

# **The Report of the Norristown Home Rule Study Commission of 2003**

**Dated 19 February 2004**

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## **Proposed Home Rule Charter**

### **SUMMARY OF MAJOR PROVISIONS OF THE RECOMMENDED HOME RULE CHARTER FOR MUNICIPALITY OF NORRISTOWN**

**ARTICLE I – NAME AND BOUNDARIES.** Establishes the name and boundaries of the government as the Municipality of Norristown which will be incorporated under the Municipalities code, effective on the date of the Charter.

**ARTICLE II- POWERS OF THE MUNICIPALITY.** Provides that the powers of the Municipal government will be vested in the governing body which is the Municipal Council. All legislative powers and duties will be performed by the Council. All Administrative powers or duties will be performed by the Municipal Manager. If a situation evolves in which it is not certain which branch has the authority or requires the cooperation between the legislative and administrative branches of government then the President of Council will determine which branch will assume the power or perform the duty. All ordinances, resolutions, by-laws, rules and regulations which are in force on the effective date of the Charter and are not inconsistent or conflict with the provisions of the Charter will continue in full force and effect. In accordance with the Pennsylvania Eminent Domain Code and General Law The Municipality may obtain by purchase, gift devise or condemnation any property which may be needed for public use or purpose.

**ARTICLE III – LEGISLATIVE BRANCH.** Provides that Council is the legislative body of the Municipality and that they are responsible for; establishing the policies, goals and objectives for the legislative, administrative, and advisory functions of the Municipality, make and adopt ordinances, appoint and remove the Municipal Administrator, and all other Municipal department directors, to appoint all members of authorities, boards, commissions and agencies. The Council will include 7 members, which consist of 3 Council Members at Large and 4 District Council Members. Council Members will serve a term of 4 years. All Council Members will receive an annual salary of \$4,000 per year, except the Council president who will receive an annual salary of \$6,000 per year. All meetings of Council are open to the public. Adoptions of all ordinances are done at these meetings in which the public has the right to voice their opinions.

**ARTICLE IV – ORDINANCES.** Provides that an ordinance will contain only one subject which will clearly be expressed in its title. The ordinance will be introduced to the Municipal secretary in advance, then it will be introduced

to Council at any regular or special public meeting, the meeting will be advertised and the proposed ordinance will be mentioned in the advertisement. Once the citizens of Norristown have been given the opportunity to express their opinions on the ordinance Council may adopt the ordinance as proposed, postpone action until a later meeting, or amend the proposed ordinance before adoption.

**ARTICLE V – EXECUTIVE BRANCH.** Provides the Executive branch will consist of the Department of Administration which will be headed by the Municipal Administrator whose responsibilities will consist of all Municipal and legal records, Personnel Administration and wage negotiation, Engineering and all other departments which include; the Department of Finance, the Department of Public Safety (Police dept., Fire Department, other public safety employees and health, housing, zoning and licensing), the Department of Planning and Municipal Development, and the Department of Public Works. All departments will be created, modified or abolished by the Council. All Department heads (Directors) will be appointed by Council with an affirmative vote of 4 Council members.

**ARTICLE VI – ADMINISTRATIVE OFFICERS.** Provides that Council will appoint a Municipal Administrator who will be the Chief Administrative Officer of the Municipality who will be responsible for the execution, administration and enforcement of all policies, ordinances and resolutions, the direction and supervision of all departments, preparation of financial planning, etc. Council will appoint a Municipal Solicitor whose duties will consist of serving as chief legal counsel for the Municipality including Council. Council will appoint a Director of Finance whose duties will consist of designing and maintaining an accounting system to accurately reflect the assets, liabilities, receipts and expenditures of the Municipality. Council will appoint an Engineer whose duties will consist of supervising and controlling all engineering matters of the Municipality. Council will appoint a Director of Planning and Municipal Development whose duties will consist of Municipal planning and development, zoning, and comprehensive planning of the growth and the development of the Municipality. Council will appoint a Director of Public Works whose duties will consist of responsibility for streets, signs and signals, the zoo, parks and recreation, municipal property and maintenance.

**ARTICLE VII – FINANCIAL PROCEDURES.** Provides that the fiscal year of the Municipality will start at the beginning of the calendar year. The Municipal Administrator will submit a financial plan and budget to Council 4 months prior to the end of the fiscal year. Council will review the proposed financial plan with the Municipal Administrator and upon the review and the completion of changes the Municipal Administrator will submit the proposed plans and budgets along with a budget message to Council within 75 days prior to the end of the fiscal year. Council will then advertise in one or more newspapers a Notice of a public meeting in which the public can voice their concerns in regards to the proposed financial plans and budget. After the public meeting, within 30 days before the end of the fiscal year, Council will, by ordinance adopt the operating and capital budget which will be effective the first day of the following fiscal year.

**ARTICLE VIII – CITIZEN PROVISIONS.** Provides that the citizens of Norristown have the right to participate in a positive and constructive manner in the government of the Norristown. Any qualified citizen of the Municipality may participate in the government of the Municipality by seeking elected office as Council Member, voting for elected officials of his/her choice, serving on the boards, commissions, authorities committees or other agencies, attending and voicing their concerns at public meetings. Qualified voters have the power to propose, ordinances which are consistent with the Recommended Charter, and adopt or reject ordinances at a primary, municipal, or general election if Council fails to adopt an ordinance that is proposed without any change in substance.

**ARTICLE IX – CODE OF ETHICS.** Provides that the public officials and employees of the Municipality of Norristown are required to be independent, impartial and responsible to the people and the Municipality. No person in his/her employment or appointment will be favored or discriminated against because of age, race, sex, political disability or religious beliefs. No elected or appointed official will be permitted to engage in or accept private employment while in office that will conflict with or prevent the performance of his or her official duties. No elected or appointed official will be permitted to solicit or accept any gift, favor, service, or seek to influence the awarding of contracts in which the employee would personally benefit directly, indirectly, financially or otherwise. The Municipality will not permit nepotism when hiring individuals for Municipal employment. The Municipality will accept applications from relatives of employees in accordance to the rules that are mentioned in this section.

**ARTICLE X – GENERAL PROVISIONS.** Establishes that the Charter will become effective as of the first day of July 2004, with the exception of transitional provisions of Article XI of the Charter which will become effective upon certification of the adoption of the Charter under the election of laws of the Commonwealth of Pennsylvania.

Amendments or changes to the Charter will be made in accordance with the provisions of Act 62 of 1972 of the General Assembly of Pennsylvania.

**ARTICLE XI – TRANSITIONAL PROVISIONS.** Establishes that all Council Members in office at the time of the adoption of the Charter will continue to serve for the remainder of their terms. The Mayor who is in office will serve the remainder of his term. Once the Mayor’s term has expired the position of Mayor will be terminated. Rights and privileges of Municipal employees will not be affected by the Charter unless those rights and privileges conflict with the provisions of the Charter. The Organization of departments, boards, agencies, authorities, commissions and committees, of the Municipality will be set forth in the Charter and the Administrative Code. All members of boards, agencies, authorities and other committees will continue in office with the same or similar bodies for the remainder of their appointments. Within 30 days of the adoption of the Charter, by vote of the majority of the existing Council, a Transition Committee of 9 members will be appointed. The Transition Committee will consist of 2 members from Council, 7 members from the Government Study Committee and the Municipal Administrator as a non-voting member. Their purpose will be to recommend an Administrative Code, and other rules, ordinances and regulations that are required by the Charter. The Transition Committee will submit the Administrative Code within 18 months of the effective Charter date.

## **THE HOME RULE CHARTER OF THE MUNICIPALITY OF NORRISTOWN**

### **ARTICLE I. NAME AND BOUNDARIES**

- 41.1-101. Name.
- 41.1-102. Boundaries.

§ 41.1-101. **Name.**

The Home Rule Municipality of Norristown shall be a municipal corporation having the name of “Municipality of Norristown”. As used in this Charter, the words Municipality and Norristown shall mean the Home Rule Municipality of the Municipality of Norristown, Montgomery County, Pennsylvania.

§ 41.1-102. **Boundaries.**

The boundaries of Norristown shall be the actual boundaries of the Municipality of Norristown, an incorporated Municipality under the Municipalities Code, on the effective date of this Charter and as may be lawfully changed thereafter.

### **ARTICLE II. POWERS OF THE MUNICIPALITY**

Sec.

- 41.2-201. Powers Defined.
- 41.2-202. Division of Powers—General.
- 41.2-203. Allocation of Certain Powers and Duties.
- 41.2-204. Continuation of Powers.
- 41.2-205. Eminent Domain.
- 41.2-206. Construction.
- 41.2-207. Inter-governmental Relations.

§ 41.2-201. Powers Defined.

Norristown shall have and may exercise all powers and perform any functions not denied by the Constitution of Pennsylvania, the General Assembly of Pennsylvania or this Charter as fully and completely as though they were specifically enumerated in this Charter.

Cross References

This section cited in 346 Pa. Code § 41.3-301 (relating to council—legislative powers and duties).

§ 41.2-202. **Division of Powers—General.**

The powers of theMunicipal government shall be vested in the governing body, the municipal council.

§ 41.2-203. **Allocation of Certain Powers and Duties.**

Where the Municipality has any power or duty and the responsibility for the exercise of such power or the performance of such duty is not fixed by this Charter, by the Acts of the General Assembly of Pennsylvania that are uniform and applicable throughout the Commonwealth (hereinafter called “General Law”), or by special law applicable only to Home Rule Municipalities, such power or duty shall be exercised as follows:

A. All powers or duties of the Municipality which are legislative in nature shall be exercised and performed by the Council.

B. All powers or duties of theMunicipality which are administrative in nature shall be exercised and performed by the Municipal Administrator or Manager or such other employee of theMunicipality as the Council shall designate, except as otherwise specifically provided in this Charter.

C. In the event the nature of the power or duty is uncertain or the law creating such power or duty requires cooperation between branches of the Municipality, the President of the Council shall determine responsibility for the exercise of such power or duty.

§ 41.2-204. **Continuation of Powers.**

All powers and functions of theMunicipality of Norristown contained in any or all ordinances, resolutions, by-laws, rules and regulations or portions thereof, which are in force on the effective date of this Charter, and are not inconsistent with or in conflict with the provisions of this Charter, shall continue in full force and effect until amended, repealed, superseded, or expired by their own terms.

§ 41.2-205. **Eminent Domain.**

TheMunicipality may acquire by purchase, gift, devise, or condemnation any property which may be needed by theMunicipality for any public use or purpose in accordance with the provisions of the Pennsylvania Eminent Domain Code and General Law.

§ 41.2-206. **Construction.**

The powers of theMunicipality shall be liberally construed in favor of theMunicipality in order to provide Norristown with the greatest possible powers of self-government allowable in the Commonwealth of Pennsylvania. Any specific mention of powers in this Charter shall not be construed as limiting in any way the general powers of the Municipality..

§ 41.2-207. **Inter-governmental Relations.**

In the exercise of any of its powers or performance of any of its functions or responsibilities and the financing thereof, theMunicipality shall have those powers of inter-governmental cooperation as set forth in Article IX, Section 5 of the Constitution of the Commonwealth of Pennsylvania.

## ARTICLE III. LEGISLATIVE BRANCH

Sec.

41.3-301. Council, Legislative Power and Duties.

41.3-302. Composition of Council.

- 41.3-303. Qualifications.
- 41.3-304. Prohibitions.
- 41.3-305. Terms of Office.
- 41.3-306. Election.
- 41.3-307. Salary.
- 41.3-308. Expense Account.
- 41.3-309. Vacancies.
- 41.3-310. Filling Vacancies.
- 41.3-311. Oath of Office.
- 41.3-312. Forfeiture of Office.
- 41.3-313. Organization and Officers.
- 41.3-314. Municipal Secretary.
- 41.3-315. Meeting Procedure and Agenda.
- 41.3-316. Quorum and Majority Action.
- 41.3-317. Forms of Council Action.
- 41.3-318. Appearance of Administrative Officers Before Council.
- 41.3-319. Council Meetings to be Public.
- 41.3-320. Records.
- 41.3-321. Reports.
- 41.3-322. Investigations.

§ 41.3-301. Council—Legislative Powers and Duties.

A. All powers and duties of the Municipality, including those set forth in § 41.2-201 of this Charter and those in existence or hereafter conferred on the Municipality by the Constitution of Pennsylvania, or General Law shall be exclusively vested in and exercised by Council except as otherwise provided in this Charter.

B. Council shall be the legislative body of the Municipality charged with the responsibility and duty to:

1. Establish the policies, goals and objectives for the legislative, executive, administrative and advisory functions of the Municipality; and,

2. Make and adopt ordinances and resolutions consistent with the Constitution and laws of this Commonwealth and this Charter, and to prescribe fines and penalties for the violation thereof.

3. To appoint and remove the Municipal Administrator, the Solicitor, the Director of Finance, the Municipal Engineer, the Director of Public Safety, the Director of Planning and Municipal Development, and the Director of Public Works, subject to the provisions of this Charter;

4. To appoint and dissolve, from time to time, voluntary committees of citizens of the Municipality;

5. To appoint all members of authorities, boards, commissions and agencies, if not otherwise required by this Charter or by General Law;

6. To have all necessary incidental powers to perform and exercise any of the duties and functions as set forth in this Charter or lawfully delegated to the office by this Charter or by General Law;

§ 41.3-302. **Composition of Council.**

The Council shall consist of seven (7) members. Three (3) members shall be known as “Council Members at large” and shall be nominated and elected by the qualified voters of the Municipality at large. Four (4) members shall be known as “District Council Members” and shall be nominated and elected by the qualified voters of their respective districts. Unless otherwise indicated in this Charter, Council Members at large and District Council Members shall be individually or collectively called “Council Member” or “Council Members”.

§ 41.3-303. **Qualifications.**

A. A Council Member shall:

- 1. Be a citizen of the United States of America;
- 2. Be a qualified voter of the Municipality;
- 3. Have been a resident of the Municipality for at least three years prior to nomination;

4. In the case of a District Council Member, be and remain a resident of the district in which he or she is elected to represent during his/her elected term;

5. Not have been convicted of embezzlement of public monies, bribery, perjury or other infamous crime; and,

6. Not otherwise be disqualified from office by the terms of this Charter or by General Law.

B. The qualifications set forth herein shall apply to any person appointed to fill a vacancy in the office of Council Member.

#### Cross References

This section cited in 346 Pa. Code § 41.3-310 (relating to filling vacancies).

#### § 41.3-304. **Prohibitions.**

A. Holding Other Office. No Council Member, during his or her term of office shall:

1. Hold any other elective office, appointed office or employment in the government of the Municipality; or,

2. Hold any elective office of the County of Montgomery, the Commonwealth of Pennsylvania or the United States of America.

B. Appointments and Removals. The Council and its Council Members shall not in any manner dictate the appointment or removal of administrative officers or employees of the Municipality for whom the Municipal Administrator or any of his or her subordinates are empowered to appoint or remove, without approval of Council.

C. Interference with Administration. Except for the purpose of official investigations under § 41.3-322 of this Charter, Council and its Council Members shall deal with Municipal officers and employees, who are subject to the direction and supervision of the Municipal Administrator, solely through the Municipal Administrator. Council and its Council Members shall not give orders or directions to any such officers or employees at any time. However, Council may express its views regarding the conduct, orders or directions, policies, goals or objectives of any Municipal officers or employees.

#### § 41.3-305. **Term of Office.**

A. Council Members shall serve a term of office of four (4) years commencing at the organizational meeting of Council under § 41.3-313 A of this Charter following the year in which they are elected.

B. A Council Member appointed to fill a vacancy shall serve until the earlier of the first regularly scheduled meeting of Council following the certification of election under § 41.3-310 C of this Charter or until the expiration of the original Council Member's term. However, if a Council Member is appointed within eighteen (18) months of the end of the original Council Member's term, such Council Member shall serve the balance of that term.

C. A Council Member elected to fill a vacancy shall serve only for the balance of the unexpired term.

D. No Council Member shall be elected for more than two (2) consecutive four (4) year terms and the balance of one unexpired term of a vacated Council seat. Thereafter, no such person shall be elected or appointed to serve as Council Member for at least two (2) years.

#### Cross References

This section cited in 346 Pa. Code § 41.3-310 (relating to filling vacancies); and 346 Pa. Code § 41.12-1203 (relating to council members).

#### § 41.3-306. **Election.**

A. The procedure for the nomination and election of Council Members and the designation of municipal election days shall be as provided in the election laws of the Commonwealth of Pennsylvania.

B. No candidate may seek more than one (1) office during an election.

**§ 41.3-307. Salary.**

A. Each Council Member other than Council President shall receive an annual salary of \$4000. The Council President shall be paid an annual salary of \$6,000.00. All such salaries shall be paid in equal monthly installments or such other sum as Council may from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective until the date of the commencement of the terms of Council Members elected at the next municipal or general election occurring at least six (6) months after the effective date of such ordinance.

B. The Municipality shall not pay Council Members any other compensation, current or deferred, direct or indirect, except for expenses described in § 41.3-308 of this Charter and authorized by resolution.

**§ 41.3-308. Expense Account.**

Council shall, by resolution, annually determine the amount of an expense account for the Council Members. The amount of such expenses shall be limited to the actual and necessary expenses incurred in the performance of their duties in accordance with regulations set forth in the Administrative Code or other ordinance.

**Cross References**

This section cited in 346 Pa. Code § 41.3-307 (relating to salary).

**§ 41.3-309. Vacancies.**

The office of a Council Member shall become vacant upon the death, legal incompetency, resignation, forfeiture, or removal from office in any manner authorized by this Charter or General Law.

**§ 41.3-310. Filling Vacancies.**

A. If a vacancy shall occur in the office of a Council Member for any reason set forth in this Charter, the remaining members of Council shall, by simple majority vote, within thirty (30) days following the vacancy, appoint a person qualified to hold such office and to serve therein as provided in § § 41.3-303 and 41.3-305 of this Charter. If Council shall refuse, fail or neglect or be unable, for any reason whatsoever, to fill a vacancy within thirty (30) days after the vacancy occurs, then the Court of Common Pleas of Montgomery County, Pennsylvania shall, upon petition of the Council, of any individual Council Member or of any twenty five (25) qualified voters of the Municipality, fill the vacancy in such office by the appointment of a qualified voter of the Municipality to hold and to serve in such office as provided in § § 41.3-303 and 41.3-305 of this Charter.

B. In case vacancies should exist whereby the offices of a majority or more of the Council Members become vacant, the remaining members, or the Court of Common Pleas of Montgomery County, Pennsylvania, as the case may be, shall fill such vacancies, one at a time, giving each new appointee such reasonable notice of appointment as will enable the appointee to meet and act with the then qualified Council Member or Council Members in making further appointments until a bare majority of Council Members have been qualified, whereupon such members shall fill the remaining vacancies at a meeting attended by the said majority Council Members, such appointees to receive a majority of the votes of the Council Members present at any such meeting. The person or persons selected to fill such vacancy or vacancies shall hold and serve in such offices as provided in § § 41.3-303 and 41.3-305 of this Charter.

C. If the unexpired term of a Council Member appointed to fill a vacancy is more than eighteen (18) months, then at the next regularly scheduled primary, municipal or general election occurring at least sixty (60) days after the vacancy occurs, a qualified person shall be elected to fill the vacancy by special election as provided in the election laws of the Commonwealth of Pennsylvania. A person so elected shall assume office at the beginning of the first regularly scheduled meeting of Council following certification of his or her election and shall serve for the remainder of the unexpired term.

**Cross References**

This section cited in 346 Pa. Code § 41.3-305 (relating to term of office).

**§ 41.3-311. Oath of Office.**

Before entering upon the duties of his or her office, a Council Member shall take and subscribe an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform the duties of his or her office with fidelity, together with such loyalty oath as is prescribed and required by General Law. The oath or affirmation may be taken before any Judge of the County or before any District Justice having a magisterial district within the Municipality, and shall be filed with the Municipal Secretary and be preserved among the records of the Municipality for a period of six (6) years.

§ 41.3-312. **Forfeiture of Office.**

A. The office of a Council Member shall be forfeited, for cause, if the Council Member:

1. Lacks any qualifications for the office prescribed by this Charter or by General Law;
2. Violates any express prohibition of the Charter;
3. Is convicted of embezzlement of monies, bribery, perjury or other infamous crime;
4. Fails or neglects to perform the duties of a Council Member; or,
5. Misbehaves in office.

B. The following procedure shall be followed to determine whether a forfeiture has occurred:

1. Council shall hold a public hearing and decide thereat by resolution whether the office of the Council Member has been forfeited for cause. The Council Member named shall not be eligible to vote upon such resolution.

2. Notice of such public hearing with the purpose, date, time and place thereof shall be advertised at least once in one (1) or more newspapers of general circulation in the Municipality not more than thirty (30) days or less than ten (10) days prior to the hearing. Council shall cause such notice to be sent by registered mail to the named Council Member not less than ten (10) days prior to the hearing. The Council Member and other interested parties shall be given an opportunity to testify at such public hearing.

3. Within ten (10) days following the completion of the hearing, Council shall, by the affirmative vote of a majority of the remaining Council Members, render its decision as to whether or not it has been demonstrated and proven that the office of Council Member has been forfeited for cause. Copies of the written decision shall be mailed to the Council Member and to other interested parties who filed a written request therefor during the hearing, within forty-eight (48) hours of the date of said decision. The decision of Council shall be subject to review by the Court of Common Pleas of Montgomery County, Pennsylvania, on appeal filed within thirty (30) days of the date of said decision by the Council Member or any interested party.

Council Procedure

§ 41.3-313. **Organization and Officers.**

A. The Council shall organize at a public meeting at 7:30 P.M. on the first Monday of January of each year. If the first Monday is a legal holiday, the organizational meeting shall be held on the first day following which is not a legal holiday.

B. At the organizational meeting, Council shall elect from its membership, by the affirmative vote of at least four (4) Council Members, a President and Vice-President, who shall serve at the pleasure of Council. If the Council Members are unable, within five (5) ballots, to elect a President or Vice-President of Council, then the Council Member who, in the election for members of the Council received the greatest number of votes, shall be the President of Council and the person receiving the next highest number of votes shall be Vice-President of Council. Should such persons decline to accept such offices, then the persons receiving the next highest votes shall be the President and Vice-President, respectively, and so on until the offices are filled. The President of Council or the Vice-President in the President's absence shall preside at all meetings of the Council and shall have a voice and a vote in its proceedings.

C. Council shall appoint a Clerk of Council who shall be the secretary for Council and shall keep minutes of its meetings and its records, and shall perform such other duties as Council may prescribe. Council may appoint any other officers and employees to assist in the duties of Council, if not inconsistent with other provisions of this Charter.

Cross References

This section cited in 346 Pa. Code § 41.3-305 (relating to term of office); and 346 Pa. Code § 41.5-501 (relating to election, term and qualifications).

§ 41.3-314. **Municipal Secretary.**

Council shall appoint a Municipal Secretary and an Assistant Municipal Secretary who shall have the authority to act on behalf of the Municipal Secretary in his/her absence who shall be responsible for transcribing and preserving the



ordinances, rules and regulations of the Municipality and who shall have custody of the Corporate Seal. The Municipal Secretary or Assistant Municipal Secretary shall certify copies of all official documents of the Municipality and, when so certified, such documents shall be admissible in evidence in any Court of the Commonwealth of Pennsylvania. The Municipal Secretary or Assistant Municipal Secretary shall attest the execution of all instruments and ordinances of the Municipality and shall file Proof of Service of all notices required by this Charter, the Administrative Code, other ordinance and General Law.

**§ 41.3-315. Meeting Procedure and Agenda.**

A. Council shall meet regularly at least once every month at such time and place as Council may prescribe by ordinance or resolution. At the organizational meeting, Council shall prescribe and advertise the calendar of regular monthly meetings for the balance of the year.

B. Special meetings of Council may be held on the call of the President or of a majority of Council Members. Notice and the agenda of such meeting shall be given to each Council Member at least twenty four (24) hours in advance of a special meeting.

C. Council may, in the event of a substantial public emergency affecting the health, safety or welfare of the citizens of the Municipality, hold emergency meetings without the aforesaid twenty four (24) hours advance notice.

D. An agenda of all regular meetings shall be posted in the office of the Municipality and at such other locations in the Municipality as may be prescribed in the Administrative Code or other ordinance at least five (5) calendar days in advance of the meeting. In the case of a special meeting, such agenda shall be posted at the locations prescribed for regular meetings, at least twenty four (24) hours in advance of the meeting. However, in the case of an emergency meeting, this requirement shall be waived.

E. Council shall, in the Administrative Code or other ordinance, adopt Council procedures and rules and regulations which shall be designed to assure full and equal participation in the deliberations of Council by all Council Members.

**§ 41.3-316. Quorum and Majority Action.**

A. A majority of all members of Council shall constitute a quorum.

B. Council shall conduct no business except in the presence of a quorum.

C. The action of a majority of the Council Members present and entitled to vote shall be binding upon and constitute the action of the Council, except as otherwise provided in this Charter.

**§ 41.3-317. Forms of Council Action.**

A. Official action of the Council shall be taken by the adoption of an ordinance or resolution at a public meeting and must be in written form.

1. All final action in adopting an ordinance or resolution shall be by roll call vote.

2. The vote of each Council Member shall be entered into the record of the meeting.

B. Resolutions of Council shall be passed upon the affirmative vote of a majority of the Council Members present and entitled to vote.

C. Ordinances of Council shall be adopted by the affirmative vote of at least four (4) Council Members.

**§ 41.3-318. Appearance of Administrative Officers Before Council.**

Administrative officers may appear before Council to request legislation, to report on the condition of the Municipality, or to advise Council on matters of public interest.

**§ 41.3-319. Council Meetings to be Public.**

A. All meetings of Council, and any committees thereof shall be open to the public and public notice of all such meetings shall be given.

B. It is the intent of this Charter that the public shall have the right to be heard at all meetings of Council at which official actions are taken. Council shall, in the Administrative Code or other ordinance, establish rules providing the opportunity and reasonable time for public participation at its public meetings.

§ 41.3-320. **Records.**

A. Council shall, in accordance with this Charter and General Law, make and preserve minutes and records of its proceedings. These records shall be open for public inspection during normal Municipal office hours.

B. Council shall provide for the electronic recording of all public meetings. These recordings shall be available to the public at the Municipal office and shall be retained as a part of the Municipal records.

C. All public records, including but not limited to agendas of meetings, minutes of all meetings, this Charter, the Administrative Code, and all other ordinances shall be made available to the public electronically.

§ 41.3-321. **Reports.**

Council Members shall provide the President of Council with reports as required under the Administrative Code or other ordinance.

§ 41.3-322. **Investigations.**

Council shall have the power to:

A. Make inquiries and investigations into the affairs of the Municipality and the conduct of any department, office, board or agency in aid of its powers and functions under this Charter or General Law.

B. Issue subpoenas over the signature of the President, to require the attendance of witnesses and production of records and papers pertaining to any such inquiries and investigations, including, but not limited to, subpoenas to compel the production of evidence in the control, custody, and possession of the executive branch. If any person shall refuse or neglect to obey any subpoena issued by the Council, it may apply by petition to the Court of Common Pleas of the County for its subpoena, requiring the attendance of such persons before the Council or the Court there to testify and to produce any records and papers necessary, and in default thereof, shall be held in contempt of Court. Council shall, in the Administrative Code or other ordinance, provide for a fine or penalty for the refusal or neglect to obey any subpoena issued by it.

C. Administer, by its President, oaths or affirmations in connection with such inquiries and investigations.

D. Take testimony in connection with such inquiries and investigations.

Cross References

This section cited in 346 Pa. Code § 41.3-304 (relating to prohibitions).

## ARTICLE IV. ORDINANCES

Sec.

- 41.4-401. Actions Requiring Ordinances.
- 41.4-402. Form of Ordinances.
- 41.4-403. Standard Codes of Technical Regulations.
- 41.4-404. Procedure for Enactment.
- 41.4-405. Effective Date.
- 41.4-406. Publication.
- 41.4-407. Recording.
- 41.4-408. Codification.
- 41.4-409. Emergency Ordinances.
- 41.4-410. Administrative Code.

Cross References

This article cited in 346 Pa. Code § 41.8-803 (relating to initiative and referendum). empty

§ 41.4-401. **Actions Requiring Ordinances.**

A. Council shall exercise by Ordinance those powers and duties which:

1. Establish all budgets and capital programs;
2. Establish, levy and collect taxes and provide for the rates thereof;
3. Establish or amend an Administrative Code;
4. Grant, renew or extend all franchises;
5. Authorize the borrowing of monies, including revenue anticipation loans;
6. Establish all zoning, subdivision, land development and building codes and regulations;
7. Amend or repeal ordinances previously adopted;
8. Exercise the power of eminent domain;
9. Provide for a fine or other penalty, or establish a rule or regulation for the violation of which a fine or other penalty may be imposed;
10. Authorize the construction of public capital improvements;
11. Establish, alter or abolish rates or charges for utilities or services supplied by the Municipality;
12. Purchase, convey, lease or authorize the purchase and conveyance or lease of any real property; upon such terms and conditions as Council shall ordain;
13. Otherwise are required by this Charter or General Law to be exercised by ordinance.

B. All other powers and duties of the Municipality or Council may be exercised by ordinance or resolution.

§ 41.4-402. **Form of Ordinances.**

No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Any ordinance which repeals or amends an existing ordinance shall clearly indicate the matter to be repealed, omitted or added.

§ 41.4-403. **Standard Codes of Technical Regulations.**

Council may adopt any standard code of technical regulations, or parts thereof, by adopting an ordinance incorporating said standard codes, or parts thereof, by reference. The details of such standard codes need not be advertised, but copies of such codes shall be available at the Municipal office for public inspection and for purchase at a reasonable fee fixed by Council.

§ 41.4-404. **Procedure for Enactment.**

Except as otherwise provided in this Charter, the procedure for enactment or adoption of ordinances shall be as follows:

A. **Introduction.** A proposed ordinance may be introduced by a Council Member at any regular or special public meeting. Such ordinance shall be submitted to the Municipal Secretary in advance thereof who shall place it on the agenda of the next public meeting for introduction and first consideration. A proposed ordinance not included on the agenda shall be introduced and given first consideration only with the affirmative vote of at least four (4) Council Members.

B. **Advance Advertisement.** If the proposed ordinance is approved by Council upon introduction and first consideration, the Municipal Secretary shall advertise the full text thereof and the date, time and place when the ordinance will receive further consideration. Said advertisement shall be published at least once in one (1) or more newspapers of general circulation in the Municipality not more than thirty (30) days nor less than ten (10) days before the said public meeting. When maps, plans or drawings of any kind are proposed as part of an ordinance, the Municipal Secretary may, instead of publishing same, provide that they are on file and may be examined at the Municipal office during normal office hours.

C. **Adoption by Council.** Provided that citizens of the Municipality have been given the opportunity to express their views at the advertised public meeting, Council may:

1. Adopt the ordinance as proposed;
2. Postpone action until a later meeting; or,
3. Amend a proposed ordinance before final adoption.

If there is a postponement and no announcement made thereof of a later date, time and place when the ordinance will receive further consideration or if an amendment makes any change in the substance of the ordinance as originally advertised, then no final action may be taken until the ordinance has again been advertised in accordance with subsection B of this Charter. Final adoption of an ordinance except as otherwise provided in this Charter, shall require the affirmative vote of at least four (4) Council Members.

**§ 41.4-405. Effective Date.**

Except as specifically provided otherwise in this Charter, an ordinance shall take effect thirty one (31) days after final adoption by Council.

**§ 41.4-406. Publication.**

Within ten (10) days after final approval of an ordinance, the Municipal Secretary shall advertise the ordinance in full in one (1) or more newspapers of general circulation in the Municipality.

**§ 41.4-407. Recording.**

The Municipal Secretary shall cause the full text of any ordinance, with proof of publication, to be recorded in a permanent record book within thirty one (31) days after its final adoption. The permanent record book shall be open and available for public inspection throughout normal Municipal office hours. empty

**§ 41.4-408. Codification.**

Within one (1) year after the effective date of this Charter, Council shall provide for the preparation of a general codification of all Municipality ordinances having the force and effect of law. The general codification shall be adopted by Council or by ordinance and shall be published promptly in loose leaf form, together with this Charter and the Administrative Code required by this Charter. The compilation shall be known and cited as “The General Laws of Norristown” and copies shall be furnished to Council Members, Municipal Officers, libraries in Norristown and the Municipal office for free public reference, and shall be made available for purchase by the public at a reasonable price fixed by Council. All amendments to the “General Laws of Norristown” and new ordinances, shall be integrated in said compilation and distributed as aforesaid.

**§ 41.4-409. Emergency Ordinances.**

A. Notwithstanding any other provisions of this Article of this Charter, Council may, in the event of a substantial public emergency affecting the life, health, property, and peace of the citizens of Norristown, adopt one (1) or more emergency ordinances; provided, however, that emergency ordinances shall not levy taxes.

B. Emergency ordinances shall be introduced in the form required and shall be so designated and shall clearly state the nature of the emergency in specific terms. No prior publication of an emergency ordinance shall be required.

C. An emergency ordinance shall require the affirmative vote of at least five (5) Council Members. In the event it is impossible for the total membership to be present, an emergency ordinance may be adopted by the majority vote of the Council Members present, provided four (4) Council Members are present.

D. An emergency ordinance shall take effect immediately at any public meeting at which it is adopted.

E. An emergency ordinance shall automatically be repealed on the 31st day following the date of its adoption, but may be re-enacted as provided herein if the emergency still exists. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the manner set forth herein.

F. An emergency ordinance shall be advertised as soon as possible after it is adopted.

**Cross References**

This section cited in 346 Pa. Code § 41.7-710 (relating to budget amendment).

**§ 41.4-410. Administrative Code.**

Council shall, by ordinance, adopt an Administrative Code which shall provide for the following:

1. The Municipal executive and administrative organization and procedures, consistent with the provisions of this Charter;
2. A continual census of the population of the Municipality;
3. All other procedures, rules, regulations and provisions required by this Charter to appear in the Administrative Code.

## **ARTICLE V. EXECUTIVE BRANCH**

Sec.

- 41.5-501. Executive Organization.
- 41.5-502. Departments and Department Heads.
- 41.5-503. Authorities, Boards and Commissions.
- 41.5-504. Personnel Administration.
- 41.5-505. Appointment of Employees.
- 41.5-506. Compensation.
- 41.5-507. Temporary Absence or Incapacity.
- 41.5-508. Residency Requirement.

## **Executive Branch—Organization**

### **§ 41.5-501. Executive and Administrative Organization.**

The executive branch shall include the following major departments:

A. A Department of Administration, headed by the Municipal Administrator, and responsible for:

1. All Municipal and legal records, and maintenance thereof;
2. Personnel administration and wage negotiations;
3. Oversight of all other departments;
4. Engineering; and,

5. Such other duties as are required by the Administrative Code, this Charter, ordinance or such other duties as the Municipal Administrator may direct.

**B. A Department of Finance**, headed by the Director of Finance reporting to the Municipal Administrator, and responsible for:

1. Municipal Finance;
2. Tax Collection;
3. The operating plan and budget and the capital plan and budget;
4. All financial receipts and disbursements;

5. Such other duties as are required by the Administrative Code, this Charter, ordinance, or such other duties as the Municipal Administrator may direct.

C. A Department of Public Safety headed by the Director of Public Safety reporting to the Municipal Administrator and be responsible for:

1. Police Department;
2. Fire Department;
- 3.

Other public safety employees;

4. Code enforcement including, but not limited to, Health, Housing, Zoning and Licensing;

5. Such other duties as are required by the Administrative Code, this Charter, ordinance, or such other duties as the Municipal Administrator may direct.

D. A Department of Planning and Municipal Development, headed by the Director of Planning and Municipal Development reporting to the Municipal Administrator, and responsible for:

1. Municipal Planning;
3. Municipal Projects;

3. Municipal Development;

4. Municipal Zoning; and,

5. Such other duties as are required by the Administrative Code, this Charter, ordinance, or such other duties as the Municipal Administrator may direct.

E. A Department of Public Works, headed by the Director of Public Works, reporting to the Municipal Administrator, and responsible for:

1. Streets;

2. Municipal buildings;

3. Parks, Zoo and Recreation;

4. Vehicles and Vehicle Maintenance;

5. Lighting, Signs and Signals;

6. Such other duties as are required by the Administrative Code, this Charter, ordinance, or such other duties as the Municipal Administrator may direct.

§ 41.5-502. Departments and Department Heads.

A. Council shall adopt, in the Administrative Code or other ordinance, provisions for the administrative organization of the Municipality and the assignment of duties and the responsibilities of its officers and employees.

B. Council shall in the Administrative Code, create, modify, abolish and prescribe the functions of Municipality departments, offices and agencies not inconsistent with this Charter or General Law.

C. All changes in the organization and functions set forth in the Administrative Code shall be effected by amendment of the Administrative Code in the same manner as other ordinances are enacted or amended under this Charter.

D. Each department shall be headed by a director appointed by Council, with the affirmative vote of at least four (4) Council Members. The director of a department shall be appointed solely on the basis of executive and administrative qualifications and abilities appropriate to the duties of his or her department.

§ 41.5-503. Authorities, Boards and Commissions.

A. Council shall, in the Administrative Code, create, modify, or abolish boards, commissions, authorities, agencies or special committees and prescribe their composition and duties, not inconsistent with this Charter or General Law.

B. Council by the affirmative vote of at least four (4) Council Members shall appoint the members of all authorities, boards, commissions, and agencies required under this Charter, the Administrative Code, other ordinance, or by General Law. Such persons shall be considered appointed officials of the Borough.

C. Unless otherwise prohibited by this Charter or General law, authorities, boards, commissions and agencies shall be attached to an appropriate Municipal department for administrative purposes as shall be set forth in the Administrative Code.

D. Council shall, in the Administrative Code, provide civil service rules and regulations, designed to promote efficient and fair personnel administration and high personnel standards, creating a Civil Service Commission and governing:

1. The appointment, promotion, demotion, suspension, removal, transfer, lay-off or discipline of Municipal employees; and,

2. The exemption, if desired, of certain Municipal employees from civil service rules and regulations.

E. Council shall, in the Administrative Code, provide for a method for appointment to boards, commissions, authorities, agencies, special committees, or other positions required by this Charter, the Administrative Code, other ordinance or General Law.

F. Council shall, in the Administrative Code, provide for an Executive Advisory Committee comprised of the President of Council, the Municipal Administrator, the Municipal Solicitor, the Director of Finance, the Municipal Engineer, the Director of Planning and Municipal Development, the Director of Public Safety and the Director of Public Works and any other persons deemed necessary. The Executive Advisory Committee shall meet at least monthly to review the affairs of the Municipal, and have such other powers and duties as set forth in the Administrative Code, not inconsistent with the provisions of this Charter.

#### Cross References

This section cited in 346 Pa Code § 41.12-1207 (relating to departments, boards, agencies, authorities and commissions).

#### § 41.5-504. Personnel Administration.

Council shall adopt, in the Administrative Code or other ordinance, a comprehensive system of personnel administration based on merit principles which shall include, but not be limited to, provisions for:

A. A classification of all Municipal positions, based on the duties, authority and responsibilities of each position, with adequate provision for re-classification of any position whenever warranted by changed circumstances;

B. Methods for determining the merit and fitness of candidates for appointment or promotion;

C. Policies and procedures regulating the reduction in force, disciplinary action, and suspension and removal of employees;

D. Hours of work, sick and vacation leave, holidays, overtime, compensatory time-off, and compensation;

E. Grievance procedures, including procedures for the due process hearing of grievances; and,

F. For such other practices and procedures necessary for the administration of the personnel system of the Municipality.

#### § 41.5-505. Appointment of Employees.

Department heads shall appoint and remove subordinate employees in their departments under the Personnel Rules and Regulations established by Council in the Administrative Code and not inconsistent with provisions of this Charter.

#### § 41.5-506. Compensation.

The compensation of all officers, department heads and employees of the Municipality, if not otherwise specifically provided in this Charter, shall be set by Council by resolution, and changed from time to time by resolution at the discretion of Council. Compensation of all other officers, department heads, and employees of the Municipality, if not otherwise provided in this Charter shall be set by resolution.

#### § 41.5-507. Temporary Absence or Incapacity.

A. Each department head shall designate in writing, with the approval of the Municipal Administrator, an employee of the department to serve as acting director of the department during the temporary absence or incapacity of the department head. Such temporary designation may be revoked by the Municipal Administrator with the approval of the President of Council at any time.

B. In the absence of such designation by a department head, or the revocation of such designation, the Municipal Administrator, with the approval of the President of Council, shall designate an acting department head.

#### Cross References



This section cited in 346 Pa. Code § 41.6-606 (relating to qualifications); and 346 Pa. Code 41.6-611 (relating to Municipal engineer

## ARTICLE VI. ADMINISTRATIVE OFFICERS-POWERS AND DUTIES

Sec.

- 41.6-601. Appointment.
- 41.6-602. Qualifications.
- 41.6-603. Prohibitions.
- 41.6-604. Powers and Duties.
- 41.6-605. Appointment.
- 41.6-606. Qualifications.
- 41.6-607. Powers and Duties of the Solicitor.
- 41.6-608. Director of Finance.
- 41.6-609. Qualifications.
- 41.6-610. Duties of Office.
- 41.6-611. Municipal Engineer.
- 41.6-612. Duties of Office.
- 41.6-613. Director of Planning and Municipal Development.
- 41.6-614. Qualifications.
- 41.6-615. Duties of Office.
- 41.6-616. Director of Public Safety.
- 41.6-617. Qualifications.
- 41.6-618. Duties of Office.
- 41.6-619. Police Department.
- 41.6-620. Powers of Police.
  
- 41.6-621. Fire Department.
- 41.6-622. Powers of the Fire Department.
- 41.6-623. Director of Public Works.
- 41.6-624. Qualifications.
- 41.6-625. Duties of Office.

### § 41.6-601. **Appointment.**

Council shall appoint a Municipal Administrator, upon the affirmative vote of at least four (4) Council Members. In the event Council does not appoint the Municipal Administrator within 45 days of the date of such position becoming vacant, the President of Council shall appoint an individual to fill such vacancy on a temporary interim basis, until such time as Council shall make such appointment. The Municipal Administrator shall serve for an indefinite term and may be removed by Council with or without cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council Members. Council shall set the compensation of the Municipal Administrator and provide other terms of his or her employment.

### § 41.6-602. **Qualifications.**

The Municipal Administrator shall:

1. Be chosen on the basis of executive and administrative abilities, and shall possess a degree in Business or Public Administration and have at least five (5) years experience as an executive or administrator in private business or public service.

### § 41.6-603. **Prohibitions.**

During tenure in office, the Municipal Administrator shall not hold any other elective or appointed governmental office, and shall not engage in political activity within the Municipality or county government, and shall devote his/her full time and attention to the duties and responsibilities of the position.

### § 41.6-604. **Powers and Duties.**

The Municipal Administrator shall be the Chief Administrative Officer of the Municipality and shall be responsible for the execution, administration and enforcement of all policies, ordinances and resolutions of the Municipality. Such powers and duties shall include, but not be limited to, the following:

A. The direction and supervision of all departments of the Municipality;

- B. The preparation of the financial planning required under Article VII of this Charter;
- C. Administration of a personnel program and maintenance of all personnel records;
- D. Administration of a purchasing program;
- E. Assisting in the preparation of the agenda of Council and attend all Council meetings unless otherwise excused by the President of Council;
- F. Establishing a system of public information concerning governmental activity, and a procedure to handle complaints by citizens concerning governmental activities;
- G. Serving as the Municipal Secretary;
- H. Performing such other powers and duties as may be required by Council, the Administrative Code or other ordinance, this Charter or General Law.
- I. To enforce the provisions of this Charter and all ordinances of the Municipality;
- J. To report to Council and to the public on or before the forty fifth (45th) day after the beginning of each fiscal year on the financial and administrative activities, and the conditions and needs of the Municipality;
- K. To make recommendations to Council on matters affecting the health, safety, or welfare of the Municipality and its citizens;
- L. To appoint, suspend and remove all Municipal employees other than department heads;
- M. To cause to be prepared the annual operating plan and budget and the annual capital plan and budget of the Municipality and to submit the same to Council as provided by this Charter;
- N. Until appropriate action can be taken by Council, to declare a state of emergency, when a serious threat to life, health, or safety of the citizens of the Municipality shall occur within the Municipality, and to take appropriate actions in such circumstances;
- O. To enforce provisions of all franchises, permits, licenses, and privileges granted by the Municipality; to make certain all terms and conditions in favor of the Municipality in any public law, public utility franchise, other franchise, contract or lease are faithfully kept and performed;
- P. To represent the Municipality in negotiations and deliberations concerning matters of inter-governmental cooperation subject to the approval of Council; and,
- Q. To exercise any additional powers or duties conferred by Council, this Charter or by General Law.

## **Municipal Solicitor**

### **§ 41.6-605. Appointment.**

Council shall appoint a Solicitor, with the advice and consent of Council by the affirmative vote of at least four (4) Council Members. The appointment shall be for an indefinite term, with compensation to be set by Council. Council may remove the Solicitor with or without cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council Members.

### **§ 41.6-606. Qualifications.**

The Solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania with at least ten (10) years experience in the practice of law. Council may appoint a law firm to serve as Solicitor, provided the members therein serving the Municipality meet the aforesaid qualifications.

### **§ 41.6-607. Powers and Duties of the Solicitor.**

A. The Solicitor shall serve as chief legal counsel for the Municipality including Council, the Municipal Administrator and the departments and agencies thereof. The Solicitor shall represent the Municipality in all legal matters and shall perform any other duties as may be prescribed by Council, the Administrative Code or other ordinance, this Charter or General Law.

B. The Solicitor shall have the right of access to all records of the Municipality and its departments and agencies necessary for the performance of the duties of his or her office.

C.. The Solicitor shall at all times inform Council if in his/her opinion Council is acting or failing to act in accordance with the Administrative Code, other ordinance, this Charter, or General Law.

## Finance

### § 41.6-608. **Director of Finance.**

Council shall appoint a Director of Finance, by the affirmative vote of at least four (4) Council Members, who shall head a Department of Finance and supervise the financial administration of the Municipality, and perform such other duties as may be required by Council, the Administrative Code, other ordinance or this Charter. The appointment shall be for an indefinite term, with compensation to be set by Council. The Director of Finance may be removed by Council with or without cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council Members.

### § 41.6-609. **Qualifications.**

The Director of Finance shall have at least a Bachelors degree from an accredited college or university in the field of finance, accounting or other related fields and at least five (5) years related experience.

### § 41.6-610. **Duties of Office.**

The Director of Finance shall be responsible for establishing and maintaining an accounting system designed to accurately reflect the assets, liabilities, receipts and expenditures of the Municipality and the collection, custody, investment and disbursement of all Municipality funds. His or her duties shall include municipal finance, treasury, permits and license fees, tax collections, and such other duties as required by the Municipal Administrator, the Administrative Code, other ordinances, this Charter or General Law.

## Engineering

### § 41.6-611. **Municipal Engineer.**

Council shall appoint a Municipal Engineer, by the affirmative vote of at least four (4) Council Members, who shall be a professional Civil Engineer licensed in the Commonwealth of Pennsylvania. Council may appoint an engineering firm to serve as Municipal Engineer, provided the members therein serving the Municipality meet the aforesaid qualifications. The appointment shall be for an indefinite term, with compensation to be set by Council. The Municipal Engineer may be removed by Council with or without cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council Members.

### § 41.6-612. **Duties of Office.**

The Municipal Engineer shall supervise and control all engineering matters of the Municipality, including but not limited to such matters in the Department of Planning and Municipal Development and the Department of Public Works, and such other duties as may be specified or required by theMunicipal Administrator, the Administrative Code, other ordinance, this Charter or General Law.

## Municipal Planning

### § 41.6-613. **Director of Planning and Municipal Development.**

Council shall appoint a Director of Planning and Municipal Development, by the affirmative vote of at least four (4) Council Members, who shall serve at the pleasure of Council , and may be removed by the Council with or without

cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council Members. The appointment shall be for an indefinite term, with compensation to be set by Council.

§ 41.6-614. **Qualifications.**

The Director of Planning and Municipal Development shall have at least a Bachelors degree from an accredited college or university in a related field, and/or shall have at least five (5) years experience in planning, zoning, community renewal and related areas.

§ 41.6-615. **Duties of Office.**

The Director of Planning and Municipal Development shall be responsible for Municipal planning and development, zoning, comprehensive planning of the growth and the development of the Municipality and such other duties as may be required by the Council, the Administrative Code, other ordinance, this Charter or General Law.

## **Public Safety**

§ 41.6-616. **Director of Public Safety.**

Council shall appoint a Director of Public Safety, by the affirmative vote of at least four (4) Council Members, who shall serve at the pleasure of the Council, and who may be removed by the Council with or without cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council members. The appointment shall be for an indefinite term, with compensation to be set by Council.

§ 41.6-617. **Qualifications**

The Director of Public Safety shall have a degree from an accredited college or university in a related field and shall have at least ten (10) years of such experience.

§ 41.6-618. **Duties of Office.**

The Director of Public Safety shall be responsible for the Police Department, the Fire Department, the Code Enforcement Department, and such other duties as may be required by the Council, the Administrative Code, other ordinances, Charter or General Law.

§ 41.6-619. **Police Department.**

The Municipality shall have a Police Department consisting of a Chief and such other classifications, ranks, and terms of appointment, employment and compensation as are set forth in the Administrative Code, other ordinance or General Law. The Police Department and its duly appointed officers shall have the power and its duty shall be to perform the following functions:

**A. Law Enforcement.** The Department shall preserve the public peace, prevent and detect crime, police the streets and highways and enforce traffic statutes, ordinances and regulations relating thereto. The Department shall at all times aid in the administration and enforcement within the Municipality , of the statutes of the Commonwealth of Pennsylvania, and the ordinances of the Municipality, and have such other powers and duties as prescribed by the Administrative Code, other ordinances or General Law.

**B. Maintenance of the Municipality Police.** The Department shall train, equip, maintain, supervise and discipline the Municipality Police, in accordance with the Administrative Code or other ordinance.

§ 41.6-620. **Powers of Police.**

The duly appointed officers of the Department shall have all the powers conferred by the statutes of the Commonwealth of Pennsylvania and the ordinances of the Municipality upon members of a police force of a Municipality under the Municipal Code. They shall have the power to make lawful searches, seizures and arrests for violations, and conduct any other law enforcement duties prescribed by such statutes or ordinances in force in the Municipality , and to do such other acts as may be required of them by the Administrative Code, other ordinance, this Charter or General Law.

§ 41.6-621. **Fire Department.**

The Municipality shall have a Fire Department, consisting of a Chief and such other classifications, ranks, terms of employment and duties of the Fire Department shall as provided in the Administrative Code, other ordinance or General Law.

§ 41.6-622. **Powers of the Fire Department.**

The duly appointed officers of the Fire Department shall have the power and its duty shall be to perform the following functions:

A. **Fires.** The Department shall extinguish fires and provide other services as requested at any place within the limits of the Municipality and, upon the request of appropriate authorities and with the authorization of the Municipal Administrator, outside the limits of the Municipality.

B. **Fire Hazards and Public Safety.** The Department shall administer and enforce the statutes of the Commonwealth of Pennsylvania and the ordinances and regulations of the Municipality relating to fire and explosion hazards including those dealing with the manufacture, storage, sale, transportation or use of any substance or article which is or may be combustible, inflammable, or explosive, the installation of any containers of such substances or article, the installation and use of any equipment which prevents a hazard of fire or explosion, and fire escapes, emergency exits, occupancies, fire alarm system and fire extinguishing equipment in any vessel, vehicle, premises, grounds, structure, building or underground passage.

C. **Fire Prevention Programs.** The Department shall institute and conduct programs of public education and fire prevention and safety.

D. **Maintenance of Firemen.** The Department shall train, equip, maintain, and supervise an adequate number of firemen.

## **Public Works**

§ 41.6-623. **Director of Public Works.**

Council shall appoint a Director of Public Works, by the affirmative vote of at least four (4) Council Members who shall serve at the pleasure of Council, and who may be removed by Council with or without cause upon thirty (30) days written notice, by the affirmative vote of at least four (4) Council Members. The appointment shall be for an indefinite term, with compensation to be set by Council.

§ 41.6-624. **Qualifications.**

The Director of Public Works shall have at least a Bachelors Degree from an accredited college or university in Municipal Administration, Civil Engineering or other related fields, and shall have had at least five (5) years of such experience.

§ 41.6-625. **Duties of Office.**

The Director of Public Works shall be responsible for streets, signs and signals, the zoo, parks and recreation, municipal property and maintenance, solid waste disposal and such other duties as required by Council, the Administrative Code, or other ordinance, this Charter or General Law.

## ARTICLE VII. FINANCIAL PROCEDURES

Sec.

- 41.7-701. Fiscal Year.
- 41.7-702. Classification of Accounts.
- 41.7-703. Financial Information.
- 41.7-704. Financial Planning.
- 41.7-705. Plan and Budget Content.
- 41.7-706. Council Review.
- 41.7-707. Budget Submission.
- 41.7-708. Budget Adoption.
- 41.7-709. Budget Modification.
- 41.7-710. Budget Amendment.
- 41.7-711. Balanced Budget.
- 41.7-712. Receipts.
- 41.7-713. Contracts.
- 41.7-714. Disbursements.
- 41.7-715. Records and Reports.
- 41.7-716. Independent Audit.
- 41.7-717. Bonding of Officers and Employees.
- 41.7-718. Financial Limitations.

### Cross References

This article cited in 346 Pa. Code § 41.4-404 (relating to procedure for enactment); 346 Pa. Code § 41.6-604 (relating to powers and duties); and 346 Pa. Code § 41.12-1210 (relating to budget for calendar year 1986).

#### § 41.7-701. **Fiscal Year.**

The fiscal year of the Municipality shall be the calendar year. However, after 1986, if not prohibited by law, Council may by ordinance adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making the transition to a different fiscal year.

#### § 41.7-702. **Classification of Accounts.**

The Council shall adopt in the Administrative Code or other ordinance, a uniform classification of accounts and codes to be used and followed in all financial plans, budgets and reports.

#### § 41.7-703. **Financial Information.**

The Director of Finance shall:

A. Obtain from all officers, departments, boards and commissions and other agencies receiving appropriations from the Municipality, such information necessary to enable the Director to compile for the Municipal Administrator the information necessary for the preparation and submission to Council of the annual operating budget;

B. The information supplied shall be in a form consistent with the system of classification of accounts adopted by Council and in such format desired by the Director of Finance, and shall include in writing the reasons for such estimates of expenditures.

#### § 41.7-704. **Financial Planning.**

Four (4) months prior to the end of each fiscal year, the Municipal Administrator shall submit to Council a comprehensive financial plan for public services capital improvements and fiscal policy. Such plan shall:

A. Reflect the policies and objectives established by Council;

B. Cover all Municipal funds and activities;

C. Specify a total of expenditures not to exceed estimated revenues from all sources to be received in the course of normal governmental activity, excluding any extraordinary income not contracted for at the date of adoption of such plan. Available surpluses from prior years may be included with estimated revenues.

**§ 41.7-705. Plan and Budget Content.**

Such financial plan and budget shall be in the form Council requires, by ordinance or resolution; and, as a minimum contain the following:

A. An operating plan of revenue and expenditures for the next fiscal year to be designated as the operating budget which shall be in such detail as Council may direct.

1. The information to be provided in such plan shall contain, the amounts to be appropriated for each activity in terms of personal services, contractual services, materials, supplies, equipment and any other additional expenses as Council may prescribe.

2. The operating budget shall show individually and in total (letting out interfund transfers) the anticipated receipts and expenditures of the Municipality. In addition to the amount anticipated to be received and expended, the budget shall indicate:

a. The actual amounts received and expended in the previous completed year and the estimated receipts and expenditures of the fiscal year currently ending;

b. The estimated balance of each fund at the close of the fiscal year currently ending; and,

c. Any surplus or deficit included in financing the proposed budget.

B. An operating plan of revenue and expenditures for a period of at least four (4) additional years, individually stated to be advisory only for the purpose of long range planning. The information to be provided shall be stated in general categories only.

C. A capital plan for the remainder of the term of the improvements proposed to be undertaken, but in no case less than five (5) fiscal years, the first year of which shall be in detail and be designated as the capital budget.

D. A statement of debt, the amortization schedule through a time period covering the latest final maturity of any issue, schedule for all proposed debt for projects included in the capital plan. The amortization schedule shall show, both separately and inclusively, payments for interest as well as principal.

**§ 41.7-706. Council Review.**

Council shall review the proposed financial plan with the Municipal Administrator, and others it may deem appropriate for viability, legality and compliance with the guidelines previously established.

**§ 41.7-707. Budget Submission.**

A. Following such review and the completion of changes and not less than seventy five (75) days prior to the end of each fiscal year, the Municipal Administrator shall present to Council the proposed plans and budgets and an accompanying budget message.

B. The Municipal Administrator's budget message shall explain the programs to be undertaken and their financial implications. It shall describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the Municipality's position; include the tax levies necessary to produce anticipated revenues; and, include such other material as the Municipal Administrator deems desirable.

**Cross References**

This section cited in 346 Pa. Code § 41.7-708 (relating to budget adoption).

**§ 41.7-708. Budget Adoption.**

**A. Advertising and Public Hearings.**



1. After the Municipal Administrator's budget message is given to Council and after the completion of changes directed by Council to be made, Council shall cause to be published in one (1) or more newspapers of general circulation within the Municipality:

- a. A general summary of the operating and capital plans;
- b. Notice of a public meeting, with the date, time and place specified at which said plans will be considered by Council; and,
- c. The times and places where copies of the plans shall be available for inspection by the Public.

2. Council shall conduct a public meeting which shall follow such notice by no less than seven (7) days to receive the comments and suggestions of the Public. Such public meeting may be held at the regularly scheduled monthly Council meeting, but shall be held not later than forty five (45) days prior to the end of each fiscal year and at least three (3) days prior to the adoption of the budget.

#### **B. Budget Adoption.**

After the public meeting and on or before the thirtieth day prior to the end of each fiscal year, Council shall, by ordinance, with or without amendment, adopt the operating and capital budgets which shall become effective on the first day of the ensuing fiscal year, which shall constitute for the ensuing fiscal year appropriations for the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the taxes therein proposed.

#### **C. Failure to Adopt Budgets.**

1. If Council shall fail to adopt such budgets on or before the 30th day prior to the end of the fiscal year in which the budget is submitted, the proposed budget as submitted by the Municipal Administrator under § 41.7-707 of this Charter shall stand adopted.

2. Funds for the proposed expenditures therein shall stand appropriated and constitute a levy of the taxes therein proposed, to the same extent as if favorable action thereon had been taken by Council.

#### **Cross References**

This section cited in 346 Pa. Code § 41.7-709 (relating to budget modification).

#### **§ 41.7-709. Budget Modification.**

In the years following a municipal election, the new Council may, within forty five (45) days after the beginning of the fiscal year, adopt a revised operating plan and budget or capital plan and budget provided such revisions are adopted after the advertising and public hearing procedures set forth in § 41.7-708 of this Charter.

#### **§ 41.7-710. Budget Amendment.**

A. At any time during the fiscal year, the Municipal Administrator may make transfers of unencumbered funds within departments and shall report and advise prior to such transfers promptly to Council stating the reasons for doing so and the amount of funds affected both before and after the transfer.

B. Council may, by ordinance, amend the operating and capital budget by:

1. Making supplemental appropriations only when the Municipal Administrator or Council state the reasons for so doing and the Municipal Administrator certifies there are available for such appropriations, revenues in excess of those estimated;

2. Reducing one or more unencumbered appropriation when the Municipal Administrator or Council have reason to believe revenues will be insufficient to meet the amounts appropriated, which facts shall be reported to Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken and recommendations thereon; and,

3. Making emergency appropriations and providing for the funding thereof in accordance with the provisions of § 41.4-409 of this Charter and General Law.

§ 41.7-711. **Balanced Budget.**

The annual operating budget ordinance shall not become effective and the Municipal Administrator shall not approve any order for any expenditure thereunder until Council has balanced the budget. Not later than the passage of the annual operating budget ordinance, Council shall order such revenue measures as will yield sufficient revenue to balance the budget.

§ 41.7-712. **Receipts.**

Collections shall be directed and supervised by the Director of Finance, pursuant to such powers and duties as may be imposed or conferred by the Administrative Code, other ordinance, this Charter or General Law.

§ 41.7-713. **Contracts.**

A. The Municipality may make contracts for all lawful purposes subject to the provisions of this Charter or General Law. No contract shall be made or obligation incurred unless the Director of Finance shall certify to Council and the Municipal Administrator that there is sufficient unencumbered balance in an appropriation and sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any contract made in violation of this provision shall be void and any payment made therefor shall be illegal and shall be cause for removal of any officer authorizing same who shall also be liable to the Municipality for any amount so paid.

B. Council shall provide in the Administrative Code or other ordinance the procedures for letting contracts which shall not be inconsistent with this Charter or General Law and shall include at a minimum the following:

1. All contracts of the Municipality involving sums in excess of an amount from time to time established by Council, by ordinance, but not to exceed ten thousand (\$10,000) dollars, shall be in writing, shall be subject to competitive bidding, and shall be executed on behalf of the Municipality by the Municipal Administrator. Council may, by ordinance, authorize the Municipal Administrator to execute contracts which involve sums of less than a specific amount and which are made pursuant to budget or other prior authorization. The Municipal Administrator shall also execute all contracts regardless of amount, for the purchase, sale, lease or use of real estate. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. All written contracts shall be reviewed by the Solicitor before execution.

2. No person shall evade the competitive bidding provisions of this Charter by purchasing or contracting in multiple transactions for services or supplies when such transactions should, in the exercise of reasonable discretion and prudence, be conducted or considered as one transaction.

3. Except as otherwise provided in this Charter, no contract for supplies, materials, labor, franchise, or other valuable consideration, to be furnished to or by the Municipality shall be authorized by the Municipality, except with the lowest responsible bidder after competitive bidding.

4. A procedure for competitive bidding to include such definitions, publication and notice requirements, deposit and bond requirements and conditions, terms, rules, regulations, waivers, rights of acceptance and rejection, and exceptions as it shall from time to time deem advisable.

5. Competitive bidding shall not be required for:

a. Contracts for labor or services rendered by any person in their capacity as an officer or employee of the Municipality;

b. Contracts for labor, material, supplies, or services aggregating less than the amount from time to time established by Council, by ordinance, but not to exceed \$10,000 for the items in the year supplied;

c. Contracts relating to the acquisition or use of real property;

d. Contracts for professional or unique services or supplies;

e. Contracts for emergency repair of public works of the Municipality; or,

f. Contracts with other governmental entities, authorities, agencies or political subdivisions.

6. Contracts for the purchase of supplies consumed in the daily conduct of the Municipal affairs may be made for a period not to exceed two years if all the following conditions are satisfied:

- a. The terms of such contracts are to the advantage of the Municipality for reasons of favorable cost, material quality and continuity of supply;
  - b. The provisions of subsection A of this Charter are met for the fiscal year in which such contract is made; and,
  - c. Council shall, by resolution, approve the terms of the proposed contract.
7. The term of any service contract which is subject to competitive bidding may be less than but shall not exceed five (5) years inclusive of any options.

**§ 41.7-714. Disbursements.**

A. No payment shall be made or obligation incurred against any appropriation unless there is a sufficient unencumbered balance in such appropriation. No payment of any funds of the Municipality shall be made except upon approval of the Municipal Administrator or his designee.

B. Directives for payment so approved shall be certified to the Director of Finance, or any other person designated by the Municipal Administrator who, along with the Council President shall be the dual signatories for all checks and drafts of the Municipality.

**§ 41.7-715. Records and Reports.**

A. The Director of Finance shall take appropriate measures to reasonably insure that the Municipal Administrator and Council are kept informed of any significant financial or financially related fact which could have an impact or influence on the Municipality.

B. The Director of Finance shall report on the financial operations of the Municipality as Council and the Municipal Administrator direct to comply with the provisions of this Charter.

C. The Director of Finance shall prepare financial reports as directed by Council, or as set forth in the Administrative Code, or other ordinance.

**§ 41.7-716. Independent Audit.**

Council shall provide for an independent annual audit of allMunicipal revenues, expenditures, accounts and reports by a Pennsylvania Certified Public Accountant or firm of such accountants not being aMunicipal employee and not having any personal interest, direct or indirect, in the fiscal affairs of the Municipality or any of its elected or appointed officers or employees. Council may provide for more frequent audits, as well as special audits as it deems necessary. The result of the independent audit and the financial statement of the fiscal affairs of the Municipality shall be presented to Council for inclusion in the annual report to the Municipality as specified in this Charter.

**§ 41.7-717. Bonding of Officers and Employees.**

Council shall provide in the Administrative Code or other ordinance for bonding of all employees and representatives of the Municipality who are involved in the handling and/or authorization of receipts, disbursements, goods and supplies. Such bonding shall be approved by the Solicitor for form and sufficiency.

## **ARTICLE VIII. CITIZEN PROVISION**

Sec.

41.8-801. General Provisions.

41.8-802. Participation Encouraged.

41.8.803. Initiative and Referendum.

**§ 41.8-801. General Provisions.**

Council shall protect and promote the right of the citizens of the Municipality to participate in a positive and constructive manner in the government of the Municipality. Any qualified citizen of the Municipality may participate in the government of the Municipality by:

- A. Seeking elected office as Council Member and by voting for the elected officials of his or her choice;
- B. Serving on boards, commissions, authorities, committees or other agencies of the Municipality;
- C. Attending and being heard at public meetings of Council and other boards, commissions, authorities, committees or agencies of the Municipality;
- D. Addressing suggestions to the Council, and others to provide guidance for their actions; and,
- E. Exercising the right of initiative and referendum as provided in this Charter or General Law.

**§ 41.8-802. Participation Encouraged.**

Council shall appoint qualified citizens to boards, commissions, authorities or other agencies of the Municipality, making the greatest possible use of the talents and interests of such citizens, thereby promoting the public interest and welfare of the Municipality.

**§ 41.8-803. Initiative and Referendum.**

A. Qualified voters of the Municipality shall have the following powers:

- 1. Initiative—To propose ordinances to Council which are consistent with this Charter and General Law, and to adopt or reject the same at a primary, municipal or general election if Council fails to adopt an ordinance so proposed without any change in substance; and,
- 2. Referendum—To require repeal by Council of any adopted ordinance prior to its effective date and, if Council fails to repeal said ordinance, to repeal it at a primary, municipal or general election.

B. Petition papers circulated for the purpose of an initiative or referendum shall:

- 1. Contain the names and addresses of five (5) qualified voters of the Municipality designated as a Committee of the Petitioners;
- 2. Contain or have attached thereto throughout the circulation the full text of the ordinance proposed or sought to be repealed;
- 3. Bear the signatures and addresses in ink of qualified voters of the Municipality equal in number to at least 15% of all votes cast for all candidates for Governor in the last gubernatorial election;
- 4. When filed, have attached to it an affidavit executed by the circulator thereof, stating that he or she personally circulated the paper and the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the person whose name appears thereon, that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be repealed;
- 5. In the case of a referendum petition; be filed within thirty (30) days after the final adoption of the ordinance sought to be repealed; and,
- 6. Be filed with the Municipal Administrator as one instrument as provided herein.

C. Procedure after Filing.

- 1. Within twenty (20) days after the petition is filed, the Municipal Administrator shall examine the petition for compliance with the provisions of this Charter and General Law, and certify the results of his or her examination to the Committee of Petitioners and the President of Council by registered mail.
- 2. If the Municipal Administrator certifies the petition as valid:
  - a. The ordinance proposed shall be introduced at the next regular meeting or special meeting of Council and be subject to the other provisions of Article IV of this Charter pertaining to the enactment of ordinances, not inconsistent with the provisions of this Article.

- b. The ordinance sought to be repealed shall be immediately suspended from taking effect until:
  - (1) The referendum petition is withdrawn by the Committee of Petitioners;
  - (2) It is repealed by the vote of Council: or,
  - (3) It is approved or disapproved by the qualified voters of the Municipality, upon the certification of election results under the election laws of the Commonwealth of Pennsylvania.
- 3. If the Municipal Administrator determines that the petition is invalid:
  - a. He or she shall certify the results of his or her examination to the Committee of Petitioners and the President of Council by registered mail describing the particulars in which it is defective.
  - b. The Committee of Petitioners shall have ten (10) days after the date of such notification to correct the said deficiencies and file the corrected petition with the Municipal Administrator.
  - c. Within five (5) days after the corrected petition is filed, the Municipal Administrator shall examine the corrected petition, as aforesaid, and the procedures in the case of an original petition shall be followed.
  - d. A petition may only be corrected once, but a new petition may be filed for the same purpose at any future time.

**D. Action on Petition.**

If, within sixty (60) days after the submission of a petition certified as valid by the Municipal Administrator to the President of Council, Council fails to adopt or repeal the ordinance as requested by the initiative or referendum petition, the Municipal Administrator, within ten (10) days thereafter, or the Committee of Petitioners within fifteen (15) days thereafter (if the Municipal Administrator fails to act), shall file the petition with the Board of Elections of Montgomery County, Pennsylvania to be voted upon by the qualified voters of the Municipality at the next primary, municipal or general election to be held not less than sixty (60) days thereafter. An initiative or referendum election shall be held by special election as provided in the election laws of the Commonwealth of Pennsylvania.

**E. Results of Election.**

- 1. Initiative—If a majority of the qualified voters of the Municipality voting on a proposed ordinance vote in favor thereof, such ordinance shall become a valid and binding ordinance of the Municipality upon certification of election results under the election laws of the Commonwealth of Pennsylvania.
- 2. Referendum—If a majority of the qualified voters of the Municipality voting to repeal an ordinance vote in favor thereof, such ordinance shall be considered repealed upon certification of the election results under the election laws of the Commonwealth of Pennsylvania.
- 3. Multiple Ordinances—If the provisions of two (2) or more ordinances adopted at the same election conflict, then the ordinance receiving the greatest affirmative vote shall control.

**F. Limitations on Initiative and Referendum.**

Initiative and referendum powers shall not extend to the budget or capital programs in their entirety nor to any emergency ordinance. However, such exception shall not apply to specific projects of the budget or capital program. Any proposed ordinance which requires the expenditure of Municipal revenues shall provide for the funding thereof.

**ARTICLE IX. CODE OF ETHICS**

Sec.

- 41.09-901. Declaration of Policy.
- 41.09-902. Prohibitions.
- 41.09-903. Political Activity.
- 41.09-904. Violations.

§ 41.09-901. **Declaration of Policy.**

The proper operation of a representative government requires that public officials and employees be independent, impartial and responsible to the people; and, that governmental decisions and policies be made in the best interests of the people and the Municipality. In recognition of these goals, the following Code of Ethics shall apply to all Municipal elected and appointed officials and employees of the Municipality, whether compensated or uncompensated, including members of authorities, agencies, boards and commissions of the Municipality or those in which the Municipality participates with other political subdivisions of the Commonwealth of Pennsylvania.

§ 41.09-902. **Prohibitions.**

A. The following activities shall be prohibited in the operation of the government of the Municipality:

1. No person shall, in his or her employment by the Municipality in any capacity, or appointment to any board, authority, commission or agency, or removal therefrom, be favored or discriminated against because of age, race, sex, disability, political or religious opinions or affiliations;

2. No person who seeks appointment on any Municipal board, authority, commission or agency or employment by the Municipality in any capacity shall, directly or indirectly, give or pay any money, service or other consideration to any person in connection with such appointment or employment;

3. No elected or appointed official of the Municipality, or employee thereof, shall:

a. Engage in or accept private employment or render services for private interests when such employment or service is in conflict with or prevents the proper discharge of his or her official duties;

b. Engage in any activity or take any action by virtue of an official position from which activity or action the official or employee, or any other person or entity in whose welfare the official or employee is interested, shall realize a gain or advantage, or receive anything which could be regarded as a gain or advantage, except such gain or advantage generally realized by the citizens of the Municipality as the purposeful result of such activity or action;

c. Solicit or accept, directly or indirectly, any gift, favor, service, or other consideration that might reasonably tend to influence that official or employee in the discharge of the duties of his or her office;

d. Seek to influence, directly or indirectly, the awarding of any contract where such official, or employee, or other person or entity in whose welfare the official or employee is interested, would benefit directly or indirectly, financially or otherwise, from said contract, except such benefits generally realized by the citizens of the Municipality as the purposeful result of such contract;

e. Solicit, accept or receive by virtue of his or her office, directly or indirectly, from any person or entity, any service or franchise right upon terms more favorable than is granted to the citizens of the Municipality generally;

f. Give or promise, directly or indirectly, to any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, and or vote of any person, except where such benefit is generally realized by the citizens of the Municipality; and,

g. Use any public property for personal benefit or profit, except as may be authorized by Council in the Administrative Code or other ordinance.

B. Any elected or appointed official of the Municipality, or employee thereof, who has or by the exercise of reasonable diligence should know that he or she has any direct or indirect financial interest with any person or other entity proposing to contract with the Municipality shall fully disclose said interest and, except where such interest is minimal stock holdings in a public corporation, shall not participate in the discussion or vote on said contract. Violation of this section shall render the contract voidable.

C. All hiring decisions for employment with the Municipality shall be on the basis of merit and ability. The Municipality shall not permit the use of nepotism when hiring individuals for municipal employment. The

Municipality may accept employment applications from relatives of employees, however, no relative of a current employee shall be hired if :

- (1)1. one relative would supervise or have disciplinary authority over another;
- (2)2. one relative would audit the work of another;
- (3)3. the interest of either the relative and the employee or the relative and the Municipality would be in conflict, and;
- (4)
- (5)4. the hiring of relatives could result in a conflict of interest with existing vendors of the Municipality.

A proposed transfer by an existing employee to another municipal department or agency will be prohibited if it will result in one of the four situations listed above.

Employees who would be in violation of this section upon the election or appointment of a relative to an elected or appointed supervisory position; or who became related subsequent to their employment on account of the marriage or adoption of some other person; may continue their employment subject to the following conditions:

5. Elected officials may not participate in or vote upon any specific individual personnel actions directly involving a relative.
6. Department directors and supervisors shall transfer any relative (other than those already employed on the effective date of this section) to a different division or section so as to avoid any direct supervision and shall not participate in any personnel actions involving a relative.

These provisions shall only apply to changes in employment status or marriages occurring after the effective date of the adoption of this Charter.

#### Cross References

This section cited in 346 Pa. Code § 41.5-504 (relating to acting mayor).

#### § 41.09-903. **Political Activity.**

A. Employees of the Municipality shall not campaign directly or indirectly for any candidate seeking a Municipal office, shall not participate directly or indirectly in fund raising activities for candidates for Municipal office or elected Municipal officials, and shall not participate directly or indirectly in any other political activity of the Municipality.

B. An employee of the Municipality shall resign from such employment within ten (10) days of the date he or she submits a petition to become a candidate for any elected office of the Municipality under this Charter and the election laws of the Commonwealth of Pennsylvania.

C. A Council Member shall resign from office within ten (10) days of the date he or she submits a petition to become candidate for any other elected office of the Municipality, the County of Montgomery, the Commonwealth of Pennsylvania, or the United States of America under the election laws of the Commonwealth of Pennsylvania or the United States of America.

D. Persons appointed to authorities boards, agencies, commission or committees of the Municipality shall resign from such appointed positions within ten (10) days of the date that he or she submits a petition to become a candidate for any elected office of the Municipality under this Charter and the election laws of the Commonwealth of Pennsylvania.

#### § 41.09-904. **Violations.**

Violations of the provisions of this Article of this Charter shall constitute malfeasance or misbehavior in office which, except as otherwise provided for by General Law, shall be a summary offense punishable by the maximum fine and/or imprisonment established by General Law. Conviction shall result in forfeiture of office or termination of employment and any person so convicted shall thereafter be ineligible to hold elective or appointed office or employment in the government of the Municipality.

## ARTICLE X. GENERAL PROVISIONS

Sec.

- 41.10-1001. Effective Date.
- 41.10-1002. Gender.
- 41.10-1003. Consistent Laws.
- 41.10-1004. Amendment.
- 41.10-1005. Severability.

### § 41.10-1001. **Effective Date**

This Charter shall become effective on the first day of July 2004 except for the transitional provisions of Article X11 of this Charter which shall become effective upon certification of the adoption of this Charter under the election laws of the Commonwealth of Pennsylvania.

### § 41.10-1002. **Gender.**

Words used in the masculine gender shall include the feminine all places in this Charter.

### § 41.10-1003. **Consistent Laws.**

Whenever reference is made to this Charter to the Administrative Code or ordinance, the provisions of such Administrative Code or ordinance shall not be inconsistent with the provisions of this Charter.

### § 41.10-1004. **Amendment.**

Amendments to this Charter shall be made in accordance with the provisions of Act 62 of 1972 of the General Assembly of Pennsylvania, as amended, or as otherwise provided by General Law.

### § 41.10-1005. **Severability.**

If any provision or part thereof of this Charter is held invalid or unconstitutional, the remaining provisions and parts thereof of this Charter shall not be affected thereby. If the application of this Charter, its provisions or parts thereof, to any persons or circumstances is held invalid or unconstitutional, the applications of this Charter and said provisions or parts thereof to other persons or circumstances shall not be affected thereby.

## ARTICLE XI. TRANSITIONAL PROVISIONS

Sec.

- 41.11-1101. Transitional Provisions.
- 41.11-1102. Council Districts.



- 41.11-1103. Council Members.
- 41.11-1104. Mayor.
- 41.11-1105. Tax Collector.
- 41.11-1106. Rights and Privileges Preserved.
- 41.11-1107. Departments, Boards, Agencies, Authorities and Commissions.
- 41.11-1108. Pending Matters.
- 41.11-1109. Transition Committee.
- 41.11-1110. Existing Ordinances

#### Cross References

This article cited in 346 Pa. Code § 41.11-1101 (relating to effective date).

#### § 41.11-1101. **Transitional Provisions.**

The orderly transition from the present government with its form and powers derived from the Municipal Code to the new government as prescribed by this Charter shall be effected according to the provisions of this Article of this Charter.

#### § 41.11-1102. **Council Districts.**

The Council Districts of the Municipality shall be as follows:

##### A. 1st Council District.

Beginning at a point, a corner, at the intersection of the middle of Beech Street with the middle of Stanbridge Street; thence proceeding along the middle of Stanbridge Street in a Southwesterly direction to the middle of the Schuylkill River, on the Southerly boundary line; thence proceeding along the middle of the Schuylkill River, along the Southerly boundary line of the Borough, in a Westerly direction to its intersection with the Easterly boundary of West Norriton Township; thence leaving the Schuylkill and proceeding in a Northeasterly direction along the Easterly boundary line of West Norriton Township to a point in the middle of Jackson Avenue; thence along the middle of Jackson Avenue in a Northwesterly direction to a point in the middle of Forest Avenue; thence proceeding along the middle of Forest Avenue, along the Easterly boundary of West Norriton Township, to Stergiere Street, and continuing across Stergiere Street along the same direction to the middle of Johnson Highway projected, being the Southerly boundary of East Norriton Township; thence proceeding in an Easterly direction along the Southerly boundary line of East Norriton Township to the middle of Stony Creek; thence along the middle of Stony Creek along various courses and distances in a Southerly direction, to the intersection of the middle of West Elm Street with the middle of Markley Street; thence leaving Stony Creek and proceeding in a Westerly direction along the middle of West Elm Street to the middle of Haws Avenue; thence proceeding in a Northeasterly direction along the middle of Haws Avenue to the middle of Beech Street; thence proceeding along the middle of Beech Street in a westerly direction to its intersection with the middle of Stanbridge Street, the point of beginning.

##### B. 2nd Council District

Beginning at a point, a corner, at the intersection of the middle of Beech Street with the middle of Stanbridge Street; thence proceeding along the middle of Beech Street in a Southeasterly direction to the middle of Haws Avenue; thence proceeding in a Southwesterly direction along the middle of Haws Avenue to the middle of West Elm Street; thence proceeding along the middle of West Elm Street in an Easterly direction to the middle of Swede Street; thence proceeding in a Southerly direction along the middle of Swede Street to the middle of Jacoby Street; thence proceeding along the middle of Jacoby Street; thence proceeding along the middle of Jacoby Street in an Easterly direction to the middle of Green Street; thence proceeding in a Southerly direction along the middle of Green Street to the middle of Oak Street; thence proceeding in an Easterly direction along the middle of Oak Street to the middle of Arch Street; thence proceeding in a Southerly direction along the middle of Arch Street to the Southerly boundary of the Municipality in the middle of the Schuylkill River; thence proceeding in a Westerly direction along the middle of the Schuylkill River the various courses and distances to the middle of Stanbridge Street projected; thence proceeding in a Northerly direction along the middle of Stanbridge Street to the middle of Beech Street, the point of the beginning.

##### C. 3rd Council District.

Beginning at a point, a corner, at the intersection of the middle of West Elm Street with the middle of Markley Street; thence proceeding in a Northerly direction along the middle of Stony Creek the various courses and distances to

the middle of Johnson Highway projected, being the Southerly boundary of East Norriton Township; thence proceeding in an Easterly direction along the middle of Johnson Highway projected and along the middle of Johnson Highway to the middle of Arch Street, thence proceeding in a Southwesterly direction along the middle of Arch Street to the middle of Oak Street; thence proceeding in a Westerly direction along the middle of Oak Street to the middle of Green Street; thence proceeding in a Northerly direction along the middle of Green Street to the middle of Jacoby Street; thence proceeding in a Westerly direction along the middle of Jacoby Street to the middle of Swede Street; thence proceeding in a Northerly direction along the middle of Swede Street to the middle of Elm Street; thence proceeding in a Westerly direction along the middle of Elm Street to the middle of Markley Street the point of beginning.

D. 4th Council District.

Beginning at a point, a corner, at the intersection of the middle of Arch Street with the middle of Johnson Highway; thence proceeding in an Easterly direction along the middle of Johnson Highway to a point in the middle of New Hope Street; thence proceeding in a Southerly direction along the Westerly boundary line of Plymouth Township crossing various streets, and proceeding to the middle of the Schuylkill River, the Southerly boundary of the Borough; thence proceeding in a Westerly direction along the middle of the Schuylkill River to the middle of Arch Street projected; thence proceeding in a Northerly direction along the middle of Arch Street to Johnson Highway, the point of beginning.

§ 41.11-1103. **Council Members.**

A. All Council Members in office at the time of the adoption of this Charter shall continue in office for the remainder of the term for which they were elected.

§ 41.11-1104. **Mayor.**

A. The Mayor in office at the time of the adoption of this Charter shall continue in office for the remainder of the term for which he was elected, subject to the powers and authority granted herein. Upon expiration of the then current term, the position of Mayor shall be abolished.

§ 41.11-1106. **Rights and Privileges Preserved.**

The rights and privileges of employees of the Municipality on the date of the adoption of this Charter shall not be impaired or affected unless said rights or privileges are inconsistent with this Charter. An employee holding a position in the Municipal government on the effective date of this Charter, which same or similar position is continued after the effective date of this Charter, shall not be subject to competitive testing as a condition of continuation in that same or similar position, but in all other respects shall be subject to the personnel system set forth in this Charter and in the Administrative Code.

§ 41.11-1107. **Departments, Boards, Agencies, Authorities and Commissions.**

A. From and after the effective date of this Charter, the organization of the departments, boards, agencies, authorities, commissions and committees of the government of the Municipality shall be as set forth in this Charter and in the Administrative Code.

B. It is the intent of this Charter that qualified employees of the Municipality be reappointed to the same or similar positions consistent with this Charter and the Administrative Code.

C. All appointed members of boards, commissions, authorities or other agencies and committees of the Municipality shall continue in office with the same or similar bodies for the balance of the term of their original appointment.

D. Nothing in this section shall be construed to limit the right of Council to create, modify, or abolish boards, commissions, authorities, and other agencies and committees as provided in § 41.5-512 of this Charter.

§ 41.11-1108. **Pending Matters.**

All actions and proceedings of the Municipality which are pending upon the effective date of this Charter shall be maintained, continued or dealt with, and shall be the responsibility of the officer, department, employee, board, commission, authority, agency or committee appropriate under this Charter and the Administrative Code.

§ 41.11-1109. **Transition Committee.**

A. In order to establish an orderly procedure for transition from the old to the new form of government provided by this Charter, and to ensure that all necessary action is taken in order that this Charter be fully operational on its effective date, Council shall, by the majority vote of the existing members of Council, within thirty (30) days after the adoption of this Charter appoint a Transition Committee of nine (9) members comprised of two (2) Council Members and seven (7) members from the Government Study Commission, with the Municipal Administrator serving as a non-voting member, to draft the Administrative Code, rules, ordinances and regulations, required by this Charter. The Transition Committee members shall serve without compensation. In the event the Transition Committee determines that a vacancy exists during its term, it shall notify Council of such vacancy, recommend a replacement, and Council shall appoint a replacement to fill the vacancy.

B. The Transition Committee shall hold an organizational meeting within twenty (20) days of its appointment at which time a Chair, Vice-Chair and Secretary shall be elected.

C. The Transition Committee shall meet regularly as determined by the Committee, but in any event no less than one (1) time per month until such time as its work has been concluded.

D. The Transition Committee shall report regularly to Council on the progress of its work and shall meet with Council to review and prepare final drafts of the Administrative Code, rules, regulations and ordinances. Such meeting shall be held no later than fifteen months after the effective date of the Charter.

E. The Transition Committee shall submit the final proposed Administrative Code, and related rules, regulations and ordinances to Council for adoption no later than eighteen (18) months after the effective date of this Charter. All proposed ordinances shall be advertised at least once in one (1) or more newspapers of general circulation in the Municipality not more than thirty (30) days nor less than ten (10) days before the meeting at which they will be considered for adoption. At said meeting the Council shall adopt the Administrative Code and related rules, regulations and ordinances which shall become effective on adoption.

F. Council shall appropriate such funds as necessary and required to allow the Transition Committee to fulfill its duties and responsibilities.

§ 41.11-1110. **Existing Ordinances**

1110.1 All ordinances in effect on the effective date of this Charter, to the extent they are not inconsistent with this Charter, are hereby ratified.

1110.2 To the extent any ordinances or portions thereof in effect on the effective date of this Charter are inconsistent with this Charter then and in that event, this Charter shall control.