AND EMPLOYES WITH THE ADVICE AND CONSENT OF COUNCIL  
16 UNDER PROCEDURES ESTABLISHED IN SECTION 1222 OF THIS ACT, EXCEPT  
17 THAT IN MUNICIPALITIES COMMONLY KNOWN AS COUNTIES, THE OFFICE OF  
18 PROTHONOTARY AND CLERK OF COURTS, REGISTER OF WILLS AND CLERK OF  
19 ORPHANS COURT SHALL BE FILLED BY APPOINTMENT BY THE PRESIDENT  
20 JUDGE OF THE APPROPRIATE COURT WITH ADVICE AND CONSENT OF THE  
21 COUNCIL.

22 D. BUDGET

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

29 SECTION 942. DURING THE MONTH OF JANUARY NEXT FOLLOWING ANY  
30 MUNICIPAL ELECTION, THE EXECUTIVE (MAYOR), UPON HIS OWN

1 INITIATIVE OR AT THE REQUEST OF COUNCIL, MAY SUBMIT AN AMENDED  
2 BUDGET TO COUNCIL, WHICH SHALL CONSIDER IT IN THE SAME MANNER AS  
3 PROVIDED IN SECTION 941, EXCEPT FINAL ADOPTION OF THE AMENDED  
4 BUDGET SHALL NOT BE LATER THAN FEBRUARY 15 OF THE SAME YEAR.

5 ARTICLE X

6 OPTIONAL PLAN: OPTIONAL COUNTY PLAN

7 A. FORM OF GOVERNMENT: ELECTED OFFICIALS

8 SECTION 1001. THE FORM OF GOVERNMENT PROVIDED IN THIS  
9 ARTICLE SHALL BE KNOWN AS THE "OPTIONAL COUNTY PLAN" AND SHALL,  
10 TOGETHER WITH ARTICLES IV AND XII GOVERN ANY COUNTY, THE VOTERS  
11 OF WHICH HAVE ADOPTED THIS PLAN PURSUANT TO THIS ACT. THIS  
12 OPTION SHALL BE AVAILABLE ONLY TO THOSE MUNICIPALITIES COMMONLY  
13 KNOWN AS "COUNTIES."

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

- 15 (1) COUNTY COMMISSIONERS,
- 16 (2) CONTROLLER OR AUDITORS,
- 17 (3) DISTRICT ATTORNEYS,
- 18 (4) PUBLIC DEFENDERS,
- 19 (5) TREASURERS,
- 20 (6) SHERIFFS,
- 21 (7) REGISTERS OF WILLS,
- 22 (8) RECORDERS OF DEEDS,
- 23 (9) PROTHONOTARIES,
- 24 (10) CLERKS OF THE COURTS.

25 (B) COUNTY OFFICERS, EXCEPT FOR PUBLIC DEFENDERS WHO SHALL  
26 BE APPOINTED AS PROVIDED BY LAW, SHALL BE ELECTED AT THE  
27 MUNICIPAL ELECTIONS AND SHALL HOLD THEIR OFFICES FOR THE TERM OF  
28 FOUR YEARS, BEGINNING ON THE FIRST MONDAY OF JANUARY NEXT AFTER  
29 THEIR ELECTION, AND UNTIL THEIR SUCCESSORS SHALL BE DULY  
30 QUALIFIED; ALL VACANCIES SHALL BE FILLED IN SUCH MANNER AS MAY

1 BE PROVIDED BY LAW.

2 (C) COUNTY OFFICERS SHALL BE PAID ONLY BY SALARY AS PROVIDED  
3 BY LAW FOR SERVICES PERFORMED FOR THE COUNTY OR ANY OTHER  
4 GOVERNMENTAL UNIT. FEES INCIDENTAL TO THE CONDUCT OF ANY COUNTY  
5 OFFICE SHALL BE PAYABLE DIRECTLY TO THE COUNTY OR THE  
6 COMMONWEALTH, OR AS OTHERWISE PROVIDED BY LAW.

7 (D) THREE COUNTY COMMISSIONERS SHALL BE ELECTED IN EACH  
8 COUNTY. IN THE ELECTION OF THESE OFFICERS EACH QUALIFIED ELECTOR  
9 SHALL VOTE FOR NOT MORE THAN TWO PERSONS, AND THE THREE PERSONS  
10 RECEIVING THE HIGHEST NUMBER OF VOTES SHALL BE ELECTED.

11 (E) THE CORONER OR MEDICAL EXAMINER SHALL BE A STATUTORY  
12 OFFICE ELECTED AT THE MUNICIPAL ELECTION AND SHALL HOLD THE  
13 OFFICE FOR THE TERM OF FOUR YEARS BEGINNING ON THE FIRST MONDAY  
14 OF JANUARY NEXT AFTER ELECTION, AND UNTIL THEIR SUCCESSORS SHALL  
15 BE DULY QUALIFIED; SHALL BE PAID ONLY BY SALARY AS PROVIDED BY  
16 LAW; ALL VACANCIES SHALL BE FILLED IN SUCH MANNER AS MAY BE  
17 PROVIDED BY LAW.

18 (F) JURY COMMISSIONERS SHALL BE STATUTORY OFFICERS AND SHALL  
19 BE ELECTED AT THE MUNICIPAL ELECTION AND SHALL HOLD THEIR OFFICE  
20 FOR THE TERM OF FOUR YEARS BEGINNING ON THE FIRST MONDAY OF  
21 JANUARY NEXT AFTER ELECTION AND UNTIL THEIR SUCCESSORS SHALL BE  
22 DULY QUALIFIED; THE SALARY BOARD SHALL FIX THEIR SALARY;  
23 VACANCIES SHALL BE FILLED BY THE PRESIDENT JUDGE OF THE COURT OF  
24 COMMON PLEAS.

25 SECTION 1003. ALL COUNTY OFFICERS MAY EXERCISE THOSE POWERS  
26 GRANTED BY GENERAL LAW TO COUNTY OFFICES OF THE CLASS OF COUNTY  
27 TO WHICH IT BELONGS.

28 ARTICLE XI

29 ADDITIONAL COUNTY OPTION; ELECTED SHERIFF

30 SECTION 1101. A GOVERNMENT STUDY COMMISSION CREATED AND

1 CONSTITUTED AS PROVIDED IN ARTICLE II OF THIS ACT FOR THE  
2 MUNICIPALITY COMMONLY KNOWN AS COUNTIES, OR AN INITIATIVE  
3 PETITION OR ORDINANCE OF THE GOVERNING BODY AS AUTHORIZED BY  
4 SECTION 231 THROUGH SECTION 233 OF THIS ACT, MAY RECOMMEND AND  
5 CAUSE TO BE PLACED ON THE BALLOT AS A PART OF THE QUESTION  
6 SUBMITTED TO THE VOTERS FOR APPROVAL, ADDITIONAL OPTIONS AS PART  
7 OF THE OPTIONAL PLANS AS SET FORTH IN ARTICLE V, EXECUTIVE  
8 (MAYOR) - COUNCIL PLAN A; ARTICLE VI EXECUTIVE (MAYOR) - COUNCIL  
9 PLAN B; ARTICLE VII EXECUTIVE (MAYOR) - COUNCIL PLAN C; ARTICLE  
10 VIII COUNCIL-MANAGER PLAN; OR ARTICLE IX, SMALL MUNICIPALITIES  
11 PLAN, PROVIDING FOR THE ELECTION OF THE COUNTY SHERIFF.

12 SECTION 1102. IF THE OPTIONAL PLAN, INCLUDING AN ADDITIONAL  
13 OPTION OR OPTIONS AS PROVIDED IN SECTION 1101, IS APPROVED BY  
14 THE VOTERS, THE COUNTY SHALL BE GOVERNED BY THE PROVISIONS OF  
15 THE ARTICLE PROVIDING THE BASIC OPTIONAL PLAN AND BY THE  
16 PROVISIONS OF ARTICLES IV AND XII OF THIS ACT, EXCEPT THAT THE  
17 ELECTED SHERIFF SHALL BE SUBJECT TO THE PROVISIONS PERTAINING TO  
18 THAT OFFICE AS PROVIDED IN ARTICLE X OF THIS ACT.

19 ARTICLE XII

20 GENERAL PROVISIONS COMMON TO OPTIONAL PLANS

21 A. OFFICERS AND EMPLOYEES

22 SECTION 1201. IN ANY CASE WHERE A MUNICIPAL OFFICER OR  
23 OFFICIAL ELECTED OR APPOINTED KNOWS OR BY THE EXERCISE OF  
24 REASONABLE DILIGENCE COULD KNOW THAT HE IS INTERESTED TO ANY  
25 APPRECIABLE DEGREE, EITHER DIRECTLY OR INDIRECTLY, IN ANY  
26 CONTRACT FOR THE SALE OR FURNISHING OF ANY PERSONAL PROPERTY FOR  
27 THE USE OF THE MUNICIPALITY, OR FOR ANY SERVICES TO BE RENDERED  
28 FOR SUCH MUNICIPALITY INVOLVING THE EXPENDITURE BY THE  
29 MUNICIPALITY OF MORE THAN THREE HUNDRED DOLLARS (\$300) IN ANY  
30 YEAR, HE SHALL NOTIFY COUNCIL THEREOF, AND ANY SUCH CONTRACT

1 SHALL NOT BE PASSED AND APPROVED BY COUNCIL EXCEPT BY AN  
2 AFFIRMATIVE VOTE OF AT LEAST THREE-FOURTHS OF THE MEMBERS  
3 THEREOF. IN CASE THE INTERESTED OFFICER IS A MEMBER OF COUNCIL,  
4 HE SHALL REFRAIN FROM VOTING UPON SAID CONTRACT. THE PROVISIONS  
5 OF THIS SECTION SHALL NOT APPLY TO CASES WHERE SUCH OFFICER OR  
6 OFFICIAL IS AN EMPLOYE OF THE PERSON, FIRM OR CORPORATION TO  
7 WHICH MONEY IS TO BE PAID IN A CAPACITY WITH NO POSSIBLE  
8 INFLUENCE ON THE TRANSACTION AND IN WHICH HE CANNOT POSSIBLY BE  
9 BENEFITED THEREBY, EITHER FINANCIALLY OR IN ANY OTHER MATERIAL  
10 MANNER. ANY OFFICER OR OFFICIALS WHO SHALL KNOWINGLY VIOLATE THE  
11 PROVISIONS OF THIS SECTION SHALL BE LIABLE TO THE MUNICIPALITY  
12 UPON HIS BOND, IF ANY, OR PERSONALLY, TO THE EXTENT OF THE  
13 DAMAGE SHOWN TO BE SUSTAINED THEREBY BY THE MUNICIPALITY, TO  
14 OUSTER FROM OFFICE, AND SHALL BE GUILTY OF A MISDEMEANOR; AND  
15 UPON CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE NOT  
16 EXCEEDING FIVE HUNDRED DOLLARS (\$500), OR IMPRISONMENT NOT  
17 EXCEEDING ONE YEAR, OR BOTH.

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

1 SECTION 1203. NO CANDIDATE FOR OFFICE, APPOINTMENT OR  
2 EMPLOYMENT AND NO OFFICER, APPOINTEE OR EMPLOYE IN ANY  
3 MUNICIPALITY SHALL, DIRECTLY OR INDIRECTLY, GIVE OR PROMISE ANY  
4 PERSON ANY OFFICE, POSITION, EMPLOYMENT, BENEFIT OR ANYTHING OF  
5 VALUE FOR THE PURPOSE OF INFLUENCING OR OBTAINING THE POLITICAL  
6 SUPPORT, AID OR VOTE OF ANY PERSON, UNDER THE PENALTY OF BEING  
7 DISQUALIFIED TO HOLD THE OFFICE OR EMPLOYMENT TO WHICH HE MAY BE  
8 OR MAY HAVE BEEN ELECTED OR APPOINTED.

9 SECTION 1204. IF ANY PERSON HEREAFTER ELECTED OR APPOINTED  
10 TO ANY OFFICE OR POSITION IN A MUNICIPALITY GOVERNED UNDER THIS  
11 ACT SHALL, AFTER LAWFUL NOTICE OR PROCESS, WILFULLY REFUSE OR  
12 FAIL TO APPEAR BEFORE ANY COURT, ANY LEGISLATIVE COMMITTEE, OR  
13 THE GOVERNOR, OR HAVING APPEARED SHALL REFUSE TO TESTIFY OR TO  
14 ANSWER ANY QUESTION REGARDING THE PROPERTY, GOVERNMENT OR  
15 AFFAIRS OF THE MUNICIPALITY, OR REGARDING HIS NOMINATION,  
16 ELECTION, APPOINTMENT OR OFFICIAL CONDUCT ON THE GROUND THAT HIS  
17 ANSWER WOULD TEND TO INCRIMINATE HIM, OR SHALL REFUSE TO WAIVE  
18 IMMUNITY FROM PROSECUTION ON ACCOUNT OF ANY SUCH MATTER IN  
19 RELATION TO WHICH HE MAY BE ASKED TO TESTIFY, MAY BE REMOVED  
20 FROM OFFICE BY THE COUNCIL OF THE MUNICIPALITY IN ITS  
21 DISCRETION.

22 B. TREASURER

23 SECTION 1211. (A) UNDER ANY OF THE OPTIONAL PLANS AS SET  
24 FORTH IN THIS ACT, EXCEPT FOR THE PLAN SET FORTH IN ARTICLE X -  
25 OPTIONAL COUNTY PLAN, THE OFFICE OF MUNICIPAL TREASURER MAY BE  
26 OMITTED, OR MAY BE FILLED BY APPOINTMENT AS RECOMMENDED BY THE  
27 CHARTER COMMISSION AND ADOPTED BY THE VOTERS. IF THE OFFICE OF  
28 MUNICIPAL TREASURER IS TO BE FILLED BY APPOINTMENT, THE  
29 APPOINTMENT SHALL BE MADE IN ACCORDANCE WITH THE APPOINTMENT  
30 PROCEDURES FOR OTHER DEPARTMENT HEADS.

1 (B) THE MUNICIPAL TREASURER, IF ELECTED, SHALL PERFORM SUCH  
2 FUNCTIONS AND DUTIES AND HAVE SUCH POWERS RELATING TO THE  
3 COLLECTION, RECEIVING, SAFEKEEPING AND PAYMENT OVER OF PUBLIC  
4 MONEYS INCLUDING MUNICIPAL, COUNTY, INSTITUTION DISTRICT AND  
5 SCHOOL DISTRICT TAXES AS PROVIDED BY GENERAL LAW AND SHALL HAVE  
6 SUCH OTHER FUNCTIONS, POWERS AND DUTIES AS MAY BE ASSIGNED TO  
7 HIM BY THE EXECUTIVE OF THE MUNICIPALITY.

8 C. APPOINTMENT POWER AND PERSONNEL

9 SECTION 1221. THE APPOINTMENT POWER OF THE CHIEF EXECUTIVE  
10 OF THE MUNICIPALITY UNDER ANY OF THE PLANS AUTHORIZED BY THIS  
11 ACT SHALL INCLUDE THE APPOINTMENT OF MEMBERS OF BOARDS AND  
12 COMMISSIONS AUTHORIZED BY THIS ACT, BY GENERAL LAW NOW OR  
13 HEREAFTER ENACTED, OR BY ACTION OF MUNICIPAL COUNCIL. ALL SUCH  
14 APPOINTMENTS SHALL BE WITH THE ADVICE AND CONSENT OF MUNICIPAL  
15 COUNCIL.

16 SECTION 1222. APPOINTMENTS AND PROMOTIONS OF SUBORDINATE  
17 OFFICERS AND EMPLOYES WITHIN DEPARTMENTS SHALL BE MADE BY THE  
18 DEPARTMENT HEAD ON THE BASIS OF A PERSONNEL SYSTEM WHICH SHALL  
19 INCLUDE WRITTEN PROCEDURES FOR APPOINTMENT AND PROMOTION BASED  
20 SOLELY ON MERIT AND FITNESS AS DEMONSTRATED BY EXAMINATION OR  
21 OTHER EVIDENCE OF POSITION COMPETENCE. THE PERSONNEL SYSTEM  
22 SHALL BE GOVERNED BY PERSONNEL RULES WHICH SHALL BE PREPARED BY  
23 THE EXECUTIVE (MAYOR) OR MANAGER AND SUBMITTED TO THE MUNICIPAL  
24 COUNCIL WHICH SHALL ADOPT THEM WITH OR WITHOUT AMENDMENTS. THE  
25 PERSONNEL RULES MAY PROVIDE FOR:

26 (1) THE CLASSIFICATION OF ALL MUNICIPAL POSITIONS, BASED ON  
27 THE DUTIES, AUTHORITY AND RESPONSIBILITY OF EACH POSITION, WITH  
28 ADEQUATE PROVISION FOR RECLASSIFICATION OF ANY POSITION WHENEVER  
29 WARRANTED BY CHANGE OF CIRCUMSTANCES.

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

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

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

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

8 (6) GRIEVANCE PROCEDURES, INCLUDING PROCEDURES FOR THE  
9 HEARING OF GRIEVANCES.

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

13 D. FILLING VACANCIES IN ELECTED OFFICE

14 SECTION 1231. THIS SECTION SHALL APPLY TO THE FILLING OF  
15 VACANCIES IN ELECTED OFFICE IN ALL OPTIONAL PLANS AND OPTIONS  
16 EXCEPT THOSE SET FORTH IN ARTICLE X - OPTIONAL COUNTY PLAN, AND  
17 ARTICLE XI - ADDITIONAL COUNTY OPTIONS.

18 SECTION 1232. (A) IF A VACANCY EXISTS IN THE MUNICIPAL  
19 COUNCIL, THE MUNICIPAL COUNCIL SHALL, BY A MAJORITY OF ITS  
20 REMAINING MEMBERS, FILL SUCH VACANCY, WITHIN THIRTY DAYS  
21 THEREAFTER, BY ELECTING A QUALIFIED PERSON TO SERVE UNTIL THAT  
22 FIRST MONDAY OF JANUARY WHEN HIS SUCCESSOR WHO SHALL HAVE BEEN  
23 ELECTED BY THE QUALIFIED ELECTORS AT THE NEXT MUNICIPAL  
24 ELECTION, OCCURRING AT LEAST FIFTY DAYS AFTER SUCH VACANCY  
25 EXISTS, IS DULY SWORN INTO OFFICE FOR THE REMAINDER OF THE TERM  
26 OF THE PERSON ORIGINALLY ELECTED TO SAID OFFICE.

27 IN CASE VACANCIES SHOULD EXIST WHEREBY THE OFFICES OF A  
28 MAJORITY OR MORE MEMBERS OF THE MUNICIPAL COUNCIL BECOME VACANT,  
29 THE REMAINING MEMBERS SHALL FILL SUCH VACANCIES, ONE AT A TIME,  
30 GIVING EACH NEW APPOINTEE SUCH REASONABLE NOTICE OF HIS



1 APPOINTMENT AS WILL ENABLE HIM TO MEET AND ACT WITH THE THEN  
2 QUALIFIED MEMBER OR MEMBERS OF THE MUNICIPAL COUNCIL IN MAKING  
3 FURTHER APPOINTMENTS UNTIL A BARE MAJORITY OF MEMBERS OF  
4 MUNICIPAL COUNCIL MEMBERS HAVE BEEN QUALIFIED, WHEREUPON THE  
5 SAID MEMBERS SHALL FILL THE REMAINING VACANCIES AT A MEETING  
6 ATTENDED BY THE SAID MAJORITY MEMBERS OF MUNICIPAL COUNCIL, SUCH  
7 APPOINTEES TO RECEIVE A MAJORITY OF THE VOTES OF THE MEMBERS  
8 PRESENT AT ANY SUCH MEETING. THE PERSON OR PERSONS SELECTED TO  
9 FILL SUCH VACANCY OR VACANCIES SHALL HOLD THEIR OFFICES AS  
10 HEREIN PROVIDED.

11 IF, BY REASON OF A TIE VOTE, OR OTHERWISE, SUCH VACANCY SHALL  
12 NOT HAVE BEEN FILLED BY THE REMAINING MEMBERS OF MUNICIPAL  
13 COUNCIL WITHIN THE TIME AS LIMITED HEREIN, THE COURT OF COMMON  
14 PLEAS, UPON THE PETITION OF TEN OR MORE QUALIFIED ELECTORS,  
15 SHALL FILL SUCH VACANCY BY THE APPOINTMENT OF A QUALIFIED  
16 PERSON, FOR THE PORTION OF THE UNEXPIRED TERM AS ABOVE PROVIDED.

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

30 IF, BY REASON OF A TIE VOTE OR OTHERWISE, A VACANCY IN THE

1 OFFICE OF EXECUTIVE (MAYOR), TREASURER, CONTROLLER, COUNTY  
2 DISTRICT ATTORNEY, OR COUNTY SHERIFF SHALL NOT HAVE BEEN FILLED  
3 BY COUNCIL WITHIN THE TIME AS LIMITED HEREIN, THE COURT OF  
4 COMMON PLEAS, UPON PETITION OF TEN OR MORE QUALIFIED ELECTORS,  
5 SHALL FILL SUCH VACANCY BY THE APPOINTMENT OF A QUALIFIED PERSON  
6 FOR THE PORTION OF THE UNEXPIRED TERM AS HEREIN PROVIDED.

7 E. LEGISLATION BY COUNCIL

8 SECTION 1241. THE COUNCIL SHALL, BY ORDINANCE OR RESOLUTION,  
9 DESIGNATE THE TIME OF HOLDING REGULAR MEETINGS WHICH SHALL BE AT  
10 LEAST MONTHLY. THE EXECUTIVE (MAYOR) OR THE PRESIDENT OF  
11 COUNCIL, AS THE CASE MAY BE, MAY AND, UPON WRITTEN REQUEST OF A  
12 MAJORITY OF THE MEMBERS OF THE COUNCIL, SHALL CALL A SPECIAL  
13 MEETING OF THE COUNCIL. IN THE CALL, HE SHALL DESIGNATE THE  
14 PURPOSE OF THE SPECIAL MEETING AND NO OTHER BUSINESS SHALL BE  
15 CONSIDERED. ALL MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE  
16 PUBLIC. THE MUNICIPAL CLERK OR SECRETARY SHALL KEEP A JOURNAL  
17 OF ITS PROCEEDINGS AND RECORD THE MINUTES OF EVERY MEETING.

18 SECTION 1242. (A) COUNCIL SHALL DETERMINE ITS OWN RULES OF  
19 PROCEDURE, NOT INCONSISTENT WITH ORDINANCE OR STATUTE. A  
20 MAJORITY OF THE WHOLE NUMBER OF MEMBERS OF THE COUNCIL SHALL  
21 CONSTITUTE A QUORUM, AND NO ORDINANCE SHALL BE ADOPTED BY THE  
22 COUNCIL WITHOUT THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE  
23 MEMBERS OF THE COUNCIL.

24 (B) EACH ORDINANCE OR RESOLUTION SHALL BE PRESENTED AND  
25 CONSIDERED AS DETERMINED BY COUNCIL RULES OF PROCEDURE. THE  
26 VOTE UPON EVERY MOTION, RESOLUTION OR ORDINANCE SHALL BE TAKEN  
27 BY ROLL CALL AND THE YEAS AND NAYS SHALL BE ENTERED ON THE  
28 MINUTES. THE MINUTES OF EACH MEETING SHALL BE SIGNED BY THE  
29 OFFICER PRESIDING AT SUCH MEETING AND BY THE MUNICIPAL CLERK OR  
30 SECRETARY.

1 (C) COUNCIL SHALL ADOPT BY ORDINANCE AN ADMINISTRATIVE CODE  
2 WHICH SHALL PROVIDE FOR THE ESTABLISHMENT AND ~~FILING~~ FILLING OF <—  
3 ADDITIONAL ADMINISTRATIVE OFFICES WHICH IT SHALL DEEM NECESSARY,  
4 AND SHALL PROVIDE FOR ADMINISTRATIVE PROCEDURES NOT OTHERWISE  
5 PROVIDED FOR IN THIS ACT OR BY GENERAL LAW.

6 (D) THE COMPENSATION OF THE CONTROLLER AND TREASURER SHALL  
7 BE FIXED BY THE COUNCIL.

8 SECTION 1243. (A) EXCEPT AS MAY OTHERWISE BE PROVIDED IN  
9 THIS ACT ALL ORDINANCES SHALL BE ADOPTED AND PUBLISHED AS  
10 PROVIDED BY LAW: PROVIDED, HOWEVER, THAT ANY ORDINANCE MAY  
11 INCORPORATE BY REFERENCE ANY STANDARD TECHNICAL REGULATION OR  
12 CODE, OFFICIAL OR UNOFFICIAL, WHICH NEED NOT BE SO PUBLISHED  
13 WHENEVER TEN COPIES OF SAID REGULATIONS OR CODE HAVE BEEN PLACED  
14 ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK OR SECRETARY AND IN  
15 THE OFFICE OF THE BODY OR DEPARTMENT CHARGED WITH THE  
16 ENFORCEMENT OF SAID ORDINANCE.

17 (B) NO ORDINANCE OTHER THAN THE LOCAL BUDGET ORDINANCE SHALL  
18 TAKE EFFECT LESS THAN TEN DAYS AFTER ITS FINAL PASSAGE BY  
19 COUNCIL AND APPROVAL BY THE EXECUTIVE (MAYOR) WHERE SUCH  
20 APPROVAL IS REQUIRED, UNLESS THE COUNCIL SHALL ADOPT A  
21 RESOLUTION DECLARING AN EMERGENCY AND AT LEAST A MAJORITY PLUS  
22 ONE OF ALL THE MEMBERS OF THE COUNCIL VOTE IN FAVOR OF SUCH  
23 RESOLUTION.

24 SECTION 1244. THE MUNICIPAL CLERK OR SECRETARY SHALL RECORD  
25 ALL ORDINANCES AND RESOLUTIONS ADOPTED BY COUNCIL AND AT THE  
26 CLOSE OF EACH YEAR, WITH THE ADVICE AND ASSISTANCE OF THE  
27 MUNICIPAL SOLICITOR, SHALL BIND, COMPILE OR CODIFY ALL THE  
28 ORDINANCES AND RESOLUTIONS, OR TRUE COPIES THEREOF, OF THE  
29 MUNICIPALITY WHICH THEN REMAIN IN FORCE AND EFFECT. HE SHALL  
30 ALSO PROPERLY INDEX THE RECORD BOOKS, COMPILATION OR

1 CODIFICATION OF ORDINANCES AND RESOLUTIONS.

2 SECTION 1245. NO RULE OR REGULATION MADE BY ANY DEPARTMENT,  
3 OFFICER, AGENCY OR AUTHORITY OF THE MUNICIPALITY, EXCEPT SUCH AS  
4 RELATES TO THE ORGANIZATION OR INTERNAL MANAGEMENT OF THE  
5 MUNICIPAL GOVERNMENT OR A PART THEREOF, SHALL TAKE EFFECT UNTIL  
6 IT IS FILED EITHER WITH THE MUNICIPAL CLERK OR SECRETARY OR IN  
7 SUCH OTHER MANNER AS MAY BE PROVIDED BY ORDINANCE. THE COUNCIL  
8 SHALL PROVIDE FOR THE PROMPT PUBLICATION OF SUCH RULES AND  
9 REGULATIONS.

10 SECTION 1246. THE COUNCIL SHALL CAUSE TO BE PREPARED AND  
11 PASS AS AN ORDINANCE AN ADMINISTRATIVE CODE WHICH SHALL PROVIDE  
12 FOR THE MANNER OF APPOINTMENT OF A SOLICITOR, CLERK OR  
13 SECRETARY, AND MAY CREATE COMMISSIONS AND OTHER BODIES WITH  
14 ADVISORY POWERS, AND MAY PROVIDE ADDITIONAL PROVISIONS RELATING  
15 TO THE INTERNAL STRUCTURE OF THE MUNICIPALITY AS LONG AS THE  
16 PROVISIONS OF THE ADMINISTRATIVE CODE ARE NOT IN CONFLICT WITH  
17 ANY OF THE PROVISIONS OF THIS LAW APPLICABLE TO THE  
18 MUNICIPALITY.

19 F. AUDIT AND CONTROL

20 SECTION 1251. THE COUNCIL SHALL PROVIDE BY SEPARATE  
21 ORDINANCE OR IN THE ADMINISTRATIVE CODE FOR THE EXERCISE OF A  
22 CONTROL FUNCTION IN THE MANAGEMENT OF THE FINANCES OF THE  
23 MUNICIPALITY BY THE MUNICIPAL CONTROLLER OR, IN THE CASE OF THE  
24 OPTIONAL PLAN SET FORTH IN ARTICLE X, THE OPTIONAL COUNTY PLAN,  
25 BY THE CONTROLLER OR AUDITORS.

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

30 G. TRANSITION TO OPTIONAL CHARTER PLAN

1 SECTION 1261. WHENEVER THE ELECTORS OF A MUNICIPALITY ADOPT  
2 ANY OF THE OPTIONAL PLANS PROVIDED BY THIS ACT AT ANY ELECTION  
3 FOR THAT PURPOSE, SUCH MUNICIPALITY SHALL BE GOVERNED UNDER THE  
4 PROVISIONS OF SUCH PLAN, THE PROVISIONS OF GENERAL LAW  
5 APPLICABLE TO THAT CLASS OF MUNICIPALITY AND THIS ACT FROM THE  
6 FIRST MONDAY IN JANUARY FOLLOWING THE NEXT SUCCEEDING MUNICIPAL  
7 ELECTION, EXCEPT AS PROVIDED IN SECTION 213 (C) OF THIS ACT.

8 SECTION 1262. (A) ANY ELECTED MUNICIPAL OFFICIAL IN OFFICE  
9 AT THE TIME OF THE ADOPTION OF ANY OPTIONAL PLAN PROVIDED BY  
10 THIS ACT SHALL CONTINUE IN OFFICE ONLY UNTIL THE NEW PLAN OF  
11 GOVERNMENT GOES INTO EFFECT AS PROVIDED IN SECTION 1261, EXCEPT  
12 AS OTHERWISE PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS  
13 SECTION.

14 (B) AT THE MUNICIPAL ELECTION NEXT SUCCEEDING THE ADOPTION  
15 OF ONE OF THE OPTIONAL PLANS PROVIDED FOR IN THIS ACT, IF FOUR  
16 OR LESS COUNCILMEN ARE ELECTED, THEY SHALL SERVE FOR TERMS OF  
17 FOUR YEARS. IF FIVE ARE ELECTED, THE FOUR SUCCESSFUL CANDIDATES  
18 RECEIVING THE HIGHEST ~~NUMBER OF VOTES~~ PERCENTAGE OF THE VOTES <—  
19 CAST FOR THE OFFICE TO WHICH THEY ARE ELECTED SHALL SERVE FOR  
20 TERMS OF FOUR YEARS, AND THE CANDIDATE RECEIVING THE NEXT  
21 HIGHEST ~~NUMBER OF VOTES~~ PERCENTAGE OF VOTES SHALL SERVE FOR A <—  
22 TERM OF TWO YEARS. IF SIX OR MORE COUNCILMEN ARE ELECTED, THE  
23 FIVE CANDIDATES RECEIVING THE HIGHEST ~~NUMBER OF VOTES~~ PERCENTAGE <—  
24 OF THE VOTES CAST FOR THE OFFICE TO WHICH THEY ARE ELECTED SHALL  
25 SERVE FOR TERMS OF FOUR YEARS, AND THE REMAINING SUCCESSFUL  
26 CANDIDATES RECEIVING THE NEXT HIGHEST ~~NUMBER OF VOTES~~ PERCENTAGE <—  
27 OF VOTES SHALL SERVE FOR TERMS OF TWO YEARS. THEREAFTER, ALL  
28 COUNCILMEN SHALL BE ELECTED FOR TERMS OF FOUR YEARS.

29 (C) IF AN ELECTED MUNICIPAL TREASURER OR ELECTED MUNICIPAL  
30 CONTROLLER OR ELECTED COUNTY DISTRICT ATTORNEY OR ELECTED COUNTY

1 SHERIFF IS IN OFFICE AT THE TIME OF THE ADOPTION OF AN OPTIONAL  
2 PLAN UNDER THE PROVISIONS OF THIS ACT, A TREASURER OR CONTROLLER  
3 OR DISTRICT ATTORNEY OR SHERIFF, AS THE CASE MAY BE, SHALL NOT  
4 BE ELECTED OR APPOINTED TO TAKE OFFICE UNTIL AFTER THE  
5 RESIGNATION, DEATH, REMOVAL OR EXPIRATION OF THE TERM OF SAID  
6 TREASURER, CONTROLLER, DISTRICT ATTORNEY OR SHERIFF.

7 AT THE EXPIRATION OF THE TERM OF SAID TREASURER, CONTROLLER, <—  
8 DISTRICT ATTORNEY OR SHERIFF IN OFFICE AT THE TIME OF THE  
9 ADOPTION OF AN OPTIONAL PLAN UNDER THE PROVISIONS OF THIS ACT, A  
10 TREASURER, CONTROLLER, DISTRICT ATTORNEY OR SHERIFF, AS THE CASE  
11 MAY BE, SHALL BE ELECTED OR APPOINTED FOR THE FULL TERM FOR SAID  
12 OFFICE AS PROVIDED BY THE OPTIONAL PLAN ADOPTED.

13 (D) ANY MEMBER OF A MUNICIPAL GOVERNING BODY IN OFFICE AT  
14 THE TIME OF THE ADOPTION OF AN OPTIONAL PLAN SHALL REMAIN IN  
15 OFFICE, CONTINUING AS AN AT-LARGE OR DISTRICT COUNCILMAN, AS THE  
16 CASE MAY BE, UNTIL THE EXPIRATION OF HIS TERM IN OFFICE, AND  
17 SHALL RECEIVE THE COMPENSATION PROVIDED BY LAW AT THAT TIME:  
18 PROVIDED, THAT IF THAT COUNCILMAN WAS ELECTED ON AN AT-LARGE  
19 BASIS, THE NEWLY ADOPTED OPTIONAL PLAN PROVIDES FOR A TOTAL  
20 NUMBER OF AT-LARGE COUNCILMEN EQUAL TO OR EXCEEDING THE TOTAL  
21 NUMBER OF AT-LARGE COUNCILMEN UNDER THE EXISTING FORM OF  
22 GOVERNMENT; OR, IF THAT COUNCILMAN WAS ELECTED ON A DISTRICT  
23 BASIS, THE DISTRICT FROM WHICH THAT COUNCILMAN WAS ELECTED  
24 REMAINS UNCHANGED AND CONTINUES TO ENCOMPASS THE EXACT SAME  
25 GEOGRAPHICAL AREA UNDER THE NEWLY ADOPTED OPTIONAL PLAN AS UNDER  
26 THE EXISTING FORM OF GOVERNMENT, AND THE NUMBER OF COUNCILMEN TO  
27 BE ELECTED FROM THAT DISTRICT UNDER THE NEWLY ADOPTED OPTIONAL  
28 PLAN IS EQUAL TO OR EXCEEDS THE NUMBER ELECTED FROM THAT  
29 DISTRICT UNDER THE EXISTING FORM OF GOVERNMENT. ANY SUCH  
30 COUNCILMAN MAY, BY WRITING FILED WITH THE MUNICIPAL TREASURER,

1 DIRECT THAT ANY PORTION OF HIS ANNUAL COMPENSATION FOR SERVING  
2 IN OFFICE BE RETURNED TO THE MUNICIPAL TREASURY. FOR THE  
3 PURPOSE OF THIS SECTION, AN EXECUTIVE OR MAYOR WHO IS ALSO A  
4 MEMBER OF THE COUNCIL UNDER AN EXISTING PLAN SHALL BE CONSIDERED  
5 AS A MEMBER OF THE COUNCIL, AND AFTER THE NEW PLAN GOES INTO  
6 EFFECT, HIS DUTIES SHALL BE ONLY THOSE OF A MEMBER OF COUNCIL AS  
7 PRESCRIBED BY THE NEW PLAN.

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

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

18 SECTION 1263. (A) THE ANNUAL COMPENSATION OF THE EXECUTIVE  
19 (MAYOR) AND COUNCILMEN ELECTED TO THEIR OFFICES IN THE YEAR  
20 PRIOR TO THE TRANSITION YEAR UNDER ANY OF THE OPTIONAL PLANS,  
21 EXCEPT THE OPTIONAL COUNTY PLAN SET FORTH IN ARTICLE X, ADOPTED  
22 PURSUANT TO THIS ACT, SHALL BE ESTABLISHED BY THE COMMISSION AS  
23 PART OF ITS RECOMMENDATIONS OR BY THE INITIATIVE PETITION OR  
24 ORDINANCE OF THE GOVERNING BODY AUTHORIZED BY SECTION 231  
25 THROUGH SECTION 233 OF THIS ACT.

26 (B) THE COMPENSATION OF THE EXECUTIVE (MAYOR), COUNCILMEN,  
27 CONTROLLER, AND TREASURER ELECTED TO THEIR OFFICES SUBSEQUENT TO  
28 THE TRANSITION YEAR TO ANY OF THE OPTIONAL PLANS SET FORTH IN  
29 THIS ACT, EXCEPT FOR THE PLAN SET FORTH IN ARTICLE X, THE  
30 OPTIONAL COUNTY PLAN, SHALL BE FIXED BY ORDINANCE OF COUNCIL

1 FINALLY PASSED OR ADOPTED AT LEAST TWO DAYS PRIOR TO THE LAST  
2 DAY FIXED BY LAW FOR CANDIDATES TO WITHDRAW THEIR NAMES FROM  
3 NOMINATING PETITIONS PREVIOUS TO THE DAY OF THE MUNICIPAL  
4 ELECTION. AFTER SUCH COMPENSATION IS ONCE FIXED BY ORDINANCE,  
5 ONLY AN INCREASE OR DECREASE THEREOF NEED BE FIXED BY SUCH  
6 ORDINANCE.

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

12 SECTION 1265. (A) ON THE EFFECTIVE DATE OF AN OPTIONAL PLAN  
13 ADOPTED PURSUANT TO THIS ACT, ALL APPOINTIVE OFFICES THEN  
14 EXISTING IN SUCH MUNICIPALITY SHALL BE ABOLISHED AND THE TERMS  
15 OF ALL APPOINTED OFFICERS SHALL IMMEDIATELY CEASE AND TERMINATE:  
16 PROVIDED, THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO  
17 ABOLISH THE OFFICE OR TERMINATE THE TERMS OF OFFICE OF ANY  
18 ALDERMAN OR CONSTABLE OR OF ANY OFFICIAL OR EMPLOYE NOW  
19 PROTECTED BY ANY TENURE OF OFFICE OR CIVIL SERVICE LAW, OR OF  
20 ANY POLICEMAN OR FIREMAN, WHETHER OR NOT PROTECTED BY A TENURE  
21 OF OFFICE LAW.

22 (B) PROVISIONS FOR OFFICERS AND FOR THE ORGANIZATION AND  
23 ADMINISTRATION OF THE MUNICIPAL GOVERNMENT UNDER THE OPTIONAL  
24 PLAN MAY BE MADE BY RESOLUTION PENDING THE ADOPTION OF  
25 ORDINANCES, BUT ANY SUCH RESOLUTION SHALL EXPIRE NOT LATER THAN  
26 SIXTY DAYS AFTER THE EFFECTIVE DATE OF THE OPTIONAL PLAN.

27 SECTION 1266. ALL ACTIONS AND PROCEEDINGS OF A LEGISLATIVE,  
28 EXECUTIVE OR JUDICIAL CHARACTER, WHICH ARE PENDING UPON THE  
29 EFFECTIVE DATE OF AN OPTIONAL PLAN ADOPTED PURSUANT TO THIS ACT,  
30 MAY CONTINUE AND THE APPROPRIATE OFFICER OR EMPLOYE UNDER SUCH



1 OPTIONAL PLAN SHALL BE SUBSTITUTED FOR THE OFFICER OR EMPLOYE  
2 THERETOFORE EXERCISING OR DISCHARGING THE FUNCTION, POWER OR  
3 DUTY INVOLVED IN SUCH ACTION OR PROCEEDING.

4 H. REPEAL OF AN OPTIONAL PLAN

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

19 IT IS NOT THE INTENT OF THIS SECTION TO PROHIBIT OR LIMIT IN  
20 ANY WAY UTILIZING THE PROCEDURE PROVIDED IN SECTION 231 THROUGH  
21 SECTION 233 OF THIS ACT TO ~~ADOPT~~ AMEND AN OPTIONAL PLAN. ~~TO~~ <—  
22 ~~REPLACE ANOTHER OPTIONAL PLAN THEN IN EFFECT IN A MUNICIPALITY.~~

23 ARTICLE XIII

24 GENERAL

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

27 SECTION 1302. THE POWERS GRANTED TO AND THE SERVICES <—  
28 PROVIDED BY COUNTIES OF THE SECOND CLASS ON THE EFFECTIVE DATE  
29 OF THIS ACT SHALL NOT BE SUPERSEDED BY ANY OTHER MUNICIPALITY  
30 UNDER THE PROVISIONS OF THIS ACT.

1 SECTION ~~1302-~~ 1303. EACH MUNICIPALITY WHICH DOES NOT ADOPT A <—  
2 HOME RULE CHARTER OR AN OPTIONAL PLAN OF GOVERNMENT UNDER THE  
3 PROVISIONS OF THIS ACT, SHALL RETAIN ITS EXISTING FORM OF  
4 GOVERNMENT AS PROVIDED IN THE CODE UNDER WHICH IT OPERATES, OR  
5 UNDER GENERAL LAW, OR UNDER THE CONSTITUTION OF PENNSYLVANIA.

6 SECTION ~~1303-~~ 1304. IN CASE THE ELECTORS OF ANY MUNICIPALITY <—  
7 DISAPPROVE A PROPOSAL TO ADOPT A HOME RULE CHARTER OR AN  
8 OPTIONAL PLAN OF GOVERNMENT THE MUNICIPALITY SHALL RETAIN ITS  
9 EXISTING FORM OF GOVERNMENT.

10 SECTION ~~1304-~~ 1305. A MUNICIPALITY ASSUMING A FUNCTION <—  
11 PREVIOUSLY PERFORMED BY ~~A LOCAL~~ ANOTHER MUNICIPALITY UNDER THE <—  
12 TERMS OF THIS ACT SHALL ALSO ASSUME ALL THE INDEBTEDNESS AND  
13 OBLIGATIONS OF THE ~~LOCAL~~ MUNICIPALITY ~~PERFORMING~~ RELATING TO THE <—  
14 FUNCTION. IF PROPERTY, INDEBTEDNESS, OR OBLIGATIONS OF ANOTHER  
15 MUNICIPALITY NOT WITHIN THE BOUNDARIES OF THE MUNICIPALITY  
16 ASSUMING THE FUNCTION IS INVOLVED, THE GOVERNING BODIES OF THE  
17 PARTY MUNICIPALITIES SHALL MAKE AN ADJUSTMENT AND APPORTIONMENT  
18 OF ALL PUBLIC PROPERTY INVOLVED.

19 THE ADJUSTMENT AND APPORTIONMENT AS MADE SHALL BE REDUCED TO  
20 WRITING, AND SHALL BE FILED WITH THE COURT OF COMMON PLEAS OF  
21 THE COUNTY, AND A COPY SHALL ALSO BE FILED WITH THE DEPARTMENT  
22 OF COMMUNITY AFFAIRS.

23 IN CASE THE MUNICIPALITIES CANNOT MAKE AN AMICABLE ADJUSTMENT  
24 AND APPORTIONMENT OF THE PROPERTY, OBLIGATIONS AND INDEBTEDNESS  
25 WITHIN SIX MONTHS AFTER THE FUNCTION IS ASSUMED ANY OF THE  
26 MUNICIPALITIES MAY PRESENT A PETITION TO THE COURT OF COMMON  
27 PLEAS. THE COURT SHALL THEN APPOINT THREE DISINTERESTED  
28 COMMISSIONERS, ALL RESIDENTS AND TAXPAYERS OF THE COUNTY, BUT  
29 NONE RESIDING IN OR OWNERS OF REAL ESTATE IN THE MUNICIPALITIES,  
30 WHO, AFTER HEARING, NOTICE OF WHICH SHALL BE GIVEN TO THE

1 MUNICIPALITIES AS THE COURT SHALL DIRECT, SHALL MAKE REPORT TO  
2 THE COURT MAKING AN ADJUSTMENT AND APPORTIONMENT OF ALL THE  
3 PROPERTY AS WELL AS THE OBLIGATIONS OR INDEBTEDNESS. THE REPORT  
4 SHALL STATE THE AMOUNT THAT SHALL BE DUE AND PAYABLE FROM EACH  
5 MUNICIPALITY, THE FORMS OF PAYMENT AND THE AMOUNT OF OBLIGATIONS  
6 AND INDEBTEDNESS THAT SHALL BE ASSUMED BY EACH.

7 THE COMMISSIONERS SHALL GIVE THE MUNICIPALITIES AT LEAST FIVE  
8 DAYS' WRITTEN NOTICE OF THE FILING OF THEIR REPORT. UNLESS  
9 EXCEPTIONS ARE FILED TO SUCH REPORT WITHIN THIRTY DAYS AFTER THE  
10 DATE OF THE FILING, THE REPORT SHALL BE CONFIRMED BY THE COURT  
11 ABSOLUTELY. ANY SUM AWARDED BY THE REPORT SHALL BE A LEGAL AND  
12 VALID CLAIM IN ITS FAVOR AGAINST THE MUNICIPALITY CHARGED. ANY  
13 PROPERTY REAL OR PERSONAL GIVEN TO A MUNICIPALITY SHALL BECOME  
14 ITS PROPERTY. ANY CLAIM OR INDEBTEDNESS CHARGED AGAINST THE  
15 MUNICIPALITY MAY BE COLLECTED FROM IT.

16 IF EXCEPTIONS ARE FILED TO THE REPORT OF THE COMMISSIONERS,  
17 THE COURT SHALL DISPOSE OF THE SAME, TAKING TESTIMONY THEREIN IF  
18 IT DEEMS THE SAME ADVISABLE. THE COURT SHALL ENTER ITS DECREE  
19 CONFIRMING THE AWARD OF THE COMMISSIONERS, OR MODIFYING THE SAME  
20 AS TO IT APPEARS JUST AND PROPER.

21 THE COMMISSIONERS SHALL BE ALLOWED SUCH COMPENSATION AND  
22 EXPENSES FOR THEIR SERVICES AS THE COURT SHALL FIX. THE COSTS OF  
23 THE PROCEEDINGS, INCLUDING THE COMPENSATION AND EXPENSES OF THE  
24 COMMISSIONERS, SHALL BE APPORTIONED BY THE COURT BETWEEN THE  
25 MUNICIPALITIES AS IT DEEMS PROPER.

26 IN CASE A MUNICIPALITY OR PART OF A MUNICIPALITY IS LOCATED  
27 IN TWO OR MORE COUNTIES, THE COURT OF COMMON PLEAS OF THE COUNTY  
28 WHERE THE LARGER PART OF THE MUNICIPALITY ASSUMING THE FUNCTION  
29 IS LOCATED SHALL HAVE EXCLUSIVE JURISDICTION OVER THE  
30 PROCEEDINGS.

1 SECTION 1306. ANY CITY WHICH BEGAN PROCEEDINGS BEFORE THE <—  
2 EFFECTIVE DATE OF THIS ACT UNDER THE ACT OF JULY 15, 1957  
3 (P.L.901), KNOWN AS THE "OPTIONAL THIRD CLASS CITY CHARTER LAW,"  
4 MAY ADOPT AN OPTIONAL PLAN THEREUNDER AND FUNCTION UNDER THE  
5 PROVISIONS OF THAT ACT.

6 SECTION ~~1305-~~ 1307. ALL ACTS AND PARTS OF ACTS ARE REPEALED <—  
7 IN SO FAR AS THEY ARE INCONSISTENT HEREWITH.

8 SECTION ~~1306-~~ 1308. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—