

**HOME RULE CHARTER OF MT. LEBANON, PENNSYLVANIA
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HOME RULE CHARTER OF MT. LEBANON, PENNSYLVANIA

ARTICLE I NAME AND BOUNDARIES

Section 101. Name

The name of this home rule municipal corporation, hereinafter referred to as the “Municipality,” shall be “Mt. Lebanon, Pennsylvania.”

Section 102. Boundaries

The boundaries of the Municipality shall be the actual boundaries of the Township of Mt. Lebanon at the time this Charter takes effect and as they may be lawfully changed.

ARTICLE II
POWERS OF THE MUNICIPALITY

Section 201. Powers

The Municipality has, and may exercise, any power, and may perform any function not denied by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time. All possible powers of the Municipality, except as limited above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the Municipality or may hereafter become available.

Section 202. Construction

The general grant of municipal power contained in this Charter is intended to confer the greatest power of self-government consistent with the Constitution of Pennsylvania, the Home Rule Charter and Optional Plans Law (Act. No. 62 of 1972, as amended), and other Acts of the General Assembly. Any specific mention of particular powers in this Charter is not intended, and shall not be construed, to limit in any way the general description of power in Section 201, and any such enumerated power shall be regarded as in addition and supplementary to the powers conferred in general terms by this Charter. All grants of municipal power shall be construed broadly in favor of the Municipality.

Section 203. Residual Powers in the Commission

All powers of the Municipality, including any such power which may hereafter be conferred on the Municipality by amendment of the Constitution of the United States or of the Constitution of Pennsylvania or of this Charter or by Act of the General Assembly, unless otherwise specifically allocated to another person or body by this Charter, shall be vested in the Commission as established in Article III hereof.

ARTICLE III COMMISSION

Section 301. Composition

There shall be a Commission of five (5) members, one (1) elected by the qualified voters of each of five (5) wards. The wards shall be established by ordinance by dividing the Municipality into five (5) compact and contiguous districts as nearly equal in population as practicable. Modifications in the existing boundaries of these wards shall be made only by ordinance.

Section 302. Terms

The terms of all Commissioners shall be four (4) years, commencing at 8:00 P.M. on the first Monday of January following the year in which they are elected, except that a Commissioner appointed to fill a vacancy shall serve only for the balance of the unexpired term, or if the term thereof continues so long, until the installation of the person elected at the next available primary, municipal or general election occurring more than sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected for the balance of the unexpired term.

Section 303. Election

The regular election of Commissioners shall be held on the municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania commencing in the year 1975. At the first election under this Charter, Commissioners shall be elected in those three (3) wards having Commissioners whose terms expire on the following January. At the next regular municipal election Commissioners shall be elected in the other two (2) wards.

Section 304. Salary

Each Commissioner shall receive a salary equal to the salary the Commissioner is receiving at the time this Charter takes effect or such other sum as the Commission shall from time to time ordain; provided, however, that no ordinance changing such salary shall become effective for at least four (4) years after the effective date of any such ordinance. Commissioners shall receive no other compensation, direct or indirect, for the performance of their duties; they shall receive no pensions or other forms of fringe benefits. They may be paid reasonable expenses incurred in the performance of their duties.

Section 305. Qualifications of Commissioners

At the time of election or appointment, a Commissioner shall be a citizen of the United States, shall be at least twenty-five (25) years of age, shall have been a registered voter in the Municipality for at least two (2) years immediately prior to election, and shall be a bona fide resident of the ward from which elected.

Section 306. Authority

All Commission authority shall be asserted by the Commissioners as a body only. No individual Commissioner shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by the Commission as a body.

Section 307. Prohibitions

- A) The Municipality shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.
- B) Neither the Commission nor any individual Commissioner shall direct or request the appointment of any person to or any person's removal from office or employment by the Manager or any of the Manager's subordinates, except that suggestions may be made to the Manager with respect to the hiring or firing of department directors. Hiring and firing of department directors shall be done by the Manager with the advice and consent of the Commission.

Section 308. Vacancies

The office of the Commissioner shall become vacant upon death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. A Commissioner shall forfeit the office if the Commissioner lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law, or violates any express provision of this Charter, or is convicted of a felony or a crime involving moral turpitude, or fails to attend at least three (3) consecutive regular meetings of the Commission without being excused by the Commission. In the case of failure of attendance, the Commission shall declare such office vacant at least ten (10) days before the same shall be filled by appointment.

Section 309. Filling of Vacancies

If a vacancy shall occur in the office of the Commissioner for any reason set forth in this Charter, the remaining members of the Commission shall fill such vacancy by appointing a person qualified under this Charter from the ward in which the vacancy exists to hold such office for the unexpired term thereof, or if the term thereof continues so long, until the installation of the person elected at the next available primary, municipal or general election occurring more than sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected for the balance of the unexpired term. If the Commission shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas of Allegheny County shall, upon petition of any Commissioner or of any five (5) citizens of the ward wherein the vacancy exists, fill the vacancy in such office by the appointment of a qualified resident of said ward for the unexpired term of the office, or if the term thereof continues so long, until the installation of the person elected at the next available primary, municipal or general election occurring more than sixty (60) days after the vacancy occurs, at which election an eligible person shall be elected for the balance of the unexpired term.

Notwithstanding the requirement in §315 that a quorum of the Commission consists of three (3) members, if at any time the membership of the Commission is reduced to less than three (3), the remaining member or members may by unanimous action appoint additional members to raise the membership to three (3).

Section 310. Organization of the Commission

The Commission of the Municipality shall organize at 8:00 P.M. on the first Monday of January of each year, by electing one of their number as President and one of their number as Vice President, who shall hold such offices at the pleasure of the Commission. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Commission may transact any further business it deems necessary or appropriate at the organization meeting.

Section 311. Meetings

It shall be the duty of the Commission to meet statedly at least once a month. The Commission may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until a quorum is present. Special meetings may be called by the President of the Commission and shall be called by the Secretary upon receipt of a written request of at least three (3) Commissioners. Written notice of any such special meeting shall be delivered to the home of each Commissioner at least twenty-four (24) hours prior to the meeting. The notice shall state whether it is for general or special purposes, and if it is for special purposes, the notice shall contain a statement of the nature of the business to be considered. Presence at a meeting constitutes waiver of notice.

Section 312. Records

The Commission shall make and preserve minutes and records of its regular and adjourned meetings. These records shall be open for public inspection in the office of the Secretary of the Municipality during reasonable hours.

Section 313. Public Meetings

All regular, adjourned, or special meetings of the Commission shall be open for public attendance with such exceptions as authorized by state law applicable to Home Rule Municipalities. The public shall be notified of such meetings in accordance with state law applicable to Home Rule Municipalities.

Section 314. Operating Rules

The Commission shall, by ordinance, adopt rules and procedures for its meetings. Such rules shall be designed so as to assure full and equal participation in the deliberations of the Commission by all of its members.

Section 315. Quorum

A majority of the members of the Commission shall constitute a quorum. The Commission shall conduct no business except in the presence of a quorum.

Section 316. Majority Action

Unless otherwise stated in this Charter, the action of a majority of the members of the Commission present at any duly constituted meeting of the Commission at which a quorum is present, shall be binding upon and constitute the action of the Commission.

Section 317. Form of Actions by the Commission

Official actions of the Commission may be taken by adoption of an ordinance, a resolution, or a motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of the Commission shall be by resolution or motion, unless otherwise required in this Charter, or in the ordinance establishing the rules of Commission procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. In the absence of a unanimous vote, the minutes shall record how each member of the Commission voted.

Section 318. Citizens' Right to be Heard

The Commission shall provide reasonable opportunity for interested citizens and taxpayers to address the Commission on matters of general or special concern. This opportunity shall be afforded the public either at the regular or adjourned meeting of the Commission or at a special meeting.

Section 319. Certain Specific Actions Requiring an Ordinance

In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of the Commission shall be by ordinance which:

- 1) Adopt or amend an Administrative Code or establish, alter or abolish any department, office or agency of the Municipality.
- 2) Adopt or amend an ordinance establishing a personnel system for the Municipality.
- 3) Establish a rule or regulation or define a summary offense for violation of which a fine or other penalty is imposed.
- 4) Levy taxes.
- 5) Grant, renew or extend a franchise.

- 6) Establish, alter or abolish rates charged for any utility or other service supplied by the Municipality.
- 7) Convey or lease or authorize the conveyance or lease of any lands of the Municipality.
- 8) Amend or repeal any ordinance previously adopted.
- 9) Establish wages, hours or fringe benefits of any job classification of the Municipality.

Section 320. Ordinances Requiring Prior Public Notice

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon, of which there has been at least five (5) days' prior Public Notice or prior public notice has been provided pursuant to state law applicable to Home Rule Municipalities.

- 1) Zoning ordinance and amendments thereto.
- 2) Subdivision regulations.
- 3) Land development and land use regulations.
- 4) Imposition of taxes.
- 5) Adoption or amendment of a budget.
- 6) Adoption of an Administrative Code.

Section 321. Ordinances Authorizing Indebtedness

No ordinance authorizing new non-electoral debt or lease rental debt shall be enacted except by the affirmative vote of at least four (4) members of the Commission at a public meeting Published once seven (7) to thirty (30) days prior to such meeting. Provided, however, that any ordinance authorizing new non-electoral debt or lease rental debt in an amount exceeding twenty-five percent (25%) of its current borrowing base as defined in §913 of this Charter shall, before vote of the Commission, be submitted by the Commission to the voters of the Municipality for approval or disapproval of the proposed ordinance in the manner set forth in the second paragraph of §1206 of this Charter. The action of the Commission on the ordinance shall follow the majority vote of such election.

Section 322. Enacting Clause

The enacting clause of all ordinances shall be: "Mt. Lebanon, Pennsylvania, hereby ordains."

Section 323. General Ordinance Requirements

Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting at which final action thereon was taken. The official seal of the Municipality shall be affixed to the original copy of each ordinance. However, failure on the part of the presiding officer to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.

Any ordinance which repeals or amends an existing ordinance or part of the Mt. Lebanon Code, as defined in §325, shall set out in full the language to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

Section 324. Publication and Effective Date of Ordinances

After adoption, all ordinances shall be Published one time. The Publication shall include:

- 1) The ordinance or a brief summary thereof; and
- 2) The places where copies of it have been filed and the times when they are available for public inspection.

Ordinances not Published within thirty (30) days of their enactment shall be invalid. Unless a later date is specified therein, or required by the laws of the Commonwealth of Pennsylvania, all ordinances shall take effect on the tenth (10th) day after Publication, except that the following ordinances shall take effect immediately: (i) the annual budget ordinance and (ii) any ordinance adopted by a majority plus one of all the members of the Commission declaring that the ordinance deals with an emergency situation.

Section 325. Recording of Ordinances

All ordinances and resolutions of the Municipality shall be promptly entered verbatim in permanent separate record books for ordinances and resolutions. The ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the Manager and all entries made therein shall be at the direction of the Manager.

Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Commission shall provide for the preparation of a general codification of all ordinances and resolutions of the Municipality having the force and effect of law. The general codification shall be adopted by the Commission by ordinance and shall be published promptly in bound or loose-leaf form, together with this Charter and any amendments thereto, and such other laws, codes of technical regulations or other rules and regulations as the Commission may specify. This compilation shall be known and cited officially as the Mt. Lebanon Code. Copies of the Code shall be furnished to officers of the Municipality, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the Commission.

Section 326. Investigation

The Commission may make investigation into the affairs of the Municipality and the conduct of any department, office or agency of the Municipality and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who neglects or refuses to obey a lawful order issued in the exercise of these powers may be cited for contempt and punished as for contempt of court, and for this purpose the Commission may institute appropriate proceedings in any court having jurisdiction over the person of the party so neglecting or refusing.

Section 327. Publication

For purposes of this Charter, “Public Notice,” “Publish,” “Published” or “Publication” shall mean to publish in a newspaper of general circulation within the Municipality. The Commission, by amendment to the Administrative Code, may change the medium of publication, as long as the new provisions required: (1) one physical posting in a location accessible to the public in the Municipal Building; and (2) such other notice as prescribed by the Commission, which must at a minimum include (a) one other posting (electronic or otherwise) of general availability; (b) one other method (electronic or otherwise) that permits an individual or entity to sign up for an individual notice.

ARTICLE IV
TREASURER

Section 401. Function and Responsibility

- A) The Municipality shall have a Treasurer, elected at large and responsible for the collection of all property taxes, earned income taxes, occupational privilege taxes and other general taxes which the Commission may levy. The Treasurer shall be also responsible, as provided in §909, for signing all checks for the disbursement of municipal funds. The Treasurer shall be entitled to complete and accurate information from the Manager or Acting Manager in regard to any check the Treasurer is asked to sign.
- B) The Treasurer shall receive all municipal moneys from all sources, and promptly deposit the same in a bank, banking institution or trust company in the name of the Municipality, and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the members of the Commission and the municipal Auditor. The Treasurer shall annually state his accounts, and lay the same, together with all related books and vouchers, before the municipal Auditor for audit.

Section 402. Term

The term of the Treasurer shall be four (4) years, commencing at 8:00 p.m. on the first Monday of January following the year of election, except that a Treasurer appointed to fill a vacancy shall serve only until the first Monday of January following the next municipal election.

Section 403. Election

The regular election of the Treasurer shall be held on the municipal election day established by the laws of the Commonwealth of Pennsylvania, commencing in the year 1977, except as provided in §408 hereof.

Section 404. Salary

The Treasurer shall receive a salary in such amount as the Commission shall from time to time ordain; provided, however, that no ordinance changing such salary shall become effective prior to the beginning of the next term of Treasurer. The Treasurer shall receive no other compensation, direct or indirect, from the Municipality for the performance of the duties of the office; the Treasurer shall receive no pension, or other forms of fringe benefits.

Section 405. Office and Staff

The Treasurer shall operate the office within the limits of a budget established annually by the Commission after receiving recommendations from the Treasurer. The Commission shall furnish office facilities and municipal employees to staff the Treasurer's office as part of the budget.

Section 406. Qualifications

At the time of election, the Treasurer shall be a citizen of the United States, shall be at least twenty-five (25) years of age and shall have been a registered voter of the Municipality for at least two (2) years immediately prior to the election.

Section 407. Vacancies

The office of Treasurer shall become vacant upon death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of office, or for failure to assume such office within fifteen (15) days after the commencement of the term thereof. The Treasurer shall forfeit the office if the Treasurer lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law, or violates any express provision of this Charter or is convicted of a felony or a crime involving moral turpitude or fails for a period in excess of forty-five (45) days to attend to the duties of the office and the Commission has not appointed an Acting Treasurer to serve during such absence.

Section 408. Filling of Vacancies

If a vacancy shall occur in the office of Treasurer for any reason set forth in this Charter, the Commission shall fill such vacancy by appointing a person qualified under this Charter to hold such office until 8:00 p.m. on the first Monday of January following the next municipal election. If the Commission shall refuse, fail or neglect, or be unable for any reason, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of any Commissioner or of any five (5) citizens of the Municipality, fill the vacancy in such office by the appointment of a qualified resident of the Municipality to serve as aforesaid. The Commission shall have the authority and responsibility to appoint an Acting Treasurer to serve in the temporary absence of the Treasurer.

ARTICLE V
MANAGER

Section 501. Appointment, Qualifications and Compensations

The Commission shall appoint a Manager for an indefinite term and shall fix the Manager's compensation. The Manager shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Manager need not be a resident of the Municipality at the time of appointment, but may not reside outside the Municipality while in office except with the approval of the Commission.

Section 502. Powers and Duties of the Manager

The Manager shall be the chief administrative officer of the Municipality. The Manager shall be responsible to the Commission for the administration of all municipal affairs assigned by or under this Charter. The Manager shall have the following powers and duties:

- 1) To appoint, suspend or remove all municipal employees, except as otherwise provided by law or this Charter and except that department directors shall be hired or discharged with the advice and consent of the Commission. The Manager may authorize any administrative officer who is subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- 2) To direct and supervise the administration of all departments, offices and agencies, except the Treasurer's department and except as otherwise provided by this Charter or by law.
- 3) To make such reports as the Commission may require concerning the operations of municipal departments, offices and agencies subject to the Manager's direction and supervision.
- 4) To prepare and submit the annual operating budget and capital budget to the Commission.
- 5) To submit to the Commission and make available to the public a complete written report on the finances and administrative activities of the Municipality as of the end of each fiscal year.
- 6) To subject to such limitations or policies as the Commission may by ordinance or resolution establish, generally superintend and manage all of the day-to-day fiscal affairs of the Municipality except those entrusted to the Treasurer under Article IV of this Charter. The Manager's powers in this regard shall include, but not be limited to the placement of municipal funds in such lawful investments as the Manager may choose. The Manager shall make certain that no money is paid out unless the same shall have been previously appropriated by the Commission

to the purpose for which it is to be paid. The Manager shall continually examine, review and settle all accounts in which the Municipality is concerned, either as debtor or creditor, where provisions for the settlement thereof have been made by the Commission. Where no provisions, or an insufficient provision, has been made, the Manager shall examine such accounts and report to the Commission the facts relating thereto, with an opinion thereon. On the basis of a continuing examination and review, the Manager shall prepare and present to the Commission such written reports and financial statements as the Commission shall require.

- 7) To keep the Commission fully advised as to the financial condition and future needs of the Municipality and make such recommendations to the Commission concerning the fiscal and all other affairs of the Municipality as is deemed desirable.
- 8) To be Secretary of the Municipality and cause appropriate records to be made, preserved and certified, as required by law or other action of Commission. To attest the execution of all instruments and record all ordinances; to have custody of the municipal corporate seal, and to appoint an Assistant Secretary to serve as Secretary in the event of the Manager's absence.
- 9) To attend all Commission meetings. The Manager shall have the right to take part in discussions, but shall not vote.
- 10) To, where authorized, acknowledge and execute documents on behalf of the Municipality. In addition, the Manager shall sign all properly presented papers, contracts, obligations and documents.
- 11) To preserve order in the Municipality.
- 12) To enforce the ordinances and regulations of the Municipality.
- 13) To represent the Municipality in deliberations with other governmental bodies.
- 14) To perform such other duties as are specified in this Charter or as may be required by the Commission.

Section 503. Removal

The Commission may remove the Manager at any time with or without cause.

Section 504. Acting Manager

The Manager may designate, in writing, an employee of the Municipality to exercise the duties of the Manager during a temporary absence or disability, subject to approval of the Commission. During such absence or disability, the Commission may revoke such designation at any time and appoint another officer of the Municipality to serve until the Manager shall return or the disability shall cease.

ARTICLE VI SOLICITOR

Section 601. Appointment

The Commission may appoint a municipal Solicitor, on a full-time or part-time or retainer basis, for an indefinite term. The municipal Solicitor shall be an official of the Municipality, and shall hold office until the Solicitor's appointment is terminated by the Commission.

Section 602. Qualifications

The municipal Solicitor may be either an individual or a partnership or a professional legal corporation, learned in the law and in good standing and active legal practice in the Commonwealth of Pennsylvania.

Section 603. Compensation

The compensation of the municipal Solicitor shall be as fixed by the Commission.

Section 604. Scope of Authority

All of the legal affairs of the Municipality shall be under the general supervision of the municipal Solicitor. Except as otherwise provided by Act of the General Assembly, no official or official body or agency of the Municipality may employ additional legal counsel without express authorization to do so from the Commission.

Section 605. Duties

The municipal Solicitor shall render such legal services as may be necessary or desirable for the best interests of the Municipality, and shall, upon request, furnish the Commission or any official or official agency of the Municipality with a written opinion upon any question of law submitted by any of them in their official capacity.

Section 606. Special Counsel

The Commission may specially employ legal counsel in connection with any legal matter involving the Municipality or any of its officials or official bodies or agencies.

ARTICLE VII ENGINEER

Section 701. Appointment

The Commission may appoint a municipal Engineer, on a full-time or part-time or retainer basis, for an indefinite term. The municipal Engineer shall be an official of the Municipality and shall hold office until the Engineer's appointment is terminated by the Commission.

Section 702. Qualifications

The municipal Engineer may be either an individual or a partnership or an engineering corporation, duly licensed by the Commonwealth of Pennsylvania.

Section 703. Compensation

The compensation of the municipal Engineer shall be as fixed by the Commission.

Section 704. Scope of Authority

All of the engineering matters of the Municipality shall be under the general supervision of the municipal Engineer. Except as otherwise provided by Act of the General Assembly, no official or official body or agency of the Municipality may employ an additional engineer without express authorization to do so from the Commission.

Section 705. Duties

The municipal Engineer shall render such engineering services as may be necessary or desirable for the best interests of the Municipality, and shall, upon request, furnish the Commission or any official or official body or agency of the Municipality with a written report or estimate upon any question of an engineering nature submitted by any of them in their official capacity.

ARTICLE VIII
ADMINISTRATIVE DEPARTMENTS

Section 801. General Provisions

The Commission shall enact an Administrative Code establishing departments and describing their functions. The highest ranking employee of each department shall be designated the “Director,” except that the highest ranking employee of the Police and Fire departments shall be designated the “Chief,” and shall be named and appointed by the Manager, with the advice and consent of the Commission.

ARTICLE IX
BUDGET AND FISCAL MATTERS

Section 901. Fiscal Year

The fiscal year of the Municipality shall begin on the first day of January and end on the last day of December of each year.

Section 902. Submission of Budget and Budget Messages

On or before the first day of November of each year the Manager shall submit to the Commission a proposed budget for the ensuing fiscal year and an accompanying message.

Section 903. Budget Message

The Manager's budget message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the Municipality for the ensuing fiscal year, 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 debt position, and include such other material as the Manager deems desirable.

Section 904. Budget

The budget shall provide a complete financial plan of all municipal funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Manager deems desirable or the Commission may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose of activity and object. The budget shall contain, among other things, the following:

- 1) It shall begin with a general summary of its contents.
- 2) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, rentals, fees, charges, and other income.
- 3) It shall show the number of proposed employees in each job classification and the number presently employed in each job classification.
- 4) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.
- 5) It shall indicate proposed operating expenditures, including debt service during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the proposed methods of financing such expenditures.

- 6) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.
- 7) It shall indicate any anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Municipality and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

Section 905. Adoption of Budget

The Commission shall Publish the general summary of the budget and a notice stating:

- 1) The times when and places where copies of the message and budget are available for inspection by the public, and
- 2) The place and time, not less than two (2) weeks after such Publication, for a public hearing on the budget.

After the public hearing, the Commission may adopt the budget with or without amendment.

Should the Commission fail to adopt a budget on or before the last day of the last month of the fiscal year currently ending, the amounts appropriated for current operation of the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly, until such time as the Commission adopts a budget for the ensuing fiscal year.

Section 906. Public Records

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at the office of the Manager.

Section 907. Amendment of Budget

The Commission may amend the budget by ordinance during the fiscal year for which the budget was adopted; provided, however, that such amendment follows a public hearing and that such amendment shall not result in expenditures exceeding the estimated income determined as of the time of the amendment.

Section 908. Appropriations

Adoption of the budget and amendments thereof shall constitute appropriations for the expenditures set forth therein.

Section 909. Payment of Funds

No payment of any funds of the Municipality shall be made unless provided for in the budget; provided, however, that payroll and utility expenditures may be made at the direction of the Manager where based upon a prior ordinance or contract. All checks or drafts of the Municipality shall be signed by the Manager or Acting Manager and shall be counter-signed by the President or Vice President of the Commission, and by the Treasurer or Acting Treasurer.

Section 910. Capital Program

The Manager shall prepare and submit to the Commission a five (5) year capital program at least three (3) months prior to the final date for submission of the budget. The capital program shall include:

- 1) A clear general summary of its contents.
- 2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
- 3) Cost estimates, method of financing and recommended time schedules for each such improvement.
- 4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- 5) Comparison between projected and actual capital programs for the previous twelve (12) months.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 911. Resolution on Capital Program

The Commission shall Publish the general summary of the capital program and a notice stating:

- 1) The times when and places where copies of the capital program are available for inspection by the public, and
- 2) The place and time, not less than two (2) weeks after such Publication, for a public hearing on the capital program.

The Commission by resolution shall adopt the capital program with or without amendment after the public hearing.

Section 912. Independent Audit

The Commission shall provide for an independent annual audit of all municipal revenues and accounts by a Certified Public Account or a firm of Certified Public Accountants. The Commission may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the Municipality shall be presented to the Commission and Published by April first of the year following the fiscal year audited. The Commission may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than April 30 of such fiscal year.

Section 913. Non-Electoral Debt Limitation

Any other provision of this Charter to the contrary notwithstanding, the Commission shall not incur any new non-electoral debt or lease rental debt if the aggregate net principal amount of such new debt, together with all other non-electoral debt or lease rental debt outstanding would cause the total net non-electoral debt and lease rental debt of the Municipality to exceed two hundred and fifty percent (250%) of its borrowing base. Borrowing base shall mean the annual arithmetic average of the total revenues for the three (3) fiscal years ending next preceding the date of the incurring of non-electoral debt or lease rental debt as set forth in a certificate stating the total revenues in each of such years and stating such average, produced as part of the independent audit provided for §912.

All debt of any kind whenever incurred which has been or shall hereafter be approved by a majority of the votes cast upon the question of incurring such debt at a general or special election as provided by state statute is excluded from the debt limitation set forth above for non-electoral debt and lease rental debt.

Section 914. Tax Rates

Except as provided below, the Commission may not increase taxes for any year if the amount of additional revenue from the aggregate tax increase for that year is estimated to exceed ten percent (10%) of the total General Fund budgeted revenue for the year prior to the year in which the increased taxes are to take effect. Any increase in taxes above this amount will be effective only if: (a) the Commission first obtains a favorable referendum on the increased amount, in the manner set forth in the second paragraph of §1206 of this Charter, in which case the action of the Commission on the ordinance shall follow the majority vote of such election; or (b) the ordinance or ordinances increasing taxes are passed by the unanimous vote of all Commissioners in office.

This section was amended by referendum held on May 16, 2017.

ARTICLE X CONTRACTS

Section 1001. Requirements

All contracts of the Municipality involving sums in the excess of a maximum amount to be established by ordinance shall be in writing and shall be executed on behalf of the Municipality by the President of the Commission or, in the President's absence, the Vice President of the Commission, and attested by the Secretary or, in the Secretary's absence, the Assistant Secretary. The President, or Vice President, and Secretary, or Assistant Secretary, shall also execute all contracts, regardless of amount, for the purchase sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Manager shall execute contracts on behalf of the Municipality involving sums of less than the amount established by ordinance pursuant to budget or other prior authorization. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any officer required to execute a written contract may request the municipal Solicitor to approve the same as to form.

Section 1002. Competitive Bids

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

Section 1003. Bidding Procedure

The Commission shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers, and exceptions as it shall from time to time deem advisable.

Section 1004. Exceptions to Competitive Bidding

Competitive bidding shall not be required under this Charter for:

- 1) Labor or services rendered by any municipal officer or employee.
- 2) Labor, material, supplies, or services furnished by one municipal department to another municipal department.
- 3) Contracts for labor, material, supplies, or services available from only one vendor.
- 4) Contracts for labor, material, supplies, or services aggregating less than a maximum amount to be established by ordinance for the item in the year supplied.
- 5) Contracts relating to the acquisition or use of real property.

- 6) Contracts for professional or unique services.
- 7) Contracts for insurance and surety company bonds.
- 8) Contracts for emergency repairs.
- 9) Contracts with other governmental entities, authorities, agencies, or political subdivisions.

Section 1005. Officials with Personal Interest in Contracts

No Commissioner, nor any other municipal officer or employee, shall participate, directly or indirectly, in the making of any contract on behalf of the Municipality for goods or services in which any such person is financially interested to any appreciable degree, except for the services for which the person is specifically retained.

ARTICLE XI
PERSONNEL

Section 1101. General Provisions

The Commission shall establish, by ordinance, a personnel system for the Municipality. The system so established shall be based upon merit principles and other recommendations submitted by the Manager.

Section 1102. Personnel System

All appointments and promotions of municipal officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The system established by the Commission shall include as a minimum such provisions as:

- 1) The classification of all municipal positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances.
- 2) A pay plan for all municipal positions.
- 3) Methods for determining the merit and fitness of candidates for appointment or promotion.
- 4) The policies and procedures regulating reduction in force and disciplinary action, including suspension and removal of employees.
- 5) The hours of work, provisions for sick and vacation leave and holidays, and provisions for overtime compensation.
- 6) Procedures for the hearing of grievances.
- 7) Other practices and procedures necessary to the administration of the municipal personnel system.

ARTICLE XII
INITIATIVE AND REFERENDUM

Section 1201. General Authority

The qualified voters of the Municipality shall have power to propose ordinances to the Commission and, if the Commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a primary, municipal or general election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of municipal officers or employees.

The qualified voters of the Municipality shall have the power to require reconsideration by the Commission of any adopted ordinance and, if the Commission fails to repeal an ordinance so reconsidered, to approve or reject it at a primary, municipal or general election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

Section 1202. Commencement of Proceedings; Petitioners' Committee; Affidavit

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Secretary of the Municipality an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the Secretary shall issue the appropriate petition blanks to the petitioners' committee.

Section 1203. Petitions

Initiative and referendum petitions must be signed by qualified voters of the Municipality equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote at the last primary, municipal or general election.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered. Initiative petitions shall be completed and filed within ninety (90) days after the issuance of the petition. Referendum petitions must be filed within thirty (30) days after the effective date of the ordinance sought to be reconsidered.

Each paper of a petition shall have attached to it when filed an affidavit executed by a circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to

be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Section 1204. Procedure after Filing

Within twenty (20) days after the petition is filed, the Secretary of the Municipality shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by registered or certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Secretary of the Municipality within two (2) days after receiving the copy of the Secretary's certificate and files a supplementary petition within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Section 1203. Within five (5) days after it is filed, the Secretary of the Municipality shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered or certified mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Commission review under the second paragraph of this section within the time required, the Secretary of the Municipality shall promptly present the certificate to the Commission and the certificate shall then be a final determination as to the sufficiency of the petition.

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Commission. The Commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Commission's determination shall then be a final determination as to the sufficiency of the petition.

A final determination as to the insufficiency of a petition shall be subject to court review.

Section 1205. Referendum Petitions; Suspension of Effect of Ordinance

When a referendum petition is filed with the Secretary of the Municipality, the ordinance sought to be reconsidered shall be suspended. Such suspension shall terminate when:

- 1) There is a final determination of insufficiency of the petition, or
- 2) The petitioners' committee withdraws the petition, or
- 3) The Commission repeals the ordinance, or
- 4) The results of the election provided for in §1206 are certified to the Commission.

Section 1206. Action on Petitions

When an initiative or referendum petition has been finally determined sufficient, the Commission shall at its next regular meeting consider the proposed initiative ordinance or reconsider the referred ordinance. If the Commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the Municipality.

The vote of the Municipality on a proposed or referred ordinance shall be held at the next primary, municipal or general election not less than sixty (60) days from the date of the final Commission vote thereon. A copy of the proposed or referred ordinance shall be prominently posted at each polling place prior to the opening of the polls. A copy shall also be available for inspection by any voter in the office of the Secretary of the Municipality. A copy shall also be Published not more than ten (10) days or less than two (2) days before the election in question.

An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the Municipality by filing with the Secretary of the Municipality a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 1207. Results of Election

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Commission. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE XIII
BOARDS AND AUTHORITIES

Section 1301. Municipal Planning Board

The Commission shall establish a Municipal Planning Board consisting of five (5) members appointed by the Commission for terms of four (4) years each from among the qualified voters of the Municipality. The Board shall elect one of its members as chairman. Members of the Planning Board shall hold no other municipal office. The Board may, on its own initiative and shall upon request of the Commission, make recommendations to the Commission on all matters affecting the physical development of the Municipality, shall be consulted on the comprehensive plan and the implementation thereof and shall exercise such other responsibilities as may be provided by ordinance.

Section 1302. Zoning Hearing Board

The Commission shall establish a Zoning Hearing Board consisting of three (3) members appointed by the Commission for terms of three (3) years each from among the qualified voters of the Municipality. The Board shall elect one of its members as chairman. The Zoning Hearing Board shall be empowered to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in connection with the Municipal Zoning Ordinance, to rule on challenges to the validity of said zoning ordinance, to interpret such ordinance, and to grant variances or special exceptions from the provisions of the said zoning ordinance where literal interpretation thereof would create a hardship and where a variance or special exception will carry out the general spirit of the ordinance and not affect adversely the safety, health, morals or general welfare of the Municipality. An appeal shall lie to the Common Pleas Court by any person aggrieved by any decision of the Zoning Hearing Board.

Section 1303. Other Boards and Authorities

The Commission shall be entitled to establish such other advisory or administrative boards or authorities as it may wish. It shall not, however, without first securing approval from the voters of the Municipality at a primary, municipal or general election, delegate to any board or authority the power to levy assessments or to collect fees or tolls for any service in the nature of a utility generally required by the public. The Commission may, however, purchase bonds or obligations of a board or authority or make grants or loans, or pledge municipal revenue so long as all such funds are treated as a part of the municipal non-electoral debt.

ARTICLE XIV
PLANNING, ZONING, REDEVELOPMENT, AND PROPERTY MAINTENANCE

Section 1401. Comprehensive Plan

- A. The Commission shall provide for and adopt, and may modify, a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the Municipality. Such plan may cover the entire Municipality and all of its functions and services or may consist of any plan or combination of plans governing a specific function or functions, service or services, or specific geographic area or areas.
- B. The Commission shall Publish a general summary of the comprehensive plan and a notice stating:
 - 1) The times when and places where copies of the comprehensive plan are available for inspection by the public, and
 - 2) The place and time, not less than two (2) weeks after such Publication, for a public hearing or hearings on the comprehensive plan.

After the public hearing or hearings the Commission may adopt, modify, or reject the comprehensive plan by resolution.

- C. The comprehensive plan shall serve as a guide to all future Commission action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.
- D. This plan shall be reviewed and updated at intervals of no greater than ten (10) years.

Section 1402. Implementation of the Comprehensive Plan

- A. The Commission shall by ordinance, adopt land use and development regulations, including, but not limited to, a Municipal Zoning Ordinance containing an official zoning map and a subdivision ordinance.
- B. Ordinances adopted by the Commission relative to land use and development, zoning, and subdivision shall prevail over any incompatible ordinances, regulations, rules, enactments, or directive which any governmental body (other than the Commission or the State Legislature) undertakes to impose on the Municipality.

Section 1403. Comprehensive Redevelopment

Deleted by referendum held on November 7, 1978.

Section 1404. Commission Action

Before action on any proposed ordinance concerning land use, zoning, development regulations, urban renewal or expenditures for capital improvements, where such ordinance refers to a matter covered by the comprehensive plan, the Commission shall refer the proposal to the Planning Board, which shall, within a time specified by the Commission, and prior to the public hearing on the proposed ordinance, report its recommendations thereon. Upon adopting any such ordinance, the Commission shall make findings and prepare a report on the relationship between the ordinance and the comprehensive plan and, in the event that the ordinance does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with such findings and report.

Section 1405. Minimum Property Standards Code

Deleted by referendum held on November 7, 1978.

ARTICLE XV
GENERAL PROVISIONS

Section 1501. Severability

It is the intention of the electors of the Municipality that if this Charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts hereof, the remaining provisions of the Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

Section 1502. Existing Ordinances and Rulings

All ordinances and rulings in effect on the effective date of this Charter shall remain in full force and effect unless in conflict with the Charter.

Section 1503. Captions

The captions herein are inserted only for convenience of reference and in no way define, limit, or describe the scope or intent of this Charter or any particular paragraph or section hereof.

Section 1504. Election Procedure

The Commissioners and the Treasurer shall be nominated and elected in accordance with the general laws adopted by the General Assembly for municipal primaries and elections, and any administrative regulations promulgated under such laws.

Section 1505. Public Officials' Bonds

Before entering upon the duties of their respective offices or positions, the Treasurer, the Manager and other officers, agents or employees of the Municipality as the Commission may designate shall execute as principal and file with the Municipality a public official's bond in such amount as the Commission may specify by ordinance. Each such bond shall be executed by a corporate surety authorized to do business in the Commonwealth of Pennsylvania; shall be conditioned upon the principal's honest and careful performance of the principal's particular duties; shall provide that the acts and omissions of the agents or employees of the principal, or of such persons as are knowingly permitted to represent themselves as acting for the principal, shall be deemed to be the acts or omissions of the principal and shall be within the protection of the bond to the same extent as if they were in fact the personal acts or omissions of the principal; shall be subject to the prior approval of the municipal Solicitor; and shall be in compliance with the laws of the Commonwealth of Pennsylvania.

Section 1506. Oaths of Elective Officers

Each elective officer of the Municipality shall, prior to assuming his office, take and sign an oath of office as prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge, justice of the peace, or notary public of the Commonwealth of Pennsylvania, and no person shall be permitted to assume such office, until the oath, in written form, is filed with the Secretary of the Municipality.

Section 1507. Restrictions upon Elective Officers

Neither the Treasurer nor any Commissioner shall hold any other compensated office of or employment with the Municipality during the term of office. No former elective officer of the Municipality shall hold any compensated appointive office of or employment with the Municipality, or act as a paid consultant to the Municipality, until at least one (1) year after service as an elective officer has ceased.

Section 1508. Effective Date

This Charter shall become effective and shall be deemed operative on the first day of January 1975.

Section 1509. Ethics

Municipal officials and employees shall comply with applicable provisions of the Public Official and Employee Ethics Law, Act 9 of 1989, 65 P.S. §401 *et. seq.*