

8423

Adopted 11/10/2022

CB 2022-38

AN ORDINANCE

AMENDING AND SUPPLEMENTING PART ONE - ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF NEW CASTLE, PENNSYLVANIA, BY ADOPTING ARTICLE 101 - CODIFIED ORDINANCES, ARTICLE 103 - OFFICIAL STANDARDS, ARTICLE 111 - COUNCIL, ARTICLE 113 - MAYOR, ARTICLE 115 - COUNCIL PROCEDURES, ARTICLE 121 - ADMINISTRATION GENERALLY, ARTICLE 122 - CITY ADMINISTRATOR, ARTICLE 124 - CHIEF FINANCIAL OFFICER, ARTICLE 125 - CITY CLERK, ARTICLE 131 - FISCAL PROCEDURE, ARTICLE 133 - DEPARTMENT OF ADMINISTRATION, ARTICLE 135 - BUREAU OF LAW, ARTICLE 139 - BUREAU OF PLANNING AND DEVELOPMENT, ARTICLE 141 - DEPARTMENT OF PUBLIC WORKS AND PARKS, ARTICLE 145 - DEPARTMENT OF POLICE, ARTICLE 149 - DEPARTMENT OF FIRE, ARTICLE 151 - DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, ARTICLE 153 - DEPARTMENT OF CODE ENFORCEMENT, ARTICLE 155 - DEPARTMENT OF RECREATION AND PARKS, ARTICLE 156 - PARKING ENFORCEMENT, ARTICLE 157 - BOARD OF HEALTH, ARTICLE 161 - PERSONNEL SYSTEM, ARTICLE 163 - CIVIL SERVICE BOARD, ARTICLE 165 - EMPLOYMENT PROVISIONS, ARTICLE 181 - GENERAL PROVISIONS, AND ARTICLE 187-AUTHORITIES.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF NEW CASTLE, PENNSYLVANIA:

SECTION 1. That ARTICLE 101 - Codified Ordinances, is hereby adopted to read as follows:

ARTICLE 101 - Codified Ordinances

- 101.01 Codification adopted; procedure
- 101.02 Component codes; short title; citation
- 101.03 Amendments and supplements, numbering
- 101.04 Interpretation
- 101.05 Time expiration for action
- 101.06 Separability of provisions
- 101.07 Repeals and ordinances not repealed
- 101.08 Classification of offenses
- 101.09 Other Definitions
- 101.99 General Penalty

101.01 CODIFICATION ADOPTED; PROCEDURE

(a) The ordinances of the City of New Castle, Pennsylvania of a general and permanent nature, consolidated and codified with minor non-substantive changes as attached hereto and made a part hereof are hereby ordained as the general ordinances of the City, and are hereby approved, adopted and enacted as the "Codified Ordinances of New Castle, Pennsylvania, 1977."

(b) This ordinance shall be introduced in Council, notice of introduction shall be published, and legal advertisement of the contents of the Codified Ordinances shall be made in conformity with the Third Class City Code subsections 1014.1(b) and (c) of 1961 P.L. 662 as amended by 1957 P.L. 631.

101.02 COMPONENT CODES; SHORT TITLE; CITATION.

(a) The Codified Ordinances of New Castle, Pennsylvania, shall be comprised of the following component parts:

- Part One - Administrative Code
- Part Three - Business Regulation and Taxation Code
- Part Five - Traffic Code

Part Seven - General Offenses Code
 Part Nine - Streets, Utilities and Public Services Code
 Part Eleven - Health and Sanitation Code
 Part Thirteen - Planning and Zoning Code
 Part Fifteen - Fire Prevention Code
 Part Seventeen - Building and Housing

(b) The Codified Ordinances of New Castle, Pennsylvania, may be referred to as the "Codified Ordinances"; any component Code of the Codified Ordinances may be referred to by its name, such as the "Traffic Code"; and sections of the Codified Ordinances may be cited by their number, such as Section 101.01.

101.03 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of New Castle, Pennsylvania, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances, shall be understood and construed as including the Codified Ordinances of New Castle, Pennsylvania, and any and all such amendments and supplements. Failure of an ordinance to refer to the codification shall not render such ordinance invalid or ineffective.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each code shall be subdivided into titles; each title shall be subdivided into articles; and each article shall be subdivided into sections which shall be numbered in accordance with the decimal numbering system. The numbering of all sections except the penalty sections shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01, the first "1" signifying Code 1, the two figures "01" before the decimal signifying the article within the Code, and the two figures "01" after the decimal signifying the first section in Article 101 of the Code. Penalty sections shall be designated "99" and shall be the last section of the article.

101.04 INTERPRETATION.

In the construction of the Codified Ordinances the following rules shall control, except those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or article.

(a) "Adopting Ordinance" means the ordinance the City adopting the Codified Ordinances of New Castle, Pennsylvania, in conformity with The Third Class City Code of Pennsylvania, and this Article 101.

(b) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate unless contrary to law or to the clear intent of any such particular provision.

(c) Calendar-Computation of Time. The terms "month" and "year" shall mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day except if the last be Sunday it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.

(d) "City" and "Municipality" mean the City of New Castle, Pennsylvania.

(e) Conjunctions. "And" includes "or" and "or" includes "and" if the sense so requires.

(f) "Council" means Council of the City of New Castle, Pennsylvania.

(g) "County" means the County of Lawrence, Pennsylvania.

(h) "Fire Bureau" means the Bureau of Fire of the City.

(i) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.

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(j) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of language. However, technical words and phrases and such others as may have acquired a special meaning in the law, shall be construed according to such technical or special meaning.

(k) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof unless otherwise specifically provided.

(l) "Keeper" or "proprietor" includes persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.

(m) "Land" or "real estate" include rights and easements of incorporeal nature.

(n) Number. Words in the plural include the singular and the singular includes the plural number.

(o) "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation shall have the same force and effect as an oath.

(p) "Owner" when applied to property includes a part owner, joint owner or tenant in common, of the whole or any part of such property.

(q) "Person" extends to and includes associations, clubs, corporations, firms, partnerships and bodies politic, as well as to individuals.

(r) "Police Bureau" means the Bureau of Police of the City.

(s) "Premises" when used as applicable to property extends to and includes land and buildings.

(t) "Property" includes real and personal, and any mixed and lesser estates or interests therein. "Personal Property" includes every kind of property except real property. "Real Property" includes lands, tenements and hereditaments.

(u) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a "reasonable time", it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or giving of such notice.

(v) "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

(w) "State" or "Commonwealth" means the Commonwealth of Pennsylvania.

(x) "Street" includes highways, alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.

(y) "Tenant" or "occupant" as applied to the building or land extends and includes any person holding a written or oral lease or who occupies the whole or any part of a building or land, alone or with others.

(z) Tenses. The use of any verb in the present tense shall include the future.

(aa) "Third Class City Code" means the Pennsylvania Act of June 28, 1951, P.L. 662, as amended. The sections of the Third Class City Code may be cited herein as "3rd Class Section".

(bb) "Written" or "in writing" includes any representations of words, letters or figures, whether by printing or otherwise.

(cc) "Municipal election" means that election required by the Constitution of Pennsylvania to be held in odd-numbered years.

(dd) "Charter Law" means the Optional Third Class City Charter Law, Act of July 15, 1957, P.L. 901 (53 P.S. §411.01 et seq.)

101.05 TIME EXPIRATION FOR ACTION.

Whenever any time established by the Codified Ordinances for the taking of any action expires on a Sunday or any legal holiday, such time shall not expire on such day but shall expire on the next work day.

101.06 SEPARABILITY OF PROVISIONS.

(a) Each section and each part of each section of the Codified Ordinances is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections or parts of a section so held to be invalid.

(b) Should any decision by a court of competent jurisdiction render this codification or the Act of 1957, July 10, P.L. 631, Section 1 (the enabling legislation by the authority of which this codification has been compiled and adopted) invalid or unconstitutional, it is hereby declared to be the legislative intent of Council that the body of the ordinances of the City of New Castle as originally adopted shall be and remain in full force and effect to the same extent as they would be had this codification not been adopted.

101.07 REPEALS AND ORDINANCES NOT REPEALED.

All ordinances or parts of ordinances in conflict with the Codified Ordinances of New Castle, Pennsylvania, are hereby repealed, provided, however, that such repeal shall not affect:

(a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the Codified Ordinances.

(b) Any ordinance promising or guaranteeing the payment of money by or to the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness, or any contract or obligation assumed by the City.

(c) The administrative ordinances or resolutions of Council not in conflict or inconsistent with the provisions of the Codified Ordinances.

(d) Any right, license or franchise conferred by any ordinance of Council or any person, firm or corporation.

(e) Any ordinance establishing, naming, relocating or vacating any street or alley.

(f) Any ordinance or part thereof providing for salaries or compensation.

(g) Any ordinance levying or imposing taxes or assessments.

(h) All ordinances in the process of adoption or subsequently adopted after the effective date of the Codified Ordinances.

(i) Zoning Ordinance 5201 passed July 9, 1951, as amended.

101.08 CLASSIFICATION OF OFFENSES.

Unless stated otherwise, the violation of any ordinance provision shall be classified a summary offense if the violation of the offense provides a maximum ninety days imprisonment, maximum three hundred dollar (\$300.00) fine or both such maximums.

101.09 OTHER DEFINITIONS.

The following words, when used in the Administrative Code, shall have the following meaning: "Charter" shall mean the Home Rule Charter adopted by the voters for the City of New Castle on May 18, 2021.

- (a) "City" shall mean the Home Rule Municipality known as the City of New Castle
- (b) "City Administrator" shall mean the Chief Appointed Administrative Officer of the City.
- (c) "City Building" shall mean the primary building from which the administrative operations of the City are conducted as may be designated by the Council from time to time. The current location of the City Building is at 230 North Jefferson Street, New Castle, Pennsylvania, 16101.
- (d) "City Solicitor" shall mean the legal advisor and chief lawyer for the City.
- (e) "City's Official Information Site" shall mean the website or whatever digital notification used to provide formal notification and information to residents
- (f) "Council" shall mean the duly elected governing body of the City; the Mayor and Councilmembers/Council Members.
- (g) "Councilmember(s) or Council Member(s)" shall mean one (1) or more, as the context requires, of the six (6) individuals elected as Councilmembers pursuant to Article 2 of the Charter. The term shall not include the position of Mayor.
- (h) "Elected Officials" shall mean the Mayor and Councilmembers.
- (i) "Mayor" shall mean the Elected Mayor provided for in the Charter.
- (j) "Member(s) of the Council" shall refer to the Mayor and/or a Councilmember(s)/ Council Member(s).
- (k) "Public Notice" shall mean a legal advertisement in compliance with the current laws of the Commonwealth of Pennsylvania.

101.99 GENERAL PENALTY.

Whenever in the Codified Ordinances an act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances the doing of any act is required or the failure to do any act is declared to be unlawful, and where no specific penalty is provided for such act or failure to act, the violator may be proceeded against under this section.

(a) Such violator shall, upon conviction in a summary proceeding, be fined not more than \$1,000 for a violation of any building, housing, property maintenance, health, fire or public safety code or ordinance provision, and for any water, air and noise pollution violation; and not more than \$600 for a violation of any other ordinance provision, recoverable with costs, together with imprisonment for not more than 90 days, if the amount of such judgment and costs are not paid.

(b) This section and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to equitable or other remedies as may otherwise be available, with or without process of law.

SECTION 2. That ARTICLE 103 - Official Standards, is hereby adopted to read as follows:

ARTICLE 103 - Official Standards

- 103.01 Notice of Public Meetings
- 103.02 Office Hours

103.01 NOTICE OF PUBLIC MEETINGS.

(a) A bulletin board shall be placed in lobby of the City Building, suitable and adaptable to giving notice of public meetings, and shall be erected in a suitable, prominent and conspicuous place.

(b) It shall be the duty of the City Clerk, hereafter, to cause notices to be posted on the bulletin board of all public meetings to be held in the City Building, in compliance with the provisions of PA 267, MCL 15.261 through 15.275. the Open Meetings Law (the Sunshine Law.) as may be amended from time to time.

103.02 OFFICE HOURS.

(a) All offices in the City Building shall be closed and the employees therein are excused from their duties on Saturdays, Sundays, holidays and such other times as provided for in any collective bargaining agreement and/or as authorized by the City Administrator.

(b) The City Building offices shall be open for business from 8:30 a.m. to 4:00 p.m., Mondays through Fridays.

SECTION 3. That ARTICLE 111 - Council, is hereby adopted to read as follows:

ARTICLE 111 - Council

- 111.01 Legislative Power
- 111.02 Qualifications of Council Members
- 111.03 Council Members; number, election and term
- 111.04 Organization of Council
- 111.05 Salary
- 111.06 Powers and Duties
- 111.07 Continuing Education
- 111.08 Prohibitions
- 111.09 Vacancies and Forfeiture of Office

111.01. LEGISLATIVE POWER.

The legislative power of the City government shall be vested in and exercised by the Council, except as may be otherwise provided by general law. All powers of the City, including any such power which may hereafter be conferred on the City by amendment of the Constitution of the United States or of the Constitution of Pennsylvania or by act of the General Assembly or of this Charter unless otherwise specifically set forth in this Charter, shall be vested in the Council. The Council Members shall be elected, shall organize and shall function as provided in the Charter.

111.02. QUALIFICATIONS OF COUNCIL MEMBERS.

(a) Only registered voters of the City who have resided in the City for a period of one (1) year before the primary election in which the person is a candidate and be at least 18 years of age shall be eligible to hold the office of Council Member. All Council Members must retain residency in the City during their terms of office. If during a term of office, a Council Member moves out of the City s/he forfeits that position on Council.

(b) No officer of the United States or of the Commonwealth of Pennsylvania (except notaries public or officers of the militia), nor any County officer, nor any officer of any School District embraced in the territory of the City, nor any officer or employee of the City, or any department thereof, nor any member or employee of a municipal authority of which the City is a member, shall serve as a Council Member during such service or employment, except as may be otherwise provided by general law.

(c) Elected or appointed Members of the Council may be elected and serve on government study commissions and the Home Rule Charter Review Committee.

111.03 COUNCIL MEMBERS; NUMBER, ELECTION AND TERM.

(a) **Composition.** The City shall be governed by a seven (7) member Council, elected at large to staggered four (4) year terms, one (1) of whom shall be the Mayor. The Mayor shall be independently elected at large and shall be the presiding officer of the Council and the official representative for the City.

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(b) Deputy Mayor. The Council shall select a Deputy Mayor from among its members to perform the presiding officer duties in the absence or disability of the Mayor.

(c) Election and Terms. The regular election of Council shall be held at the municipal election in the manner provided by the state election code. Three (3) Council Members shall be elected at one (1) municipal election and three (3) Council Members at alternate municipal elections. The initial elections to transition to the six (6) Council Members is detailed in §12.3 of the Charter. Each of the Council Members elected after the initial election shall serve for a term of four (4) years and until their successor has been seated. The terms of Council Members shall begin on the first Monday of January of the year after their election.

111.04 ORGANIZATION OF COUNCIL.

(a) The Council Member, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania.

(b) The Council shall meet and organize itself during the first week of January of each year even numbered year.

(c) Special meetings may be held upon the call of the Mayor, Deputy Mayor in his/her absence or disability or upon the written request of three (3) or more Members of Council to the City Administrator provided that at least 24 hours' notice is given to each Member of the Council and public notice has been provided as required under the Sunshine Law, or pursuant to any successor law.

(d) The Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. The minutes of Council shall be a public record.

(e) All voting of Council shall be public.

- (1) Each Member of the Council in attendance is required to cast an affirmative or negative vote unless there is a written conflict of interest stated prior to the vote.
- (2) If by voting, a Member of the Council would be violating the laws of the Commonwealth of Pennsylvania, the Member of the Council may abstain and must announce his/her reason for doing so prior to the vote. If a Member of the Council abstains for other reasons not required by law, she/he must state the reason why. If a Member of the Council abstains from a vote without stating a reason therefor, or if said reason is not a valid reason for abstaining, said abstention shall be considered and recorded as an affirmative vote.
- (3) Voting shall be by roll call vote and shall be recorded in the minutes.
- (4) Four (4) Members of the Council shall constitute a quorum for official business.
- (5) For resolutions and motions, the action of a majority of Council present and entitled to vote, unless otherwise stated, shall be binding upon and constitute action of Council.
- (6) Ordinances shall be enacted by a majority of Council present subject to Section 115.07.

111.05 SALARY.

Compensation of Council Members, in the form of a salary, may be changed by ordinance no later than February 15 of the year of a municipal election. The new salary shall become effective on the date that the Council Member takes office. Until such time as the annual compensation of Council Members is changed in accordance with this section, said compensation will continue at the rate in effect at the time of the adoption of the Charter. Council Members shall receive no other compensation, direct or indirect, for the performance of their duties: they shall receive no pensions, insurance, health benefits or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties.

111.06 POWERS AND DUTIES.

The following are Council powers and responsibilities:

(a) To adopt an Administrative Code within one (1) year after the Charter is approved by vote of the electorate and certified by the Lawrence County office of Elections, establishing and defining the responsibilities of City departments, agencies and offices as well as procedures as it shall deem to be of basic importance in the proper and efficient operation of the City government. Council shall have the continuing authority thereafter by amendment of the Administrative Code to make changes in departmental, personnel and administrative procedures, to create, abolish or alter any department, board, commission, agency or position, except as may be required by law or the Charter to the extent that such matters are not inconsistent with the Charter and with existing applicable laws.

(b) To enact, amend, or repeal all ordinances and resolutions provided they do not conflict with the Charter or the laws of the Commonwealth.

(c) To appoint or remove the City Administrator and City Solicitor in accordance with the provisions of the Charter.

(d) To approve the appointment of Department Directors as recommended by the City Administrator.

(e) To make appropriations, incur indebtedness, and adopt the annual budget of all City Funds and a capital budget.

(f) To make or cause to be made special studies or post-audits as it deems to be in the best interest of the City.

(g) To hold public hearings on any matter.

(h) To appoint committees or commissions of its own members or of citizens to conduct inquiries and investigations into the conduct of any officer, department, commission, authority, or agency or any matter relating to the welfare of the City and shall delegate to such committees or commission such powers of inquiry as the Council may deem necessary.

(i) To compel the attendance of witnesses and the production of books, records, papers, documents or any other evidence at any meeting of the Council or any committee thereof, and for that purpose may issue subpoenas signed by the Mayor. Any person called as a witness as provided in this section shall testify and be examined under oath, which shall have been administered by the presiding officer of Council or the committee involved.

(j) To fix the amount of fidelity bonds for officers and employees paid from municipal funds.

(k) To adopt by resolution or motion policies, rules and regulations for its conduct and procedures governing the management and administration of the City.

(l) To make provision for any matter of City government not otherwise provided for, including but not restricted to any necessary matter involved in the transition to the Home Rule Charter form of government.

111.07 CONTINUING EDUCATION.

The City shall offer to Council Members the opportunity to attend a newly elected officials training course or equivalent offered by a local government training organization and participate in continuing education relative to their duties and responsibilities throughout their tenure. The cost of such training shall be borne by the City.

111.08 PROHIBITIONS.

(a) No elected official shall hold any elected or appointed City office other than the one to which s/he was elected or appointed.

(b) No elected official shall hold any compensated position of City employment.

(c) Elected officials of the City shall not accept gifts from any persons who may gain personally from any transaction with the City.

(d) Members of the Council may not direct any employee and/or official of the City and must act with Council, as a body, to direct the appointed City Administrator.

111.09 VACANCIES AND FORFEITURE OF OFFICE.

(a) The office of Council Member shall become vacant upon death, resignation, removal from office in any manner authorized by law or by the Charter or by forfeiture of office.

(b) A Council Member shall forfeit his/her office if she/he lacks at any time during her/his term of office any qualifications for the office prescribed by the Charter or by law.

(c) Council shall declare the office vacant at least ten (10) days before the office shall be filled by appointment. The Council shall, by the vote of a majority of the remaining Members of the Council, fill such vacancy within forty-five (45) days therefore, by electing a qualified person to serve until that first Monday of January when her/his successor, who shall have been elected by the qualified voters at the next municipal election held at least sixty (60) days after such vacancy occurs, is duly sworn into office for the remainder of the term of the person originally elected to said office. If Council fails to fill a vacancy on the Council within forty-five (45) days of the occurrence of the vacancy, then the Lawrence County Court of Common Pleas shall, upon petition of ten (10) or more qualified electors, fill such vacancy by the appointment of a qualified person for the portion of the unexpired term as above provided.

(d) If the number of Council becomes less than a quorum, then the remaining Members of the Council shall fill the vacancies on Council one at a time so that any newly appointed member will participate in a vote to fill remaining vacancies on Council and shall do so in the manner set forth in the Charter.

SECTION 4. That ARTICLE 113 - Mayor, is hereby adopted to read as follows:

ARTICLE 113 - Mayor

- 113.01 Eligibility, Election, and Terms
- 113.02 Compensation; Expenses
- 113.03 General Powers and Duties
- 113.04 Continuing Education
- 113.05 Prohibitions
- 113.06 Vacancies and Forfeiture of Office

113.01 ELIGIBILITY, ELECTION, AND TERMS.

(a) The Mayor shall be the Chief Elected Official of the City and the Presiding Officer of Council. S/he shall be the official representative of the City government and shall have the authority to represent the City in deliberations with other governmental bodies. The Mayor may delegate such authority to any other elected or appointed officer of the City.

(b) Candidates for Mayor must be registered voters of the City who have resided in the City for a period of one (1) year before the primary election in which the person is a candidate and be at least eighteen (18) years of age at the time of his/her election. The Mayor must retain residency in the City during his/her term of office. If during a term of office, the Mayor moves out of the City s/he forfeits that position.

(c) The regular election of the Mayor shall be held at the municipal election in the manner provided by the state election code. The initial election to transition to the Mayor on Council position is detailed in §12.3 of the Charter.

(d) The term of the Mayor shall be four (4) years and shall begin on the first Monday of January of the year after the municipal election.

113.02 COMPENSATION; EXPENSES.

The salary paid to the Mayor shall be fixed by ordinance of Council finally enacted no later than February 15 of the year of a municipal election. The new salary shall become effective on the date that the newly elected Mayor takes office. Until such time as the annual salary of the Mayor is changed in accordance with this section, said salary will continue at the rate in effect at the time of the adoption of the Charter. The Mayor shall receive no other compensation, direct or indirect, for the performance of his/her duties: s/he shall receive no pensions, insurance, health benefits or other forms of fringe benefits. The Mayor shall, however, be entitled to reimbursement for actual expenses incurred in the performance of his/her duties.

113.03 GENERAL POWERS AND DUTIES.

The Mayor shall be a voting Member of the City Council and shall:

- (a) Attend and preside at meetings of the Council.
- (b) Represent the City in intergovernmental relationships.
- (c) Appoint, with the advice and consent of the Council, the members of citizen advisory boards and commissions, unless otherwise provided by law.
- (d) Publicly present an annual "State of the City and Its Government" message.
- (e) Appoint the members and officers of Council committees.
- (f) Assign agenda items to committees.
- (g) Participate in the preparation of the agenda.
- (h) Facilitate the work of the Council in developing policy.
- (i) Promote positive and productive relationships among Council the City Administrator and citizens in developing public policy and in building a sense of community.
- (j) Lead the Council in the development of long-term goals for the City and strategies to implement those goals.
- (k) Sign all ordinances, resolutions, contracts and agreements.
- (l) Sign subpoenas and administer oaths to witnesses.
- (m) Actively promote economic development to broaden and strengthen the commercial and employment base of the City. Encourage programs for the physical, economic, social and cultural development of the City.
- (n) Serve as a conduit for citizen inquiries by communicating them to the City Administrator.

113.04 CONTINUING EDUCATION.

The City shall offer to the Mayor the opportunity to attend continuing education courses offered by a local government training organization relative to his/her duties and responsibilities throughout his/her tenure. The cost of such training shall be borne by the City.

113.05 PROHIBITIONS.

- (a) The Mayor shall not hold any elected or appointed City office other than that of Mayor.
- (b) The Mayor shall not accept gifts from any persons who may gain personally from any transaction with the City.
- (c) The Mayor may not direct any employee and/or officials of the City and must act with Council, as a body, to direct the appointed City Administrator.

113.06 VACANCIES AND FORFEITURE OF OFFICE.

- (a) The office of Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law or by the Charter or by forfeiture of office.
- (b) The Mayor shall forfeit his/her office if she/he lacks at any time during his term of office any qualifications for the office prescribed by the Charter or by law.
- (c) The Deputy Mayor shall fill the office of Mayor for the remaining term of the Mayor once the office of Mayor has been declared vacant by Council. Council shall then follow the procedure in §2.7 of the Charter to fill the vacant Council position held by the Deputy Mayor.

SECTION 5. That ARTICLE 115 - Council Procedures, is hereby adopted to read as follows:

ARTICLE 115 - Council Procedures

- 115.01 Regular Meetings
- 115.02 Special Meetings
- 115.03 Place of Meeting
- 115.04 Virtual Meetings
- 115.05 Open Meetings
- 115.06 Quorum and Attendance
- 115.07 Introduction and Enactment of Ordinances
- 115.08 Form of Ordinances and Resolutions
- 115.09 Minutes of Meeting
- 115.10 Agenda
- 115.11 Order of Business
- 115.12 Public Participation
- 115.13 Permanent Standing Committees
- 115.14 Supplementary Rules
- 115.15 Adjournment

115.01 REGULAR MEETINGS.

The Council shall meet regularly at least once in every month at such times and places as the Council may prescribe by legal public notice. The Mayor shall serve as Presiding Officer of Council. All meetings of Council at which any formal or informal vote is taken shall be public, except in the event of an emergency. In the absence of the Mayor, the Deputy Mayor shall preside over the meetings.

115.02 SPECIAL MEETINGS.

Special meetings may be held upon the call of the Mayor, or Deputy Mayor in his/her absence or disability, or upon the written request of three (3) or more Members of the Council to the City Administrator provided that at least 24 hours' notice is given to each Member of the Council.

115.03 PLACE OF MEETING.

All regular meetings of the Council, except in the case of emergencies, shall be held in the Council Chambers of City Hall, or any other public place that Council designates.

115.04 VIRTUAL MEETINGS.

(a) Council may provide for the participation of Members of the Council in meetings of Council by means of telecommunication devices, including telephones or computer terminals which permit audio communication, between locations if:

- (1) A quorum is established at the convening or reconvening of the meeting. If after the convening or reconvening of the meeting, a Member of the Council has been disqualified from voting as a matter of law but is still physically present, Members of the Council participating by telecommunication device in accordance shall be counted to maintain a quorum.

(b) The telecommunication device used permits the Member(s) of the Council not physically present at the meeting to:

- (1) Speak to and hear the comments and votes, if any of the Members of the Council who are physically present as well as other Members of the Council who may not be physically present and who are also using a telecommunication device to participate in the meeting; and
- (2) Speak to and hear the comments of the public who are physically present at the meeting; and
- (3) The telecommunication device used permits Members of the Council and the members of the public who are physically present at the meeting to speak to and hear the comments and votes, if any, of the Member or Members of the Council who are not physically present at the meeting.

(c) Council may only authorize participation by telecommunication device for any of the following reasons for physical absence:

- (1) Illness or disability of the Member of Council.
- (2) Care for the ill or new born in the Member's immediate family.
- (3) Emergency.
- (4) Family or business travel.

(d) Nothing in this section may be construed to limit the protection, and prohibition contained in any law or regulation relating to the rights of the disabled.

115.05 OPEN MEETINGS.

All regular and special meetings of Council shall be open to the public. The Council shall provide reasonable opportunity for interested citizens to address the Council on matters of general or special concern at all Council meetings at which a quorum is present, in accordance with the Open Meetings Law (Sunshine Law) of the Commonwealth of PA, or any successor law.

115.06 QUORUM AND ATTENDANCE.

All voting of Council shall be public.

(a) Each Council Member in attendance is required to cast an affirmative or negative vote unless there is a valid written conflict of interest stated prior to the vote.

(b) If by voting, a Member of the Council would be violating the laws of the Commonwealth of Pennsylvania, the Member of the Council may abstain and must announce his/her reason for doing so prior to the vote. If a Member of the Council abstains for other reasons not required by law, she/he must state the reason why. If a Member of the Council abstains from a vote without stating a reason therefor, or if said reason is not a valid reason for abstaining, said abstention shall be considered and recorded as an affirmative vote.

(c) Voting, except on procedural motions shall be by ayes and nays unless a roll call vote is required by law or requested by a Member of the Council.

(d) Four (4) Members of the Council shall constitute a quorum for official business.

(e) For resolutions and motions, the action of a majority, of Council present and entitled to vote, unless otherwise stated, shall be binding upon and constitute action of Council.

(f) Ordinances shall be enacted by a majority of Council present, except for those noted in Section 115.07 where a majority of the full Council is required.

115.07 INTRODUCTION AND ENACTMENT OF ORDINANCES.

(a) In addition to any other actions required by law or by this Charter to be taken by ordinance, the following actions of the Council shall be by ordinance:

- (1) Adopt or amend the Administrative Code, including establishing, altering or abolishing any municipal department office or agency. An affirmative vote of at least four (4) Members of the Council shall be required.
- (2) Adopt the annual budget. Amendments to the budget shall be adopted by resolution.
- (3) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (4) Levy new taxes or increase the rates of existing taxes. A vote of at least four (4) Members of the Council shall be required.
- (5) Grant, renew, or extend a franchise.
- (6) Execute a borrowing instrument as required by the Local Government Unit Debt Act.
- (7) Amend or repeal any ordinance previously adopted except for budget amendments.

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- (8) Any increase in the compensation of the Mayor or Council Members. A vote of at least four (4) Members of the Council shall be required.
- (9) Legislative acts other than those referred to above may be completed either by ordinance or resolution.

(b) No final action shall be taken on the following types of ordinances and amendments without a public hearing and at least ten (10) days prior public notice of said hearing published in compliance with the current laws of the Commonwealth of Pennsylvania. Said notice shall furnish the time and place of the public hearing and shall state where and when copies of the proposed ordinance may be available for public inspection. Ordinances requiring public hearings shall be scheduled in the event of:

- (1) Hearing is required by state or federal law.
- (2) New taxes or increases in the rates of existing taxes; (No prior public notice shall be necessary for the reenactment of taxes levied annually at the same rate.)
- (3) Adoption or amendment to the Administrative Code.
- (4) Adoption with or without amendment of ordinances proposed under the initiative power.
- (5) Ordinances previously adopted or repealed under the referendum power.

(c) The preparation of an ordinance requires a majority vote of the Members of the Council present at any regular or special meeting of Council. Each ordinance shall be introduced in writing and in the form required for final adoption and then automatically tabled. Upon introduction of any ordinance, the City Administrator or City Clerk shall distribute a copy to the Mayor and each Council Member and shall file a reasonable number of copies in the office of the City Clerk and such other public places as the Council may designate.

(d) Notice of all proposed ordinances shall be published on the City's Official Information Site, not less than seven (7) days before passage. Notice shall include either the full text or a brief summary of the proposed ordinance which lists its major provision(s) and a reference to the place within the City where copies of the full text of the proposed ordinance may be examined.

(e) The ordinance, at a subsequent meeting, may be removed from the table by a motion of a Member of the Council. The ordinance, after removal from the table, shall be discussed by the Members of the Council, and amendments, if any, shall be made on the floor with the roll call taken on all amendments submitted. The amendments shall be read at length. If the City Solicitor determines that substantial amendments are made in the proposed ordinance, before voting upon enactment, the proposed ordinance shall be placed on the table and shall not be acted on until the next regular or special meeting of Council. Where maps, plans or drawings of any kind are adopted as part of an ordinance, said documents shall be kept on file and available to be examined by the public.

(f) When an ordinance receives an affirmative majority vote, it shall then be signed by the Mayor, within ten (10) days of an affirmative majority vote, or in his or her absence or refusal to sign, the Deputy Mayor or any other Council Member and attested by the City Administrator or City Clerk.

(g) The penalty for the violation of any ordinance shall not exceed the maximum fine that may be levied or other punishment authorized by any non-Charter municipality in the Commonwealth of Pennsylvania as those limits are established by the General Assembly. Any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such.

(h) After adoption, all ordinances shall be published on the City's Official Information Site. If prescribed by state law Public Notice shall be given. The full text of the ordinance need not be published unless required by law; instead, the title or a general summary of the substance of the ordinance will be sufficient to meet the publication requirement. Publication shall occur within thirty (30) days of the enactment of the ordinance. The effective date of the ordinance shall be as set forth by the laws of the Commonwealth of Pennsylvania. In the event said laws fail to set forth an effective date, then said effective date shall be ten (10) days after the ordinance is signed by the Mayor, Deputy Mayor or other Council Member, as permitted by the Administrative Code.

(i) All ordinances and resolutions of the City shall be retained verbatim in accordance with the states record retention act. Ordinances and resolutions shall be available for public inspection at reasonable hours. Ordinances and resolutions shall be in the custody and control of the City Clerk and all entries made therein shall be at the direction of the City Clerk. In lieu of an ordinance book the City shall codify all adopted ordinances within six (6) months of the effective date of the ordinance.

(j) The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. Copies of any adopted code of technical regulation shall be made available by the City Clerk for distribution at a reasonable price.

(k) The Council may adopt emergency ordinances in conditions affecting life, health, property, or the public peace. Such emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility, or authorize the borrowing of money except as provided by the laws of the Commonwealth of Pennsylvania. An emergency ordinance shall be introduced in accordance with § 2.9.C of the Charter, except that it shall be designated as an emergency ordinance and shall contain a declaration stating the emergency that exists. The emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it became effective, but this shall not prevent reenactment of the ordinance in the manner specified if the emergency still exists. An emergency ordinance may be repealed at any time.

115.08 FORM OF ORDINANCES AND RESOLUTIONS.

Proposed ordinances shall be introduced by Council in the form as prescribed by the City Solicitor, and they shall be numbered serially for the calendar year. All resolutions presented to Council shall be submitted in the form as prescribed by the City Solicitor and they shall be numbered serially for the calendar year. A journal of Council motions shall be maintained by the City Clerk, numbering each motion serially, and indicating the subject, whether approved, minute book reference, date and person offering each motion.

115.09 MINUTES OF MEETING.

(a) Council shall keep a journal of its proceedings, which shall be in the possession of the City Clerk, and which shall at all times be open to public inspection.

(b) Every motion, resolution, or ordinance shall be reduced to writing before a vote is taken thereon.

(c) The minutes shall be prepared immediately following the Council meeting and offered in writing at the next regular meeting of Council.

(d) The minutes shall include the time, date, and place of all Council meetings; the names of the Members of the Council who are present (both in-person and virtual) and those who are absent; the substance of all official action taken during the meeting; and a record of how each Member of the Council voted. The minutes must also include the names of all citizens who appeared to provide public comment and the subject of their testimony.

115.10 AGENDA.

(a) All reports, communications, ordinances, resolutions, contract documents, petitions or other matters to be submitted to Council shall be filed in the office of the City Clerk not later than 11:00 a.m. on the day preceding the regularly scheduled meeting of Council, whereupon the City Clerk shall immediately arrange an agenda of such matters according to the orders of business. The City Clerk shall furnish each Member of the Council, the City Administrator, and Solicitor with a copy of the same at such time as will permit each Member of the Council to receive the agenda not later than twenty-four (24) hours prior to the time of such meeting. Also, the City Clerk shall post a copy of the agenda on the City's Official Information Site at least twenty-four (24) hours prior to the regularly scheduled meeting of Council.

(b) The City Clerk shall post the agenda, which includes a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting, at the location of the meeting and at the principal office of the agency.

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(c) The City Clerk shall make available to individuals in attendance at the meeting copies of the agenda, which include a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting.

(d) The City shall comply with all other requirements of the Open Meetings Law and any successor law.

115.11 ORDER OF BUSINESS.

The order of business of City Council with respect to the consideration and disposition of matters coming before it, shall be as follows:

- (a) Opening exercises.
 - (1) Pledge of allegiance/moment of silence.
 - (2) Call to order.
 - (3) Roll call.
 - (4) Approval of minutes of prior meeting.
- (b) Adoption of agenda.
 - (1) Acknowledgment of prepared agenda.
 - (2) Consideration of requests to be heard and amendments to agenda.
 - (3) Amendments to agenda.
 - (4) Adoption of final agenda.
- (c) Public comment and correspondence.
 - (1) Explanation of public comment procedure.
 - (2) Public comment pursuant to Paragraph (b) hereof.
 - (3) Administration comments.
 - (4) Receipt of written communications.
- (d) Fiscal and contractual transactions.
 - (1) Request authorization to bid.
 - (2) Opening of bids.
 - (3) Acceptance of bids.
- (e) Reports of officials, bureaus and commissions and City Council inquiry.
 - (1) Regular reports.
 - (2) Special reports.
 - (3) City council reports and inquiry.
- (f) Resolutions. Resolutions in order of City Council file numbers.
- (g) Ordinances. Ordinances in order of City Council file numbers.
- (h) New business.
- (i) Adjournment.

115.12 PUBLIC PARTICIPATION.

- (a) The Council shall provide reasonable opportunity for public participation.
- (b) All persons in attendance who are not a Member of the Council, or official of the City, wishing to be recognized or heard by Council at a regular or special meeting of Council, shall no later than the time scheduled for the meeting, submit such request to Council upon an approved form.
- (c) Residents who are speaking on agenda items must be permitted to speak prior to official action being taken on the specific agenda item.

(d) Any member of the public who wishes to comment or participate in regular or special meetings of Council or wishes to be recognized or heard by Council at such meetings must adhere to the following rules and regulations which are deemed necessary for the conduct of meetings and the maintenance of order:

- (1) Public comment shall be afforded at all local agency meetings where a quorum of the Council is present.
- (2) Public comment shall only be afforded to residents and taxpayers of the City unless otherwise permitted by Council.
- (3) Public comments on non-agenda items may be scheduled at the end of the Business meeting.
- (4) Comments shall be delivered from a point designated by Council from time to time;
- (5) The person making comment shall state his or her name and address and whether he or she is a resident and/or taxpayer of the City and the specific subject upon which he or she wishes to speak.
- (6) Oral comment shall be limited to five (5) minutes unless otherwise extended by the presiding officer of Council in cases where a reasonable opportunity to comment cannot be provided within five (5) minutes given the complexity of the subject matter;
- (7) All remarks shall be addressed to Council as a body and not to any member thereof and no questions shall be asked a Member of the Council except through the presiding officer of Council;
- (8) No person, other than a Member of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a Member of the Council, without the permission of the presiding officer of Council.
- (9) The participant shall abide by the directive of the presiding officer of Council with respect to the maintenance of order and the conduct of the meeting.
- (10) All comments shall be made in a respectful manner without obscenity or threat and any conduct or comment which constitutes an attempted or actual violation of the law shall result in the immediate removal of the offending public participant from the place of the Council meeting by physical force, if necessary, and Council may, if it deems the same necessary, for the maintenance of order, exclude a public participant who continues to engage in such conduct from Council Chambers or such meeting place of Council for a reasonable period of time thereafter.

115.13 PERMANENT STANDING COMMITTEES.

- (a) The Council shall establish standing committees in the following categories:
 - (1) Finance to include community development funds, grants, Act 47, capital improvements, audits, and budget.
 - (2) Parks and Recreation, and Public Works to include buildings, land use, and streets.
 - (3) Police Department.
 - (4) Fire Department/Code Enforcement.
 - (5) Community Development and Zoning.
- (b) Each committee shall consist of at least one (1) Member of the Council. Each member shall serve as appointed unless excused by a majority of the Members of the Council. Any Member of the Council may serve on one or more committees.
- (c) The Mayor shall initially appoint at least one (1) Member of the Council to each Committee. The Mayor may serve on any committee and may appoint himself/herself to the same.

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- (d) The Mayor will assign Council Members to committees and assign committee chairs on an annual basis at the second regular meeting of Council in January of each year.
- (e) Monthly meetings will be held as needed. All Members of the Council will be informed of the committee meeting schedule and will be provided with committee agendas and any attachments thereto. All Members of the Council not on a given committee may attend any committee meeting and are encouraged to participate in committee discussions.
- (f) The Committee Chair shall set the agenda and preside over the regular meetings of the Committee.
- (g) All Committee meetings must be advertised and minutes recorded.
- (h) All Committee meetings must provide for public comment from any residents attending.
- (i) The Committees shall function in an advisory capacity. Committees may meet on an informal basis with Department Heads or other individuals/organizations to gather information relating to the committee's function. If a committee desires to meet with any Department Head, the Committee Chair shall request the attendance of the Department Head at the meeting through the City Administrator. The City Administrator and/or the Chief Financial Officer shall be permitted to attend any committee meeting.
- (j) Each Committee shall report to Council at Large its findings and recommendations as to the City functions within its oversight at least monthly.

115.14 SUPPLEMENTARY RULES.

The Council shall determine its own rules and order of business. Robert's Rules of Order shall apply in any situation not otherwise covered by the rules of procedure.

115.15 ADJOURNMENT.

A motion to adjourn shall always be in order and shall be decided without debate.

SECTION 6. That ARTICLE 121 - Administration Generally, is hereby adopted to read as follows:

ARTICLE 121 - Administration Generally

- 121.01 Departments and Schedule of Organization
- 121.02 Department Directors
- 121.03 Perpetual Inventory Reports
- 121.04 Rules and Regulations

121.01 DEPARTMENTS AND SCHEDULE OF ORGANIZATION.

- (a) The administrative functions, powers and the duties of the City shall be under the direction and supervision of the City Administrator and shall be divided into six (6) departments, headed by a director, as follows:
- (1) Department of Administration. A department responsible for the implementation of sound governmental, administrative, centralized purchasing, revenue collection, fiscal and personnel policies for the orderly administration of City government to include the functions of the City Administrator, the Chief Financial Officer, the City Solicitor and any other administrative officer not otherwise assigned. The parking operation shall be under the Department of Administration for the purposes of control and direction but may be identified separately for budget and revenue collection.
 - (2) Department of Public Works, Parks, and Recreation. A department responsible for the functions of construction, maintenance and operation of all City facilities.
 - (3) Department of Police. A department responsible for all police services required in the protection of all persons and property within the City.
 - (4) Department of Fire. A department responsible for the normal services of fire protection to the residents of the City and their property, and shall also include responsibilities relative to emergency management.

- (5) Department of Community and Economic Development. A department to include those functions necessary for the conduct of the City's responsibilities in the economic, social and individual environment of the community.
- (6) Department of Code Enforcement. A department to include those functions necessary for the systematic enforcement and revision of all City ordinances dealing with the health, safety and welfare of the community and such other responsibilities as may be delegated by the City Administrator from time to time to the Department of Code Enforcement.

(b) The City Administrator shall prepare and maintain a schedule or organizational chart indicating a specific description of activities to be performed by each department, bureau, office or agency, and the number and kind of employees necessary for the performance of the department's duties. The organizational chart shall be approved by Council annually as part of the budget process. The organizational schedule shall include copies of the most recent collective bargaining agreements.

121.02 DEPARTMENT DIRECTORS.

(a) Appointment and qualification. The directors of the departments shall be appointed by the City Administrator with the advice and consent of Council. Directors shall be chosen solely on the basis of executive and administrative qualifications appropriate to the duties of their department.

(b) Removal. Directors may be removed at any time by the City Administrator with the consent of at least four (4) Members of the Council.

(c) Vacancies. Should a vacancy exist with any department director position, the City Administrator may immediately appoint an acting department director in order to prevent stoppage of public business, or loss, hazard, or serious inconvenience to the public, and it is impracticable to fill such a position under any other provision of this article. Any such appointment shall expire automatically ninety (90) days from the date of the appointment. The acting director must meet the qualifications of the applicable Director position pursuant to this Administrative Code and other ordinances of the City. During the tenure of said acting director, the City Administrator must continue the process of naming a permanent department director pursuant to Section 121.02 (a), unless at the City Administrator's request to Council and through Council's approval via resolution, it is determined that the process for naming a permanent department director may be filled during the ninety (90) day tenure of the acting director. No person can be named to any acting department director's position more than one time during any twelve (12) month period.

(d) General Duties of Directors. Under the direction of the City Administrator, each director of a department shall:

- (1) Direct the performance of all duties and responsibilities required of his/her department or its subordinate agencies provided by State law, the Home Rule Charter, this Administrative Code or other ordinances of the City, and such other duties as may be required by the City Administrator which are not in conflict with law or ordinances.
- (2) Appoint, suspend, discipline or remove, with approval of the City Administrator, all subordinate officers or employees within their respective departments subject to limitations prescribed under civil service or under the personnel management procedure established by City ordinance.
- (3) Be immediately responsible to the City Administrator for the effective administration of his department and all activities assigned to it.
- (4) Submit to the Council quarterly reports concerning the planning and performance of his/her department and such other reports as the City Administrator or Council may request.
- (5) Provide, under direction and with approval of the City Administrator, to any other department or subordinate agency such service, labor, materials, and equipment as may be requisitioned by such department or subordinate agency, and as its own facilities permit, through the procedures and subject to the same audit as other expenditures incurred.

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- (6) Keep informed on advances in administrative and operational practices in the respective department field and institute within his department those practice s/he deems in the best interest of the City.

121.03 PERPETUAL INVENTORY REPORTS.

(a) Each director of a department shall prepare and maintain, or cause to be prepared and maintained, a perpetual inventory of all property and supplies of the City within his/her department. S/he shall file with the City Clerk, who shall transmit to the Chief Financial Officer, three (3) copies of such inventory every six (6) months. In preparing such inventories, all property and supplies of the value of \$500 or more shall be individually listed in groups or a lump sum, showing their general nature and value. All property and supplies which have a brand name, serial number or other such identifying mark or description shall be included on the perpetual inventory report with such identifying marks and descriptions carefully noted in detail. The inventory report shall specifically state the exact location and place where the particular property is being used, stored or housed.

(b) If the director of any department neglects or fails to perform his/her functions and duties as provided for in this section, the Chief Financial Officer may, at the end of fifteen (15) days after s/he has made written demand upon such director, cause the inventories of the director to be made by some other competent person, to the extent of the default in performance by the director him/herself.

121.04 RULES AND REGULATIONS.

(a) No rule or regulation made by any department, bureau, office or agency under the administrative branch of the City government shall take effect until it has been approved by the City Administrator and reviewed as to form and legality by the City Solicitor.

(b) City-wide rules and regulations shall be distributed to all employees and be available electronically for all City officials. Internal department rules and regulations shall be distributed to department personnel as determined by the City Administrator and department directors.

SECTION 7. That ARTICLE 122 - City Administrator, is hereby adopted to read as follows:

ARTICLE 122 - City Administrator

- 122.01 Qualifications
- 122.02 Term and Employment Agreement
- 122.03 Acting City Administrator
- 122.04 Powers and Duties
- 122.05 Prohibitions
- 122.06 Departmental Accountability
- 122.07 Bond

122.01 QUALIFICATIONS.

The City Administrator shall be appointed by the Council solely on the basis of her/his executive and administrative qualifications, experience, and education.

(a) The City Administrator shall have at minimum a bachelor's degree in public, municipal, or business administration or related field. A combination of a bachelor's degree in an unrelated field and experience in municipal management may be considered by Council.

(b) Candidates with a Master's Degree in a related field will be given preference during the recruitment process.

(c) The candidate selected for the position must have a minimum of seven (7) years' experience in business, non-profit, or local government management.

(d) S/he shall be eligible to be a member or associate member of the International City/County Management Association or successor organization.

(e) At the time of her/his appointment, s/he need not be a resident of the City or of the Commonwealth of Pennsylvania. Council by an affirmative vote of at least four (4) Members of the Council may authorize residency outside City limits. If Council does not vote to permit residency outside City limits, the City Administrator must become a resident of the City within one (1) year of employment.

122.01 TERM AND EMPLOYMENT AGREEMENT.

(a) The City Administrator is an "at will" employee and shall serve at the pleasure of Council. Council is authorized to enter into an employment agreement by majority vote with the City Administrator that may include the following points:

- (1) A specified period of employment consistent with the laws of the Commonwealth of Pennsylvania.
- (2) Duties, Responsibilities, and Authority.
- (3) Compensation, Benefits, and Conditions of Employment.
- (4) Pension Benefits.
- (5) Resignation and/or Termination Provisions.
- (6) Severance.
- (7) Performance Evaluation.
- (8) Any other items mutually agreed upon.
- (9) No terms of the agreement shall contradict the Charter, Administrative Code, Personnel Code or laws of the Commonwealth of Pennsylvania.

(b) The City Administrator may be removed from office by a vote of at least four (4) Members of the Council at any time subject to the terms of her/his Council-approved employment agreement.

122.03 ACTING CITY ADMINISTRATOR.

The City Administrator may name a qualified administrative officer of the City to perform his/her duties during his/her temporary absence or disability. If s/he fails to name a deputy, or, if his/her absence or disability continues for more than thirty (30) days, the Council may appoint an officer of the City or such other qualified person to perform the duties of the City Administrator until s/he shall return or her/his disability ceases.

122.04 POWERS AND DUTIES.

The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be responsible to the Council for the administration of all City affairs assigned to him/her by this Charter or by ordinance. The City Administrator shall:

- (a) Provide for the enforcement of all laws and ordinances of the City.
- (b) Appoint or remove all department directors with the consent of the Council.
- (c) Appoint or remove all other City employees as provided herein or by ordinance.
- (d) Direct and supervise the administration of all departments, offices and agencies within City government, except as otherwise provided by the Charter or law, and to make recommendations to Council concerning the affairs of the City.
- (e) Negotiate contracts on behalf of the City, subject to the approval of the Council.
- (f) Make recommendations concerning the nature and location of City improvements.
- (g) Assure that all terms and conditions imposed in favor of the City or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and shall bring violations to the attention of the Council.
- (h) Prepare an agenda for and attend all public meetings of the Council (except those in which personnel decisions regarding the City Administrator are discussed) with the right to take part in discussions, but without the right to vote.
- (i) Make such recommendations to the Council concerning policy formulation as s/he deems necessary.

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- (j) Keep the Council and the public informed of the conduct of City affairs.
- (k) Oversee the preparation and submission of the annual budget and budget message to the Council and administer the budget approved by the Council.
- (l) Carry out all policies they established by Council for the proper administration of City affairs within the jurisdiction of the Council.
- (m) Prepare an annual report.
- (n) Perform such other duties as may be required by ordinance or resolution of the Council.

122.05 PROHIBITIONS.

- (a) The City Administrator shall neither seek nor hold any elective government office while serving as City Administrator.
- (b) The City Administrator shall not accept gifts from any persons who may gain personally from any transaction with the City.

122.06 DEPARTMENTAL ACCOUNTABILITY.

All departments, offices, and agencies under the supervision of the City Administrator shall be administered by a department director appointed with the consent of Council. The City Administrator may serve as department director of one (1) or more departments, offices, or agencies or may appoint one (1) department director as the head of two (2) or more departments or agencies.

122.07 BOND.

The City Administrator shall annually provide a lawful fidelity bond in an amount to be approved by the Council. The premium of the bond shall be paid by the City.

SECTION 8. That ARTICLE 124 - Chief Financial Officer, is hereby adopted to read as follows:

ARTICLE 124 - Chief Financial Officer

- 124.01 Appointment, Qualifications
- 124.02 Appointment of Assistants
- 124.03 Duties and Responsibilities
- 124.04 Prohibitions
- 124.05 Bond

124.01 APPOINTMENT, QUALIFICATIONS.

(a) Council shall provide for the office of Chief Financial Officer (CFO) in the Administrative Code. The CFO shall be appointed by the City Administrator on the basis of financial and accounting qualifications, education, and experience and special consideration shall be given to applicants with training and experience in business, non-profit, or municipal government operations in the area of public finance.

(b) The CFO shall be generally competent in accounting practices, possess a strong governmental accounting background and be knowledgeable, experienced and current in public finance.

- (1) The CFO shall have at minimum a bachelor's degree in Finance, Accounting, or Public or Business Administration from an accredited four-year college or university.
- (2) A degree in another field may be considered based on the experience of the individual.
- (3) The selected candidate must have a minimum of five (5) years' experience in business, non-profit, or governmental accounting or public finance.

(4) The CFO should be eligible to be a member of the Government Finance Officers Association (GFOA) or successor organization.

124.02 APPOINTMENT OF ASSISTANTS.

With the approval of the City Administrator, the CFO shall hire assistants, personnel, and consultants as are necessary to carry out all the duties and assignments of the City's finance office and as appropriated in the annual budget.

124.03 DUTIES AND RESPONSIBILITIES.

The CFO shall be considered a department director and shall be responsible for the City's financial management operations.

(a) The CFO shall serve as tax collector and treasurer and collect all taxes and fees as authorized by Council, except as otherwise proscribed by law.

(b) The CFO shall be responsible for the performance and oversight of the City's financial management systems.

(c) The CFO shall be responsible for the preparation of the annual operating budget and capital improvement plan under the direction of the City Administrator.

(d) The CFO shall prepare and submit regular financial reports to Council and the City Administrator, including but not limited to budget performance, cash flow, and bank account reconciliation.

(e) The CFO shall provide for secure deposits of all City funds in depositories approved by the Council and shall provide for lawful investment of idle funds.

124.04 PROHIBITIONS.

(a) The CFO shall not hold any elected governmental office while serving as the City's CFO.

(b) The CFO shall not accept gifts from any persons who may gain personally from any transaction with the City.

124.05 BOND.

The CFO shall annually provide a lawful fidelity bond in an amount to be approved by the Council. The premium of the bond shall be paid by the City.

SECTION 9. That ARTICLE 125 - City Clerk, is hereby adopted to read as follows:

ARTICLE 125 - City Clerk

125.01 Appointment and Term

125.02 Duties

125.03 Employees

125.04 Deputy City Clerk, Appointment and Term

125.05 Duties of Deputy City Clerk

125.01 APPOINTMENT AND TERM.

The City Clerk is a discretionary "at will" position and shall be appointed by the City Administrator with the consent of Council. This position may be combined with another position in the City.

125.02 DUTIES.

The City Clerk shall be the custodian of records for the City and shall keep minutes and records of Council proceedings, maintain and compile its ordinances and resolutions, as required by the Charter and laws of the Commonwealth, and perform such functions as required by the laws of the Commonwealth.

125.03 EMPLOYEES.

The City Administrator shall budget for and provide for such employees in the City Clerk's office as s/he deems expedient and shall appoint and discharge such employees at will.

125.04 DEPUTY CITY CLERK, APPOINTMENT AND TERM.

The City Administrator, with the consent of Council, may appoint a Deputy City Clerk. The position of Deputy City Clerk shall be "at will" and may be combined with another position in the City.

125.05 DUTIES OF DEPUTY CITY CLERK.

The Deputy City Clerk shall assist the City Clerk and carry out the duties and responsibilities assigned by the City Clerk. The Deputy City Clerk shall perform the duties of the City Clerk in the absence or disability of the City Clerk.

SECTION 10. That ARTICLE 131 - Fiscal Procedure, is hereby adopted to read as follows:

ARTICLE 131 - Fiscal Procedure

- 131.01 Fiscal Year
- 131.02 Preparation of Budget
- 131.03 Budget a Public Record
- 131.04 Council Action
- 131.05 Taxation Limits and Ordinance
- 131.06 Effective date; Certification and Publication
- 131.07 Fiscal Control After Adoption of Budget
- 131.08 Appropriations Lapse
- 131.09 Capital Improvement Fund
- 131.10 General Purchase Policy
- 131.11 Notices for Sealed Bids
- 131.12 Bid and Performance Bonds
- 131.13 Form of Bids
- 131.14 Bid Opening; Analysis and Award
- 131.15 Purchases Under Bid Thresholds
- 131.16 Facsimile Signature on Purchase Orders
- 131.17 Emergency Purchases
- 131.18 Inspection of Materials
- 131.19 Sale of Property
- 131.20 Pennsylvania Local Government Investment Trust

131.01 FISCAL YEAR.

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

131.02 PREPARATION OF BUDGET.

(a) No later than November 1 of each year the City Administrator shall present to Council for first reading a proposed budget ordinance and an explanatory budget message. The budget message shall explain the budget both in fiscal terms and in terms of the work to be done. It shall describe the important features of the budget; indicate any proposed major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes; summarize the City's debt position; and include such other material as the City Administrator deems desirable.

(b) The preparation of the budget shall be performed by the Chief Financial Officer who shall obtain beforehand, from the head of each bureau, department or agency, estimates of revenue and expenditures of that bureau, department or agency for the ensuing year, detailed by organization units and character, and such other supporting data as s/he may request.

(c) Separate estimates of all capital projects pending or anticipated within a department shall also be submitted by the department heads to be included in the budget based on a year by year program covering the next five (5) succeeding years.

(d) All estimates supplied by the head of any bureau, department or agency shall be reviewed by the City Administrator and may be revised by him/her in any manner s/he may deem advisable.

(e) The budget shall provide a complete financial plan for the budget year. The budget shall begin with a general summary of its contents. It shall show in detail:

- (1) All estimated income, indicating the proposed tax levies;
- (2) All proposed expenditures including debt service for the next fiscal year; and
- (3) Comparative figures for actual and estimated income and expenditures of the current and, at minimum, the two (2) preceding fiscal years.

(f) The budget shall be presented in a form that is consistent with the DCED Chart of Accounts for all funds.

(g) Total proposed expenditures shall not exceed the total estimated revenue in each fund.

131.03 BUDGET A PUBLIC RECORD.

No later than November 1st and at the same time the proposed budget is presented to Council for first reading, sufficient copies of the budget and the budget message shall be filed in the office of the City Clerk and published on the City's Official Information Site and made available to the public for their examination.

131.04 COUNCIL ACTION.

(a) Upon introduction and as provided in §9.8 of the Charter Council may consider the proposed budget, as submitted by the City Administrator and shall fix a date for final adoption which shall occur no later than December 31st.

(b) Council shall provide notice that the budget is available for inspection by posting a copy of the proposed budget on the City Official Information Site not less than ten (10) days before adoption of the budget and shall consider fully the view of City residents.

(c) The budget shall be presented at a public meeting of Council. After publication of notice of its intent to adopt the budget, Council may adopt the budget with or without amendments. In amending the budget, Council, may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law for debt service or for an estimated cost deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total estimated income.

(d) The budget shall be adopted by an affirmative vote of the majority of all the Members of the Council on or before December 31st. In the event that a new budget is not adopted by December 31st in the current fiscal year, the prior year budget levels and appropriations shall continue in full effect until a new budget is adopted.

(e) The Council may amend the budget by resolution during the fiscal year for which the budget is adopted, providing that any amendment shall fall within the City's estimated income at the time of the amendment. Council shall have the power to make such supplemental appropriations from funds received during the fiscal year and not appropriated to any other purpose or from the proceeds of any borrowing now or hereafter authorized by law.

131.05 TAXATION LIMITS AND ORDINANCE.

(a) Concurrently with the adoption of the annual budget, the Council shall adopt, by ordinance, the annual tax levies after public notice.

(b) The public notice shall state where and when copies of the proposed ordinance may be available for public inspection and shall be posted on the City's Official Information Site.

(c) Subject to the applicable provisions of law, the Council, in its sole discretion shall determine the rates of all taxes.

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(d) The adoption of a real estate tax levy ordinance shall be required for new taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the reenactment of real estate taxes levied annually at the same rate or lowering the rates of real estate taxes pursuant to §9.10 of the Charter and Act 51 of 2019, real estate taxes levied at the same rate or at a lower rate may be adopted by council by resolution.

131.06 EFFECTIVE DATE; CERTIFICATION AND PUBLICATION.

Upon final adoption, the budget shall be in effect for the fiscal year next following. A copy of the budget as finally adopted shall be certified by the City Clerk. Electronic copies of the adopted budget shall also be made available for the use of all offices, bureaus, departments and agencies of the City and to all interested persons or civic organizations. Copies may be printed for the public upon request as hard copies or provided in electronic version.

131.07 FISCAL CONTROL AFTER ADOPTION OF BUDGET.

(a) The Chief Financial Officer shall prepare and distribute monthly financial reports to the City Administrator, the Department Directors, and to City Council. The reports must include but are not limited to:

- (1) Revenue report by category.
- (2) Budget versus actual report.
- (3) Cash balances for all funds.
- (4) Check registers.
- (5) Payroll registers.

(b) The Chief Financial Officer shall be authorized to invest all monies received by him/her and not needed to pay warrants within a thirty (30) day period, in United States Treasury bills or savings accounts and share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The CFO shall provide for secure deposits of all City funds in depositories approved by the Council and shall provide for lawful investment of idle funds.

(c) No funds of the City shall be paid except upon appropriation made according to law, upon approval of the proper official. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded.

(d) For budget transfers within a department, at the request of the director, the City Administrator and/or CFO may approve a budget transfer of any amount from one line item to another as long as the total budget allocation is not exceeded.

(e) For budget transfers from one department to another department that exceed one thousand five hundred dollars (\$1,500.00) must be approved by resolution of Council.

(f) No transfers shall be made involving any special funds or to a zero operating budget line item without Council approval.

- (1) The City Administrator/Chief Financial Officer shall not knowingly hold back or separate transfers so that the requirement for Council approval is circumvented.
- (2) Once funds have been transferred out of a line item no funds shall be transferred back into that line item without Council approval and a statement of explanation by the City Administrator/Chief Financial Officer.

131.08 APPROPRIATIONS LAPSE.

All appropriations in the General Fund shall lapse at the end of the budget year to the extent that they have not been expended or lawfully encumbered.

131.09 CAPITAL IMPROVEMENT FUND.

(a) There shall be designated in the budget a fund known as the Capital Improvement Fund, and expenditures from this Fund shall be used only for projects as designated by Council in the Capital Improvement Program (CIP), and shall not be used for expenditures in the general operation of the City administration.

(b) Monies may be transferred into this Fund from the general revenues if Council so designates.

(c) No expenditures from this Fund shall be made without the approval of the majority of the Members of the Council.

(d) The CIP shall include the following:

- (1) A simple, clear, general summary of the detailed contents of the program.
- (2) Identification of the long-term goals of the City.
- (3) The capital improvements pending or proposed for the next fiscal year, together with the estimated cost of each improvement and the method for financing it.
- (4) The capital program proposed for the four fiscal years following the next fiscal year, together with the estimated cost of each improvement and the proposed method of financing it.
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(e) The following definitions shall apply to the Capital Improvement Plan:

- (1) **CAPITAL BUDGET** — An annual budget that shall identify the total funding and source of funding for each capital project adopted in the capital improvement plan that may be executed during the year.
- (2) **CAPITAL IMPROVEMENT PROGRAM (CIP)**— A five (5)-year plan that shall contain eligible capital projects listed in order of priority for funding during the five (5) year period.
- (3) **CAPITAL PROJECT** — Any project funded or proposed to be funded by public monies in part or whole to build, restore, retain, rehabilitate, purchase or repurchase any equipment, property, facility, infrastructure, vehicle, hardware for information technology, park facility, or building that is neither funded annually or repeats in any way the intent of a previous project, is to be used for the public benefit or is a public asset, and has minimum total value of ten thousand dollars (\$10,000.00). For the purposes of this section, the term "public monies" does not include
 - A. Grants obtained by the City which are obtained or designated for a specific purpose;
 - B. Monetary gifts received by the City the use of which is restricted by specified donative intent;
 - C. Contingency funds; or
 - D. Other monies which are required for operational, administrative, revolving, or recurring expenses.

(f) The procedure for developing the five (5)-year Capital Improvement Plan shall be as follows:

- (1) During the first week of August, each department shall, and Members of the Council may submit capital project requests to the CFO. Each capital project submission shall include the following information:
 - A. Project location or department benefitted.

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- B. Project justification.
 - C. Estimated project cost.
 - D. Estimated project completion date.
 - E. Estimated useful life of the project.
 - F. Proposed funding source.
 - G. Projected impact on the department's or City's operating budget in terms of costs or cost reductions.
 - H. Additional information as required by the Business Administrator.
- (2) The Chief Financial Officer shall develop and provide a standard capital project submission form.
 - (3) All projects submitted by each department and by Members of the Council that meet the criteria for a capital project shall be considered.
 - (4) The Chief Financial Officer or designee shall compose a listing of all capital project submissions and any supporting documents submitted by the department directors, and shall provide the listing to the City Administrator by the first week of September of each year.
 - (5) The City Administrator shall give first priority to projects that will address an imminent threat to employee or public safety, and projects that will achieve compliance with state or federal mandates shall be given second priority. All other projects shall be prioritized by the City Administrator. The committee shall give strong consideration to projects that invest in core infrastructure needs, improve efficiency and effectiveness of service delivery, and will reduce operating expenses for the City.
 - (6) No later than October 1st of each fiscal year, the Council shall receive the proposed CIP for review and consideration.
 - (7) Council shall provide public notice and shall post the CIP on the City's Official Information Site not less than ten (10) days before adoption of the budget and shall consider fully the view of City residents.
 - (8) The Council by resolution shall adopt the five (5)-year Capital Improvement Program, with or without amendment, after public notice and prior to the beginning of the next fiscal year.
- (g) The procedure for developing the Annual Capital Budget shall be as follows:
 - (1) The Chief Financial Officer shall develop the annual capital budget based on the adopted CIP, which shall be presented to the City Administrator for consideration during the development of the annual budget process.
 - (2) No later than October 1st of each fiscal year, the Council shall receive the proposed annual capital budget which shall be subject to Council approval during the regular budget process.
 - (h) Monitoring, implementation and close-out of capital projects shall be overseen by the Chief Financial Officer.
 - (1) The Chief Financial Officer will provide monthly reports for the annual capital budget to the City Administrator and to Council.
 - (2) By August of each fiscal year, all departments and the City Engineer shall report the status of all active capital projects to the Chief Financial Officer. In September of each year, the Chief Financial Officer shall provide to Council a single report on the status of all active projects. The report shall include the following:

- A. Total funding spent on each project.
 - B. Total unspent funds.
 - C. Details on any projected variance greater than five percent (5%) between budget to actual total cost of the project.
 - D. Details on project milestones that have been met or missed in comparison to the project schedule.
- (3) Upon the completion of a capital project, the department director and/or the City engineer shall inform and provide the Chief Financial Officer with all necessary financial documentation to close out the project in the City's financial records within ten (10) business days from the date of completion.
 - (4) The Chief Financial Officer shall provide the final financial documentation to the City Solicitor or appropriate City personnel or the contractor for legal close out of the project.
 - (5) The Chief Financial Officer shall account for a capital project's useful life in the City's financial records where appropriate.
 - (6) The capital improvement plan and budget may be adjusted by Council at any time during the budget year by resolution to provide emergent capital funding for projects that address:
 - A. An imminent threat to the safety of City employees and/or the public.
 - B. A mandatory federal or state regulatory requirement.
 - C. A real or potential disruption of the functioning of City government and/or any of its departments.

131.10. GENERAL PURCHASE POLICY.

(a) All contracts of the City shall be consistent with public thresholds for competitive bidding published by the Pennsylvania Department of Labor and Industry annually. The City may use the bidding thresholds annually set by the Pennsylvania Department of Labor and Industry for all competitive bidding purposes.

(b) Competitive bids shall be obtained where practicable and controls awarded to the lowest and best bidders. Sealed bids shall be evidenced by written contracts submitted to and approved by Council, provided that in cases where it is clearly to the City's advantage and provided for by the general laws of the Commonwealth to contract without competitive bidding, the Council, upon recommendation of the City Administrator/Chief Financial Officer, may so authorize.

(c) Council may at any time and for any reason authorize the undertaking of public improvements by City employees.

(d) The Mayor and City Administrator shall execute all contracts after approval by the City Council, regardless of the amount, for the City. If the Mayor and/or City Administrator refuse to sign a contract, the Council may authorize two (2) Members of the Council to sign the contract.

131.11 NOTICES FOR SEALED BIDS.

(a) Notices inviting sealed competitive bids shall be published pursuant to state law.

(b) Such notice shall indicate the supplies, materials or equipment desired or the construction project to be undertaken, whether bid, performance and labor and material bonds are required; and if required, the amounts thereof, and the date, time and place of filing and opening of bids. The right shall be reserved to reject any or all bids or parts thereof.

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(c) In all cases where sealed bids are invited, a copy of the official notice shall be posted on the public bulletin board in the lobby of the City Building and shall be displayed on the City's Official Information Site. The City Administrator/Chief Financial Officer shall direct the mailing of copies of the official notice to such qualified vendors or contractors as may be deemed necessary to give actual notice to interested bidders and to obtain competitive bidding balances, together with filing costs.

(d) Each Bid submitted in response to any advertised notice shall be sealed and be accompanied by the specified bid bond and by a non-collusion affidavit in such form as the City Administrator/Chief Financial Officer shall approve.

131.12 BID AND PERFORMANCE BONDS.

(a) All bids advertised for shall be accompanied by cash, by certified cashier's check or by bond with corporate surety in the amount of ten percent (10%) of the bid. In the event any bidder shall, upon award of the contract due him/her, fail to comply with the requirements hereinafter stated as to a bond guaranteeing the performance of the contract, the good faith deposit by cash, certified check or bond shall be forfeited to the City as liquidated damages.

(b) Where advertising is required herein, the successful bidder shall be required to furnish a bond with suitable reasonable requirements for guaranteeing performance by contract with surety sufficient to the City, within twenty (20) days after the contract has been awarded, unless the City prescribes a shorter period of not less than ten (10) days. Failure to furnish such a bond within such a time shall void the award.

131.13 FORM OF BIDS.

Bids submitted in response to any advertised notice shall be sealed and be accompanied by the specified bid bond and by non-coercion affidavit in such form as the City Administrator shall approve.

131.14 BID OPENING; ANALYSIS AND AWARD.

(a) Sealed bids shall be opened in public or at a scheduled virtual meeting with a public option at a date and time established in the bid notice. After bids are opened, they shall be referred to the appropriate department for tabulation, review and recommendation.

(b) After the bid is reviewed by the appropriate personnel, department director, or City engineer, the tabulation and recommendation shall be submitted to the City Administrator for preparation for Council consideration and approval.

(c) The City shall at all times reserve the right to waive technicalities of the bidding procedure when it is in the best interest of the City to do so and when the technicalities waived are not contrary to statute.

(d) The competing bidders may examine the bids and tabulation.

(e) Upon receipt of the tabulation and analysis of the bids, Council may reject the bids or may determine the lowest responsible bidder or bidders and award the contract or contracts accordingly as provided by statute.

131.15 PURCHASES UNDER BID THRESHOLDS.

(a) Regarding purchases of supplies, materials, equipment, and services for public improvements, the bid shall be awarded to the lowest responsible bidder.

(b) All purchases of supplies, materials and equipment, and services for public improvements that are below the state competitive bid threshold but over the amount specified by the state for telephonic/internet quotes shall be made in the open market by obtaining at least three (3) competitive, qualified bids.

(c) All purchases of supplies, materials and equipment, the cost of which is less than the amount specified by the state for telephonic/internet quotes but greater than five thousand dollars (\$5,000.00) shall be made in the open market by obtaining at least three (3) oral or internet competitive qualified bids.

(d) For all purchases of supplies, materials and equipment, the cost of which is less than five thousand dollars (\$5,000.00), the Chief Finance Officer may use discretion in obtaining the lowest responsible bid without requiring competitive bidding except as established in Section 131.17 relative to emergency purchases.

(e) Certain payments for goods and services can be made without prior authorization of Council:

- (1) Bonds and principal representing bonded indebtedness of the City, when said bonds and principal are due and presented for payment.
- (2) All interest on bonded indebtedness of the City when the same is due and coupons are presented for payment.
- (3) Payments for the annual Minimum Municipal Obligation (MMO.)
- (4) All sales tax due to the Commonwealth of Pennsylvania.
- (5) All utility bills for water, electricity, gas, telecommunications, etc.
- (6) For fixed charges including but not limited to postage, legal advertising, copier maintenance, IT services, or any other applicable contractual services.
- (7) All medical, dental, disability, and life insurance premiums and medical claims from insurance provider.
- (8) All annual premiums for the City's property, liability, and worker's compensation policies.
- (9) Salaries and wages of Elected Officials and employees at the rates authorized by Council. All pension distribution checks as authorized by the designated pension boards.
- (10) Payment of Federal and State withholdings taxes, Social Security, Medicare, Defined Benefit Pension Fund, and 401 (b) contributions, and Unemployment taxes as required.
- (11) Contractual payments for items approved by previous Council actions.
- (12) Reimbursements to employees for budgeted purchases (i.e.: travel costs.)
- (13) Deposit refund under facility rental contracts.
- (14) To take advantage of early payment discounts.

(f) All requisitions for supplies, materials and equipment shall be prepared and signed by the director of the requisitioning department on the form and in the manner prescribed by the Chief Financial Officer. Completed requisitions shall be submitted to the Chief Financial Officer for approval.

(g) For the purchase of goods in the open market, the Chief Financial Officer shall direct the soliciting of bids by telephone, internet, or by direct mail request to the prospective bidders and, in the case of written requests, shall post notice on the public bulletin board. The Chief Financial Officer shall direct the keeping of a record of all open market purchases and the bids submitted in competition thereon, and such records shall be open to public inspection. The on-line pricing provided to the City by vendors shall be acceptable as bids for such open market purchases.

(h) All purchases made in the open market shall be by contract in the form of a purchase order and signed by the Chief Financial Officer.

131.16 FACSIMILE SIGNATURE ON PURCHASE ORDERS.

The City Administrator/Chief Financial Officer or a designated purchasing agent is authorized to approve purchase orders by the use of facsimile rubber stamp signature.

131.17 EMERGENCY PURCHASES.

In the case of an emergency and with the consent of the Business Administrator any or all using departments may purchase directly supplies, material or equipment not to exceed the state competitive bidding threshold when such an immediate procurement is essential to the continuance of the work of the using department concerned. The director of such using department shall send written notification of such emergency purchase to the City Administrator and the Chief Financial Officer together with a full explanation of the circumstances of the emergency which shall be filed by the Chief Financial Officer as a permanent and public record of the purchase. The City Administrator shall email the information to the Mayor and the Chairperson of the Finance Committee of Council within twenty-four (24) hours of the purchase.

131.18 INSPECTION OF MATERIALS.

(a) The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department.

(b) If the delivery of a commodity is not made within a reasonable length of time, the using department should notify the Chief Financial Officer. In the event that the material or equipment delivered is not satisfactory to the using department, the Chief Financial Officer should be notified immediately in writing, stating the reason that it is not satisfactory. If the correct item is not delivered, if broken or damaged material is delivered, or the correct quantity not delivered, the Chief Financial Officer shall be so notified. The Chief Financial Officer will then communicate with the vendor, or authorize the department to do so, to rectify the condition as rapidly as possible.

131.19 SALE OF PROPERTY.

(a) Surplus City personal properties shall be disposed of by sale or otherwise accepted upon approval of Council by resolution. If the estimated value of the property to be sold is less than one thousand dollars (\$1,000.00) notice of the proposed sale shall be posted for at least ten (10) days on the City's Official Information Site, describing and itemizing the property to be sold and directing that bids may be made there in the office of the City Clerk. Thereafter, the property may be sold in whole or in part for the best price or prices obtained upon the approval of Council.

(b) If the value of the property to be sold is estimated to exceed one thousand dollars (\$1,000.00) the entire lot shall be advertised for sale at least once in at least one newspaper and the City's Official Information Site. The sale of the property so advertised shall be made to the best possible bidder. The bids shall not be opened until at least ten (10) days after such advertisement. With the approval of Council, City property may be sold at auction, but only after the provisions as to the notice contained in this section shall likewise be observed. The provisions of this section shall not be mandatory where City personal property is to be traded in or exchanged for new City personal property.

131.20 PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST.

(a) The City is authorized to join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a settler of the Pennsylvania Local Government Investment Trust (the Trust) and entering into the Declaration of Trust, which is adopted by reference with the same effect as if it had been set out verbatim in this section and a copy of which shall be filed with the minutes of the meeting at which this section was adopted.

(b) The City is authorized to purchase shares in the Trust from time to time with available Municipal funds, and to redeem some or all of those shares from time to time as funds are needed for Municipal purposes. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by Council.

(c) The Trustees of the Trust are designated as having official custody of the City's funds which are invested by the purchase of shares in the Trust.

(d) As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

(e) The conditions of the agreement are set forth in the Declaration of Trust referred to in Subsection (a) hereof;

(1) The City's participation in the Trust shall be terminable at any time by ordinance;

- (2) The Declaration of Trust and the purchase of shares are for the purpose of investing the City's funds in obligations which are otherwise legal investments as part of a pooled arrangement with other governmental units; thereby achieving economic and other advantages of pooled investments;
- (3) It is not necessary to finance the agreement authorized herein from Municipal funds except through the purchase of shares in the Trust;
- (4) The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the by-laws provided for therein; and
- (5) Shares may be purchased and redeemed from time to time as the City may determine to be necessary or appropriate to meet its cash investment requirements.

SECTION 11. That ARTICLE 133 - Department of Administration, is hereby adopted to read as follows:

ARTICLE 133 - Department of Administration

133.01 Areas of Responsibility

133.01 AREAS OF RESPONSIBILITY.

(a) The Department of Administration shall be responsible for supervising sound and practical fiscal policies and procedure for the administration of the City government.

(b) The areas of responsibility of this Department shall be the following:

- (1) The general administration of the City's business affairs.
- (2) The establishment and operation of a centralized purchasing system.
- (3) The preparation of all fiscal reports, maintenance of all fiscal records, and development of the City's annual budget.
- (4) The oversight of personnel administration including the establishment and maintenance of a system for the appointment, discipline and dismissal of employees, training, job classification, performance evaluation, payroll, grievance procedures and employee records. This includes but is not limited to:
 - A. Prepare, install and maintain a classification program based on the duties, authority and responsibility of positions in the City service.
 - B. Ensure that all positions in the City service shall be filled by persons reasonably qualified to perform the duties of the position, including the establishment of appropriate employment test standards and the supervision and administration of all such tests for new employees.
 - C. Develop and establish training and educational programs for persons in the municipal service and so far as is practical establish a program for promotion based on merit of performance.

(c) The Department of Administration is also responsible for all City services relative to research, planning, development, and coordination of all the departments and official boards, agencies and commissions of the City.

SECTION 12. That ARTICLE 133 - Department of Administration, is hereby adopted to read as follows:

ARTICLE 135 - Bureau of Law

- 135.01 City Solicitor
 - 135.02 Appointment, Qualifications, and Compensation
 - 135.03 Assistant City Solicitor
 - 135.04 Powers and Duties
 - 135.05 Special Legal Counsel
 - 135.06 Removal
 - 135.07 Municipal Liens
-

135.01 CITY SOLICITOR.

Council by a majority vote of the Council, shall appoint a legal officer, licensed to practice law in the Commonwealth of Pennsylvania, who shall serve as chief legal adviser to the Council, City Administrator and all the municipal departments, offices and agencies of the City. The Solicitor shall represent the City in all legal matters and shall perform any other duties prescribed by this Charter, by ordinance or other applicable law.

135.02 APPOINTMENT, QUALIFICATIONS, AND COMPENSATION.

(a) Council, by a vote of at least four (4) Members of the Council, shall appoint a Solicitor for an indefinite term. The City Solicitor may be one person or a law firm, partnership, association, or a similar professional entity.

(b) The Solicitor must be an attorney licensed to practice law in the Commonwealth of Pennsylvania.

(c) The Solicitor must maintain and provide proof of continuous coverage for errors and omissions.

(d) The Solicitor shall be appointed either on a full-time basis or a part time basis or on a retainer basis or a combination thereof. The Solicitor shall be compensated as provided by Council in the annual budget and shall not receive fringe benefits of the City unless the position of City Solicitor shall become full-time.

135.03 ASSISTANT CITY SOLICITOR.

The Council may appoint an Assistant City Solicitor whose term of office shall be concurrent with that of City Solicitor, and whose duties shall be assigned and designated by the City Solicitor.

135.04 POWERS AND DUTIES.

The Solicitor shall be the chief legal officer of the City and shall be responsible for the following specific duties:

(a) Attend Council meetings as required.

(b) Furnish legal opinions to the Council, and the City Administrator on any matter arising in the exercise of their official powers and duties. When a formal opinion is requested by Council or the City Administrator, the same shall be in writing citing legal precedents if available.

(c) Except as otherwise expressly provided by the Council, supervise, direct, and control all the legal work of the City.

(d) Approve all contracts, bonds, and other instruments, and shall approve all surety bonds.

(e) Prepare or assist in the preparation of any ordinance or resolution upon the request of the Council or City Administrator.

(f) Any other legal matters assigned to the Solicitor by the Council or City Administrator.

135.05 SPECIAL LEGAL COUNSEL.

Council may, at its discretion, retain special legal counsel for particular proceedings or matters of the City and shall provide for the compensation of special counsel. The special legal counsel shall coordinate with the Solicitor on all legal matters.

135.06 REMOVAL.

The Council may, by a vote of at least four (4) Members of the Council, remove the City Solicitor, assistant City Solicitor, and/or any special counsel at any time, with or without cause.

135.07 MUNICIPAL LIENS.

The following fees shall be charged by the City Solicitor's Office for certification of Municipal Liens and fees associated therewith:

- (a) Municipal Lien Statement Certification \$25.00/parcel.
- (b) Rush Fee (For requests needed sooner than five (5) business days.) - \$15.00.

SECTION 13. That ARTICLE 139 - Bureau of Planning and Development, is hereby adopted to read as follows:

ARTICLE 139 - Bureau of Planning and Development

139.01 City Planning

139.01 CITY PLANNING.

City Planning shall be the responsibility of the City Planning Commission whose appointment and duties are prescribed under the provisions of the Pennsylvania Municipalities Planning Code.

SECTION 14. That ARTICLE 141 - Department of Public Works and Parks, is hereby adopted to read as follows:

ARTICLE 141 - Department of Public Works and Parks

141.01 Director; Areas of Responsibility

141.01 DIRECTOR; AREAS OF RESPONSIBILITY.

(a) The Department of Public Works shall be responsible for the construction, maintenance and operation of all the facilities owned by the City. The Department shall be a pool of manpower, equipment, and material and supplies from which appropriate assignments shall be made for the performance of activities.

(b) The Director of the Department of Public Works shall be qualified in the administration of public works and parks maintenance activities.

(c) Should the director be removed, he/she shall be returned to their former position in the Department of Public Works if s/he was promoted to the position of director from the City's Department of Public Work's workforce.

(d) The area of responsibility of the Department shall include construction, maintenance and operation of the following:

- (1) Streets, including maintenance of surface, grade and curbing, street cleaning and snow removal.
- (2) Storm sewers and inlets.
- (3) Public buildings, parks, and grounds including all equipment and fixtures.

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- (4) Maintenance of all City vehicles and self-propelled equipment.
- (5) Manage, operate, and maintain the recreation and parks functions, including the development of comprehensive recreation programs, and the operation and development of parks, boulevards, recreation areas and facilities, playgrounds, ballfields, specialized areas and structures.

SECTION 15. That ARTICLE 145 - Department of Police, is hereby adopted to read as follows:

ARTICLE 145 - Department of Police

- 145.01 Police Chief; Areas of Responsibility
- 145.02 Compulsory Retirement
- 145.03 School Crossing Guards

145.01 POLICE CHIEF; AREAS OF RESPONSIBILITY.

- (a) The Department of Police shall be responsible for all police services required in the protection of all persons and property within the City.
- (b) The director of the Department of Police shall be the Chief of Police. He shall have at least 12 years' experience working as a law enforcement officer and shall be appointed to Chief of Police from within the ranks of the New Castle Department of Police and may be demoted without cause, but not to any rank lower than the rank which was held at the time of appointment as Chief of Police. In the event that no qualified individual from within the ranks of the New Castle Department of Police is qualified for the position of Chief of Police, a qualified individual from outside the ranks may be appointed Chief of Police. The Police Chief shall be capable of administering all facets of Police Department administration, have a knowledge of accepted law enforcement practices and procedures, and possess suitable leadership qualities and acceptable personality traits.
- (c) All hiring, promoting, disciplining, and other employment practices shall be regulated by the City's duly adopted Civil Service Rules and Regulations.
- (d) The areas of responsibility of the Department shall include the following:
 - (1) Traffic.
 - (2) Investigation.
 - (3) Animal Control.
 - (4) School Safety.
 - (5) Patrol.
 - (6) Narcotics.
 - (7) Gaming/Mechanical Devices.

145.02 COMPULSORY RETIREMENT.

Retirement from the service of the Police Department shall be required for all policemen who have reached the age of 70 years.

145.03 SCHOOL CROSSING GUARDS.

- (a) The employment of school crossing guards is hereby authorized as provided for in the City budget with control thereof vested in the Police Chief.
- (b) Persons employed as school crossing guards shall perform no services other than services to educational institutions within the City through the provision of protection of students at intersections within the City.
- (c) This article shall in no way affect the employment rights, duties or obligations of any person, but shall constitute a statement of clarification of employment status of persons employed as school crossing guards.

SECTION 16. That ARTICLE 149 - Department of Fire, is hereby adopted to read as follows:

Article 149 - Department of Fire

- 149.01 Fire Chief; Areas of Responsibility
- 149.02 Fire Chief and Officers to Retain Status as Firefighter
- 149.03 Compulsory Retirement
- 149.04 Responding to Fire Calls Outside the City

149.01 FIRE CHIEF; AREAS OF RESPONSIBILITY.

(a) The Department of Fire shall be responsible for the normal services of fire protection to the residents of the City and their property, and shall also include responsibilities relative to emergency management.

(b) The director of the Department of Fire shall be the Fire Chief. He shall have at least ten (10) years of firefighting experience and shall be appointed to Fire Chief from within the ranks of the New Castle Department of Fire and may be demoted without cause, but not to any rank lower than the rank which was held at the time of appointment as Fire Chief. In the event that no qualified individual from within the ranks of the New Castle Department of Fire is qualified for the position of Fire Chief, a qualified individual from outside the ranks may be appointed Fire Chief. The Fire Chief shall be capable of administering all facets of fire department administration and shall have knowledge of accepted fire practices and procedures, and shall have suitable leadership qualities and acceptable personality traits. The Fire Chief shall also serve and act as Fire Marshal and Emergency Management Coordinator with all the powers given by law to those position.

(c) The Department of Fire shall be organized in accordance with recognized sound principles of administration of fire departments generally, and shall include firefighting, fire prevention, community education, rescue operations, emergency medical services (EMS) and emergency management.

(d) All hiring, promoting, disciplining, and other employment practices shall be regulated by the City's duly adopted civil service rules and regulations.

149.02 FIRE CHIEF AND OFFICERS TO RETAIN STATUS AS FIREFIGHTER.

Whenever a salaried firefighter employed by the City as a firefighter is hereafter appointed Fire Chief, or is otherwise promoted in the Department of Fire, he/she shall not thereby be deemed to have changed or lost his/her status as a firefighter of the City, but he/she shall continue to be a firefighter under the civil service law of this Commonwealth. In case of his/her demotion or failure to be reappointed he/she shall continue to remain in the service of the City and in the ranks as a regular salaried firefighter.

149.03 COMPULSORY RETIREMENT.

Retirement from the service of the Fire Department shall be required for all paid firefighters who have reached the age of 70 years.

149.04 RESPONDING TO FIRE CALLS OUTSIDE THE CITY.

(a) No City firefighter, while on duty and in the course of his employment, shall be permitted to authorized to go, or to take any equipment of the City, outside of the City limits of the City, unless s/he has been specifically authorized thereto as provided in this section.

(b) Any fire company organized and existing in any municipality in Lawrence County outside the City may authorize its president, its chief, and not more than two subordinate officers, through the execution of mutual aid agreements to act as responsible representatives of the company and of the municipality, which the company serves, to solicit aid from the City's Department of Fire in time of actual need. When such mutual aid agreement has been filed with the City Clerk and approved by Council, the Fire Chief, or the person lawfully delegated by him/her at any time to direct the City's Department of Fire, may send such employees of the New Castle Fire Department to the aid of the fire company requesting such mutual aid, and in answering that call and returning from it, any City employee so directed to go outside the City limits, shall be acting in the course of his employment as a City firefighter.

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(c) In sending employees of the Department of Fire outside the City limits, the Fire Chief or other officer, whom s/he shall delegate to exercise that authority, may permit the members of the City's Department of Fire to take with them outside the City limits for the purpose of answering a mutual aid call as aforesaid, any fire equipment of the City, which s/he believes would be necessary and essential to give the best aid possible to the fire company asking for such aid.

SECTION 17. That ARTICLE 151 - Department of Community and Economic Development, is hereby adopted to read as follows:

ARTICLE 151 - Department of Community and Economic Development

- 151.01 Description of Responsibilities
- 151.02 Departmental Duties
- 151.03 Director Qualifications
- 151.04 Organization and Relationships
- 151.05 Loan Review Committee
- 151.06 Reporting

151.01 DESCRIPTION OF RESPONSIBILITIES.

The Department of Community and Economic Development shall be responsible for the administration and coordination of programs, projects and activities relating to and in support of community, housing, and economic development with funds derived from non-general fund sources. It shall coordinate with other City authorities, boards and commissions in applying for and carrying out activities funded through the City and/or applied for directly by said agencies. The department shall employ required technical and professional staff and consultants, provided sufficient funds are budgeted and approved by Council.

151.02 DEPARTMENTAL DUTIES.

The duties of the Department of Community and Economic Development shall include, but are not limited, to the following:

- (a) Plan and formulate a variety of community development activities and programs related to housing, public facilities and improvements, economic investment and development.
- (b) Oversee the City's community development block grant program (CDBG).
- (c) Coordinate the preparation of applications for funding of specific projects and/or programs.
- (d) Prepare reports on funding availability and progress on approved funded projects and programs.
- (e) Work with other City departments and local agencies in identifying community programs and needs along with assisting the City Administrator and Council in establishing priorities for funding.
- (f) Conduct public meetings with citizen and neighborhood organizations.
- (g) Maintain liaison with County, State and Federal agencies and officials.
- (h) Address economic development initiatives identified in the City's Act 47 Recovery Plan and Exit Plan along with other related initiatives.

151.03 DIRECTOR QUALIFICATIONS.

(a) The Department of Community and Economic Development shall be headed by a director, who shall be an individual who is a qualified and experienced administrator knowledgeable in matters of community development. The person selected shall have the following:

- (1) Knowledge of federal and state grant programs including CDBG, municipal government structures.

- (2) Ability to complete complex research and report preparation assignments.
- (3) Ability to prepare oral and written reports.
- (4) Ability to maintain effective working relationships with local business leaders, business association officials, and nonprofit organizations.
- (5) Working knowledge of technology, office software, and social media.
- (6) Public speaking ability.
- (7) Public relations skills.
- (8) Knowledge/ability to learn HTML (web-site management).
- (9) Considerable ability to work independently and to exercise independent judgment and initiative;
- (10) Ability to understand and interpret complex plans and specifications and to prepare technical reports.
- (11) Ability to prioritize and coordinate the work of an office.
- (12) Ability to establish and maintain cooperative relationships with building owners, architects, contractors, officials, the public, etc.

(b) In selecting a director, the following minimum qualifications and experience are preferred:

- (1) Graduation from an accredited college or university with a Bachelor's Degree with major work in economics, public or business administration or a related field plus two (2) years of professional experience in the finance or economic development aspects of municipal management.
- (2) Any equivalent combination of experience and training which provides the required knowledge, skill, and abilities may be considered.
- (3) Must possess a valid driver's license.
- (4) Shall be able to travel throughout the City and other parts of the State for training workshops, conferences and meetings with funding sources.
- (5) Shall be able to communicate with a variety of people on all aspects of the job. This includes the ability to speak clearly to large gatherings of people.

(c) The overall responsibilities of the director include but are not limited to:

- (1) Participates in, facilitates and/or conducts negotiations with developers, businesses, and others regarding the public participation necessary for desired economic development.
- (2) Analyzes financial and market feasibility data on projects under negotiation including sources and uses of funds, cash flow analysis, security provisions, business profitability, underwriting, and related data.
- (3) Works with others to assemble cost estimates for various public actions such as land acquisition, relocation, demolition, and public improvements.
- (4) Researches and performs cost comparison analyses between proposed City development sites and alternative or competing development sites.
- (5) Conducts tax and public benefit analyses for economic development projects.
- (6) Prepares detailed written reports and recommendations for presentation to Council, developers, businesses, advisory boards, and community groups.

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- (7) Makes oral presentations to public and private groups.
- (8) Provides technical assistance to start-up and small companies.
- (9) Coordinates the downtown redevelopment plan.
- (10) Works with downtown merchants, the community development corporation, and other municipal and civic groups to plan downtown events designed to bring visitors to the area.
- (11) Works on smart growth programs such as Brownfield Redevelopment and new land for commercial and industrial growth.
- (12) Participates in meetings with developers, businesses, citizens, community leaders, and City personnel on economic development projects and programs.
- (13) Acts as a City representative to various regional development groups such as the Lawrence County Chamber of Commerce, New Castle Community Development Corporation and others.
- (14) Serves as a central point of contact for businesses, developers and contractors who use City economic development services including financial assistance, site selection assistance, urban renewal, and other municipal actions and services related to a specific project.
- (15) Prepares grant applications for the City.
- (16) Directs and assists in preparing department budget and accounts for expenditures.
- (17) Identifies and defines problems related to economic development.
- (18) Analyzes opportunities for promoting private development and for securing job creation and increased tax base investments.
- (19) Investigates sources of private and public financing in capital projects, development projects, tourism projects.
- (20) Maintains and updates inventory of available office, retail and industrial space.
- (21) Maintains and updates current business listings.
- (22) Maintains current industry profiles.
- (23) Tracks unemployment and growth statistics.
- (24) Maintains close communication with organizations concerned with development and tourism.
- (25) Implements a plan of promotion and publicity to bring tourism to the City or to assist the City in benefitting from regional efforts.
- (26) Administers incentive programs such as tax abatement, enterprise zone, and facade improvement programs.
- (27) Coordinates event scheduling, maintains a calendar of events, acts as point of contact for media inquiries (print, radio and television).
- (28) Responds to information requests;
- (29) Attends planning and zoning, Council and other meetings and hearings as required.
- (30) Maintains detailed records, prepares report of activities.
- (31) Performs other related duties as required.

151.04 ORGANIZATION AND RELATIONSHIPS.

(a) The director of Community and Economic Development shall report to and assist the City Administrator in preparing applications, budgets, programs and projects for presentation to Council for consideration and approval. Upon approval by Council of applications, budgets, programs and/or projects, the director, working with and at the direction of the City Administrator, shall administer and implement funded programs and projects assigned to the department. All contracts and agreements shall be provided to and approved by Council.

(b) Staff shall be appointed as required by the City Administrator upon recommendation of the director. Job descriptions and salary for each position shall be presented by the City Administrator to Council for approval.

151.05 LOAN REVIEW COMMITTEE.

A Loan Review Committee shall be appointed consisting of five (5) members. Three (3) members shall be appointed by the Council and the persons selected should be knowledgeable in the areas of financing, real estate, accounting, contracting and construction procedures. Two ex-officio members are the Chief Financial Officer and the Mayor or one Council Member appointed by a majority of the Council. The Committee shall make recommendations on loan policy and guidelines, application forms and procedures and specific loans funded through various programs for housing and economic development. All recommendations of the Committee shall be presented to Council for approval.

151.06 REPORTING.

The director shall provide a quarterly written report on the status of activities and financial status related to all contracts and budgets to Council at a regularly scheduled meeting.

SECTION 18. That ARTICLE 153 - Department of Code Enforcement, is hereby adopted to read as follows:

ARTICLE 153 - Department of Code Enforcement

153.01 Areas of Responsibility; Director

153.02 Organization and Department Responsibilities

153.03 Duties and Powers of the Director and Code Enforcement Officers

153.04 Office Records

153.01 AREAS OF RESPONSIBILITY; DIRECTOR.

(a) The Department of Code Enforcement shall be responsible for the systematic enforcement of all City ordinances which deal with the health, safety, and welfare of the community including but not limited to the International Property Maintenance Code (IPMC).

(b) The individual selected shall be a graduate of an accredited college or school with a degree in business administration, engineering, public administration, urban planning, safety inspection, general contracting, skilled labor, community development, organizational development, management, program administration, or similar field.

(c) In lieu of the above educational requirements, the individual selected shall have had at least five (5) years of experience in code enforcement or in at least one of the fields set forth above, or similar field.

(d) The individual selected shall also have a foundation and experience using and working with technology.

153.02 ORGANIZATION AND DEPARTMENT RESPONSIBILITIES.

The areas of responsibility of the Department of Code Enforcement shall include housing, fire, sanitation, building, zoning, and other environmental code enforcement programs including but not limited to the Uniform Construction Code (UCC), the International Property Maintenance Code (IPMC) and the Municipalities Planning Code (MPC).

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- (a) The building inspector, his/her duties and functions as they now exist, shall be part of this department and function under the direct supervision of the Director.
- (b) The health inspector shall be (whether an employee or independent contractor) a part of this department and he shall take his directions from and make his reports to the Director.
- (c) Rental unit inspections shall be performed by personnel (whether an employee or independent contractor) assigned to this department who shall take directions from and report to the Director.
- (d) Occupancy inspections at the point of sale shall be performed by personnel (whether an employee or independent contractor) assigned to this department who shall take directions from and report to the Director.
- (e) Exterior residential and commercial building inspections shall be performed by personnel (whether an employee or independent contractor) assigned to this department who shall take their directions from and report to the Director.
- (f) Rodent control duties shall be performed by personnel (whether an employee or independent contractor) assigned to this department who shall take directions from and report to the Director.
- (g) All planning and zoning activities including land development review shall be overseen by the Director of Code Enforcement.

153.03 DUTIES AND POWERS OF THE DIRECTOR AND CODE ENFORCEMENT OFFICERS.

- (a) The Director of the Department of Code Enforcement shall be responsible to enforce and administer all of the provisions of this article and of those other applicable codes and ordinances which establish the Department of Code Enforcement as their official administration and enforcement authority.
- (b) The duties of the Code Enforcement Officers shall include: the issuance of all necessary notices and orders to abate illegal and unsafe conditions to insure compliance with this article, and those other applicable codes and/or ordinances for the safety, health and general welfare of the public; the making of inspections to determine compliance with the applicable codes and ordinances; the undertaking of investigations, and other activities as may be required.
- (c) A Code Enforcement Officer shall display proper credentials of their respective office for when inspecting any and all buildings and premises in the performance of duties under the applicable code and/or ordinance where requested.
- (d) Whenever, in the opinion of the officer initiating an inspection under the applicable codes and/or ordinances, it is deemed necessary or desirable to have inspections by any other department, the director shall make reasonable efforts to arrange for the coordination of such inspections so as to minimize the number of visits by representatives of the City and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. The assistance and cooperation of all other officials, including police and fire departments, shall be available to the Director to assist in the performance of these duties.
- (e) Except in case of an emergency, the Code Enforcement Officers shall schedule a mutually convenient time agreed to with the property owner for discharging his/her duties to safeguard the safety, health and welfare of the public. Upon showing proper identification where requested, the Code Enforcement Officers are hereby authorized to enter and inspect between the hours of 7:00 a.m. and 7:00 p.m. any structure or premises in the City to enforce the provisions of this article and of those other applicable codes and ordinances. Every occupant, owner or operator, of a structure or premises or their agent or employee, shall give access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this code.
- (f) If any owner, operator, occupant or other person in charge of a structure refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to the structure or premises under his control or to any part thereof, with respect to any authorized inspection, a Code Enforcement Officer, may upon showing that probable cause exists for the inspection, file a petition for and obtain an order directing compliance with the inspection requirements of this Article from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

(g) The Director of the Department of Code Enforcement shall have such power as may be necessary in the interest of public safety, health and general welfare to interpret the intent of the applicable codes in specific cases where it clearly appears that by reason of special conditions, undue hardship would result from a literal application of any section of the applicable codes.

(h) The Director of Code Enforcement shall keep an accurate account of all fees collected; and such collected fees shall be deposited in the City treasury for appropriate distribution. For purposes of this Article, the director of the Department of Code Enforcement shall be considered a Code Enforcement Officer.

153.04 OFFICE RECORDS.

(a) An official record shall be kept of all business and operational activities of the Department of Code Enforcement and all such records shall be open to the public for inspection at all appropriate times, except that no individual, owner, operator, occupant or other person shall be subject to unwarranted invasion of privacy, and except that all evidence or information shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer for the proper and effective administration and enforcement of the provisions of this Article and shall not otherwise be made public without the consent of the owner, occupant, operator or other person in charge of the unit, structure or premises inspected. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.

(b) The Director of the Department of Code Enforcement shall submit to the City Administrator and Council a monthly written report of operations in the form and content as shall be prescribed by the City Administrator.

SECTION 19. That ARTICLE 155 - Department of Recreation and Parks, is hereby adopted to read as follows:

ARTICLE 155 - Department of Recreation and Parks

155.01 Recreational Facilities and Maintenance Fees

155.01 RECREATIONAL FACILITIES AND MAINTENANCE FEES.

(a) The following applies to the recreational facilities maintained by the City:

(1) Cascade Park - All Day

A.	Upper Level-includes Dance Pavilion, Carousel Building and Train Station.	\$	1,185.00
B.	Lower Level-includes Grove, Picnic Shelters, Community Kitchen	\$	515.00
C.	Upper Level and Lower Level	\$	1,670.00
D.	Deposit for clean-up to be refunded after inspection by the City.	\$	150.00
E.	All Fees are Non-refundable		

(2) Darlington Park - Mahoningtown

A.	All Day from 11:00 a.m. - 9:00 p.m. from Memorial Day to Labor Day	\$	412.00
B.	Hourly Fee	\$	78.00
C.	Deposit for clean-up to be refunded after inspection by the City.	\$	150.00

(3) Cascade Park Dance Pavilion

A.	Fee Per Day - Non-refundable	\$	747.00
B.	Clean-up Fee	\$	125.00

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(4) Cascade Park Carousel Building

A.	Rental Fee Per Day - Non-refundable	\$	386.00
B.	Clean-up Fee	\$	125.00

(5) Train Station - including adjacent grass area.

A.	Rental Fee Per Day - Non-refundable	\$	170.00
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(6) Picnic Shelters

A.	Non-refundable Picnic Shelter Reservation Fee:		
	Seating Capacity - 30 and Under	\$	52.00
	Seating Capacity - Above 50	\$	78.00

(b) City residents and individuals paying City property taxes, and earned income taxes may apply for a permit commencing July 1st for the succeeding year. Upon proper verification presented to the Department, such permit shall be issued.

(c) Applications may be made in person or over the phone to the City Administrator's Office. The non-refundable fees set forth above shall be submitted to the City Administrator's Office, otherwise the reservations shall be cancelled. Reservations are on a first come, first serve basis when paid in full.

(1) All fees set forth in this Ordinance for Section 155.01 RECREATIONAL FACILITIES AND MAINTENANCE FEES Subsection (a) and (e) shall be reduced by fifty (50) percent for all Pennsylvania nonprofit entities. Proof of nonprofit status must be submitted to the City Administrator's Office with applications.

(2) All fees set forth in this Ordinance for Section 155.01 RECREATIONAL FACILITIES AND MAINTENANCE FEES Subsection (a) and (e) shall be reduced by fifty (50) percent for all City employees. Proof of employment must be submitted to the City Administrator's Office with applications.

(d) The following applies to Sylvan Heights Golf Course:

(1) Seasonal Golf Pass - Seasonal Golf Passes will be seven-day passes except during non-city sanctioned events. Seasonal Golf Passes begin on April 1st and expire on November 30th each year. Season Golf Passes must be paid in full by April 1st using cash, check, money order or credit/debit card at the Municipal Building or at the Golf Course. Seasonal Golf Passes will not be issued until paid in full. Any holder of a Seasonal Golf Pass not paid in full by April 1st will be required to pay greens fees. In the event of a medical condition, refunds will be issued on a prorated basis with an approved medical excuse by a qualified physician.

Adult (City Resident or Property Owner)	\$ 610.00
Adult (Non-Resident)	\$ 690.00

Plus a charge of \$80.00 per child under 17 years of age or a college student attending a full-time accredited college up to and including 22 years of age who desires membership with their parents.

Family (City Resident or Property Owner)	\$ 740.00
Family (Non-Resident)	\$ 820.00

Student (not a member of the golf team of a school district that uses Sylvan Heights as its home course)	\$ 200.00
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Student (member of the golf team of a school district that uses Sylvan Heights as its home course)	\$ 100.00
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A student includes one attending a full-time accredited college up to, and including 22 years of age. Students must be off course by 3:00 p.m. on weekdays. Students cannot begin play until 2:00 p.m. on weekends. Student members that are part of a fully paid family season membership are not required to pay a separate student fee. The student fee schedule also applies to high school golf teams, as a per student rate.

Senior Citizen (City Resident or Property Owner) . . .	\$ 510.00
Senior Citizen (Non-Resident)	\$ 590.00

To qualify as a seniors, an individual must be 62-64 years of age and retired, or be 65 years of age and older.

Super Senior (80 and older with 15 consecutive years in good standing, to commence the year that person turns 80 years of age) through 2012. Thereafter Super Senior designation will be eliminated. The Super Seniors in 2012 will continue to receive the Super Senior rate of \$200.00.	\$ 200.00
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- (2) Private Golf Cart Use - Season private golf cart use shall be prohibited during non-city sanctioned events.

Gas Carts

Per Year (City Resident or Property Owner)	\$450.00
Per Year (Non-Resident)	\$500.00

Electric Carts

Per Year (City Resident or Property Owner)	\$500.00
Per Year (Non-Resident)	\$550.00

Private golf cart use fees must be paid in full on or before April 1st of each year.

- (3) Greens Fees (Off -season)

A. December 1 st - March 31 st Fees (Off Season Fees)	
9 holes plus ½ cart	\$ 13.00
18 holes plus ½ cart	\$ 19.00

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B. April 1st - November 30th (Seasonal Fees)

Weekdays (Greens Fee Only):	
9 holes	\$ 12.50
18 holes (before 12 P.M.)	\$ 21.00
18 holes (12 P.M. and after)	\$ 24.00
9 holes senior citizens	\$ 11.50
18 holes senior citizens	\$ 17.00
9 holes student	\$ 10.25
18 holes student	\$ 15.50
Weekends and Holidays:	
9 holes	\$ 14.00
18 holes	\$ 24.00
Specials:	
Weekdays before Noon	
9 holes plus ½ cart	\$ 13.00
18 holes plus ½ cart	\$ 21.00
Weekends (excluding holidays)	
9 holes plus ½ cart	\$ 18.00
18 holes plus ½ cart	\$ 24.00
Students:	
9 holes student	\$ 5.25
18 holes student	\$ 7.75

No senior citizen or student rates on weekends and holidays.

C. Event Fees (non-city sanctioned):

January 1 - December 31st:

Weekdays/Weekends:

18 Holes

\$30.00/
person

D. City employees working at Sylvan Heights Golf Course shall not be required to pay the fees set forth in subsection (3) - GREEN FEES.

(4) Golf Cart Rental

Weekdays:	
9 holes ½ cart	\$ 7.00
18 holes ½ cart	\$ 11.00
Weekends and holidays:	
9 holes ½ cart	\$ 8.00
18 holes ½ cart	\$ 12.00
Weekdays Senior Citizens:	
9 holes ½ cart	\$ 6.00
18 holes ½ cart	\$ 10.00

No senior citizen rates on weekends and holidays.

*City employees working at Sylvan Heights Golf Course are not exempt from the fee subsection (4) - GOLF CART RENTAL, and must pay said fee in full.

(e) The following applies to Riverwalk Park:

(1) Fees:

- A. \$225.00 non-refundable fee from 11:00 a.m. to 3:00 p.m. or 4:00 p.m. to 9:00 p.m.

- B. \$75.00 non-refundable fee per hour.
- C. \$400.00 non-refundable fee per day from 11:00 a.m. - 9:00 p.m. from Memorial Day to Labor Day.
- D. \$400.00 non-refundable fee per day from 11:00 a.m. to dusk from Labor Day to Memorial Day.
- E. \$150.00 deposit for cleanup, to be refunded after inspection by the City. Cleanup shall be completed within two hours of the close of the event.

(2) Policy:

- A. No fixtures that require anchoring.
- B. Only tents with sandbag anchors allowed.
- C. No alcoholic beverages.
- D. No cooking.
- E. No sports activities.
- F. No persons, animals or objects allowed in the fountain.
- G. No pets.
- H. Tenant is responsible to supply all security for the event.
- I. At the discretion of the City Solicitor's office, tenant must provide a certificate of liability insurance naming the City of New Castle as additional insured. Amount of insurance will be determined based on the event.
- J. Access to the Park will be provided two hours prior to the start of the event for set-up purposes.

(f) The following applies to the City's Baseball and Softball Fields:

- (1) Ballfields without lights \$ 25.00
- (2) Ballfields with lights \$ 50.00
- (3) The rate schedule will not apply to leagues and/or associations that have a maintenance agreement with the City.
- (4) Scheduling of games and payment of usage fees shall be made by calling the City Administrator's Office to make reservations and payment of fees prior to the scheduled date(s) of play. If the City has its own sports youth/adult program(s), it shall have priority over all other recreational programs unless stipulated in a maintenance agreement with a league and/or association(s).
- (5) The City shall discontinue the lining of the athletic fields and the hand dragging on the baseball/softball fields. The association(s) and/or leagues will assume these tasks. The City may drag the athletic fields on Saturdays, Sundays and holidays if the requesting parties agree to pay the full cost of labor and equipment to do so.

(g) The following applies to Dog Park:

- (1) Hours: Daily, dawn to dusk.
- (2) For the safety and comfort of all dogs and their handlers, following are the rules of conduct:

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- A. Dog handlers are responsible and liable for the actions and behavior of their dogs at all times. Failure to control your dog will result in permanent expulsion from the dog park. Users of the dog park do so at their own risk.
- B. Dog handlers must be sixteen (16) years or older or be supervised by an adult at all times.
- C. Children eight (8) years of age and younger are not allowed in the off-leash area; children ages nine (9) to fifteen (15) years must be accompanied by an adult.
- D. Dogs must be properly inoculated and healthy, free of contagious conditions, diseases, and parasites. No puppies under four (4) months of age allowed in the dog park.
- E. Dogs must wear a collar with current dog license and ID tags (Animal Control will be checking). Handlers must remove any pinch, prong, or spike collars before entering fenced area.
- F. Dogs must be leashed while entering and exiting the dog park. Dogs should not be on a leash once inside the dog park fence. No more than two (2) dogs per handler.
- G. Dogs must be within sight and voice control of their handler at all times.
- H. Dog feces must immediately be cleaned up and discarded by handlers.
- I. Dogs showing aggression must be immediately removed.
- J. Female dogs in heat are prohibited.
- K. Food of any kind - for dogs or humans - is prohibited.
- L. Glass containers are prohibited.
- M. Tobacco of any kind, drugs or alcohol are prohibited.

SECTION 20. That ARTICLE 156 - Parking Enforcement, is hereby adopted to read as follows:

ARTICLE 156 - Parking Enforcement

156.01 General

156.01 GENERAL.

The City Administrator or his/her designee shall manage, operate and maintain the parking areas, properties and designated spaces throughout the City by including but not limited to collecting revenues; administer parking regulations, fines, permits and licenses.

SECTION 21. That ARTICLE 157 - Board of Health, is hereby adopted to read as follows:

ARTICLE 157 - Board of Health

157.01 - Board of Health Creation, Powers, and Duties

157.01 BOARD OF HEALTH CREATION, POWERS, AND DUTIES.

(a) A Board of Health is authorized and created to perform all the duties and have all the powers as provided for in the Third Class City Code (11 Pa.C.S.A. 12301, et seq.)

(b) City Council shall serve as the New Castle Board of Health. The Mayor shall serve as the President of the Board of Health.

(c) No Council member shall receive compensation for service on the Board of Health.

SECTION 22. That ARTICLE 161 – Personnel System, is hereby adopted to read as follows:

ARTICLE 161 – Personnel System

- 161.01 Purpose
- 161.02 Declared Personnel Policy
- 161.03 Administration of Personnel System by City Administrator
- 161.04 Certification of Payroll Reports
- 161.05 Contract for Technical Services
- 161.06 Personnel Rules
- 161.07 Classification Plan
- 161.08 Examinations and Evaluations
- 161.09 Probation
- 161.10 Training
- 161.11 Separations, Appeal, and Hearing
- 161.12 Records
- 161.13 Prohibited Practices

161.01 PURPOSE.

The general purpose of this Article is to establish a system of personnel administration that meets the social, economic and program needs of the people of the City. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force and shall include policies and procedures for employee hiring and development, training and career development, job classification, salary administration, fringe benefits, discipline discharge and other related activities. All appointments and promotions in the City service, including, but not limited to, those made by the Council and City Administrator shall be made without regard to sex, race, religion or political affiliation and shall be based on merit and fitness.

161.02 DECLARED PERSONNEL POLICY.

In accordance with the above stated general purpose of this Article, it is hereby the declared personnel policy of the City that:

- (a) Employment in the City government shall be based on merit and fitness, free of personal and political considerations.
- (b) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City government.
- (c) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- (d) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic evaluation of merit and fitness.
- (e) Tenure of employees covered by this Article shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work, and the availability of funds.

161.03 ADMINISTRATION OF PERSONNEL SYSTEM BY CITY ADMINISTRATOR.

(a) The personnel programs established by this Article shall be administered under the direction of the City Administrator with the advice and consent of Council. The City Administrator or a subordinate employee knowledgeable in personnel administration appointed by the City Administrator shall:

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- (1) Direct all administrative and technical activities, administer all provisions of this Article and the personnel rules and perform any other lawful acts which may be necessary or desirable to carry out the purposes and provisions of this Article.
- (2) Encourage and exercise leadership in the development of effective personnel administration within the several departments of the City.
- (3) Attend all meetings of the Civil Service Commission.
- (4) Prepare and recommend revisions and amendments to the personnel rules.
- (5) Advise Council on manpower utilization.
- (6) Foster and develop programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.
- (7) Establish and maintain records of all employees in the government service, in which there shall be set forth as to each employee the class, title, pay or status, and other related data.

161.04 CERTIFICATION OF PAYROLL REPORTS.

The City Administrator or his/her authorized agent shall be responsible for certification of the payroll reports that the persons named therein have been appointed and employed in accordance with the provision of this law and the policies thereunder.

161.05 CONTRACT FOR TECHNICAL SERVICES.

Council, upon recommendation of the City Administrator, may contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.

161.06 PERSONNEL RULES.

(a) The City Administrator shall draft personnel rules and/or contract with any qualified person or firm as may be necessary to carry out the provisions of this Article. These rules shall be submitted for consideration and adoption by resolution of Council. The rules shall have the force and effect of law. Amendments to the rules shall be made in accordance with the above procedure.

(b) Among other things, the personnel rules shall provide the following:

- (1) For the preparation, maintenance and revision of a position classification plan for all positions, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class.
- (2) For the annual submission of a pay plan in conjunction with the annual budget to Council.
- (3) For the recruitment of capable persons, the holding of fair, open evaluations or competitive examinations to determine the relative fitness of applicants for positions in the career service, and the establishment of maintenance, consolidation and cancellation of eligible lists of qualified applicants.
- (4) For the certification to the appropriate appointing authority of the names of persons who have qualified to fill a vacancy.
- (5) For the establishment of promotional procedures which shall give appropriate consideration to the applicant's qualifications, record of performance and ability.
- (6) For the establishment of a period of probation upon appointment or promotion prior to permanent appointment.

- (7) For emergency employment for not more than one hundred twenty (120) days and for provisional employment without open evaluation when there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointments be allowed except during the first year after the effective date of this Article.
- (8) For the transfer of employees within the classification plan.
- (9) For the establishment of or the participation in job development programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with potential for development, in order to provide career development opportunities among members of disadvantaged groups, handicapped persons and returning veterans.
- (10) For keeping records of performance of all employees, which performance records shall be considered in determining salary increments or increases for meritorious service; as a factor in promotions, as a factor in determining the order of layoffs because of lack of funds or work and in reinstatement, except where such procedures are regulated by State statute or employee agreement and as a factor in demotions, discharges and transfers.
- (11) For layoffs by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and for re-employment of employees so laid off.
- (12) For establishment of a plan for resolving employee grievances and complaints.
- (13) For the establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge. Such measures shall provide for presentation of charges, hearing rights and appeals for all permanent employees in the career service.
- (14) For establishing hours of work, holidays and attendance regulations in various classes of positions in the career service.
- (15) For establishing and publicizing fringe benefits such as insurance programs, retirement and leave policies.
- (16) For development and operation of programs to improve work effectiveness, including training, safety, health, welfare, counseling, recreation and employee relations.
- (17) For such other policies and rules not inconsistent with this Article as may be proper and necessary for its enforcement and the systematic handling of the personnel affairs of the City.

161.07 CLASSIFICATION PLAN.

(a) The City Administrator shall make or have made an analysis of the duties and responsibilities of all positions in the classified service and he shall recommend to Council a job classification plan. Each position in the classified service shall be assigned to a job class on the basis of a kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualification requirements, the same test of competence, and the same pay scale. A job class may contain one (1) position or more than one (1) position.

- (1) Within sixty (60) days after the recommendation and submission of the initial classification plan to Council by the City Administrator, Council shall approve a classification plan, and the City Administrator shall thereafter allocate each position to its appropriate class.
- (2) The class to which each position is initially allocated following adoption of the classification plan shall be assigned by the City Administrator.

(b) The initial classification plan shall be revised from time to time as changing conditions require, upon recommendations of the City Administrator and with the approval of Council. Such revisions may consist of the addition, abolishment, consolidation, division or amendment of existing classes.

(c) No person shall be appointed to or employed in any position under any class title which has not been approved in the annual budget adopted as prescribed above.

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(d) No position in the competitive service shall be filled other than on a temporary appointment basis of not more than ninety (90) days by any person who does not meet the qualification requirements for that position as set forth in the class specifications which are a part of the position classification plan.

161.08 EXAMINATIONS AND EVALUATIONS.

(a) Original appointments to vacancies occurring after this Article becomes effective shall be based on merit as determined by competitive examinations and fair, open evaluations for all skilled positions in the organization.

(b) Examinations and evaluations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed, and may not include any inquiry into the political or religious affiliations or race of any candidate.

(c) Candidates who qualify for employment shall be placed on an eligible list for the appropriate job class in the rank order of the grades they obtained on the examination or evaluation with seniority considerations.

(d) Vacancies in positions above the entry level shall be filled as far as practicable and in the best interest of the City as determined by the City Administrator by promotion, and promotions shall be on a competitive basis. Promotion examinations shall give appropriate consideration to the applicant's qualifications, record of performance, and seniority.

(e) Open examinations for all positions above the entry level are authorized except where prohibited by State statute.

- (1) Non-uniform promotions are based on application and posting of the position.
- (2) Police and fire department promotions are based on civil service rules and regulations.
- (3) Part-time positions are based on application, review, and evaluations when necessary.

161.09 PROBATION.

(a) Employees appointed from original appointment eligible lists or from promotional eligible lists shall be subject to a period of probation as set forth in the civil service rules and regulations and in accordance with the existing collective bargaining unit.

(b) The regular period of probation shall be six (6) months, provided that the personnel rules and labor agreements may specify a longer or shorter period of probation for certain designated job classes, or for extension of the probation period in individual cases. No probationary period may extend beyond twelve (12) months.

(c) The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards satisfactory to the appointing authority, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotion shall not be subject to review or appeal.

(d) An employee shall be retained beyond the end of the probationary period and granted permanent status only if the department director affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status.

161.10 TRAINING.

It shall be the policy of the City to encourage the improvement of service by providing employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service.

161.11 SEPARATIONS, APPEAL, AND HEARING.

(a) The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be temporarily separated by layoff or suspension; or permanently separated by resignation or dismissal.

(b) Whenever there is lack of work or lack of funds that requires reductions in the number of employees in a department or division of the City government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off by lowest seniority, as determined by rules governing the evaluation of service. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employee.

(c) A permanent employee may be suspended or demoted whenever in the judgment of the department director, the employee's work or misconduct justifies disciplinary action short of dismissal subject to the civil service rules and regulations and in accordance with the respective collective bargaining.

(d) An employee may resign by submitting a letter of resignation to his/her immediate supervisor.

161.12 RECORDS.

City Administrator shall maintain or cause to be maintained the examination record of every candidate and the employment record of every employee.

161.13 PROHIBITED PRACTICES.

(a) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this Article, or in any manner commit or attempt to commit fraud preventing the impartial execution thereof or of the personnel rules adopted pursuant to this Article.

(b) No person shall either directly or indirectly pay, render or give any money, service or other valuable thing to any person for on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned.

(c) No officer or employee of the City shall knowingly defeat, deceive or obstruct any person in his/her right to examination, eligibility, certification or appointment under this Article, or furnish to any person any special or secret information for the purpose of affecting the rights.

SECTION 23. That ARTICLE 163 - Civil Service Board, is hereby adopted to read as follows:

ARTICLE 163 - Civil Service Board

- 163.01 Civil Service Board.
- 163.02 Appointment of Members
- 163.03 Alternate Board Members
- 163.04 Vacancies
- 163.05 Organization and Quorum
- 163.06 Secretary and Compensation
- 163.07 Civil Service Rules and Regulations

163.01 CIVIL SERVICE BOARD.

There is hereby created a Civil Service Board for the examination of applicants for appointments to civil service positions in the Department of Police and the Department of Fire. The Civil Service Board shall have all the powers conferred upon it as set forth in the Codified Ordinances and as set forth in Title 11, Chapter 144 of the Pennsylvania Consolidated Statutes.

163.02 APPOINTMENT OF MEMBERS.

(a) The members of the Civil Service Board for the examination of applicants to any civil service position in the Department of Police Department and the Department of Fire Department shall be appointed by Council.

(b) The Civil Service Board shall consist of three (3) members and they shall be appointed to a term of six (6) years and until their successor has been appointed.

(c) No City officer, official, or employee of the City shall be eligible for appointment to the Civil Service Board.

(d) Before entering upon the duties of office, each member shall take and subscribe to the oath of office and file the oath, duly certified by the City Clerk.

(e) No member shall receive compensation for performance of duties as a member of the Civil Service Board.

163.03 ALTERNATE BOARD MEMBERS.

Council may appoint not more than three (3) individuals to serve as alternate members of the Civil Service Board. The term of office of the alternate members shall be six (6) years.

163.04 VACANCIES.

Vacancies shall be filled by Council for the unexpired term of a member or alternate member.

163.05 ORGANIZATION AND QUORUM.

(a) Two (2) members of the Civil Service Board shall constitute a quorum necessary for the transaction of business of the Board.

(b) The Civil Service Board shall organize and meet for the purpose of transacting all business as required by the City. After organizing, the board shall elect one (1) of its members as chairperson and one (1) member as secretary.

(c) If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson (or individual presiding) shall designate as many alternate members of the Board as may be needed to provide a quorum. When seated pursuant to this section, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the extent as provided by law for Board Members, including the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Any alternate member of the board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially designated until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. Alternates shall hold no other office in the City. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board unless designated as a voting alternate member by the chairperson pursuant to this section.

163.06 SECRETARY AND COMPENSATION.

The Civil Service Board shall appoint a secretary and prescribe the secretary's duties and shall have the power to change these duties. The secretary shall be subject to removal, at any time, by the Board. Council shall establish the compensation to be paid to the secretary and all necessary supplies for the use of the board shall be supplied by the City.

163.07 CIVIL SERVICE RULES AND REGULATIONS.

The Civil Service Board shall follow the procedures set forth in the Civil Service Rules and Regulations adopted hereto that shall not be in conflict with this Article nor in conflict with Title 11, Chapter 144 of the Pennsylvania Consolidated Statutes in administering and performing its duties.

SECTION 24. That ARTICLE 165 - Employment Provisions, is hereby adopted to read as follows:

ARTICLE 165 - Employment Provisions

- 165.01 Merit System
 - 165.02 Collective Bargaining
 - 165.03 Civil Service
 - 165.04 Prohibitions
 - 165.05 Personnel Manual
-

165.01 MERIT SYSTEM.

All hiring, employment and promotions of City employees shall be made solely based on merit including: their abilities, knowledge, skills, performance, and potential for greater responsibility as demonstrated by examination or other evidence of competence.

165.02 COLLECTIVE BARGAINING.

No personnel related ordinances, resolutions, policies, or procedures shall conflict with the laws of the Commonwealth of Pennsylvania that relate to collective bargaining.

165.03 CIVIL SERVICE.

All fire and police employees shall be hired and promoted according to the civil service provisions as set forth in the Third-Class City Code and/or the laws of the Commonwealth of Pennsylvania, as amended from time to time, and according to the City's Civil Service Rules and Regulations as amended from time to time by the Council.

165.04 PROHIBITIONS.

- (a) No City employee shall take an active part in a political campaign or solicit political contributions or services for any City public office.
- (b) No City employee shall hold any City public office or any City political party office while serving as a City employee. A City employee may run for and hold political office outside the City but shall not campaign or solicit political contributions for her/his campaign while at work for the City or on City property at any time.
- (c) No person shall solicit political contributions or services for any candidate or political party from any City employee while at work for the City or on City property at any time.
- (d) No City employees shall accept gifts from any persons who may gain personally from any transaction with the City.

165.05 PERSONNEL MANUAL.

The City Administrator shall develop, or have developed by a personnel and human resource consultant, a comprehensive personnel manual which shall be reviewed and adopted by Council and amended and updated from time to time as necessary.

SECTION 25. That ARTICLE 181- General Provisions, is hereby adopted to read as follows:

ARTICLE 181- General Provisions

181.01. Appointment and removal

181.01. APPOINTMENT AND REMOVAL.

- (a) Appointment of members. Except where specifically provided elsewhere by City ordinance or state or federal law, where the appointment of members to boards, commissions or authorities is vested in the City by statute or ordinance, such member or members shall be appointed by the Mayor.
- (b) Removal of members. Members of boards, commissions and authorities can only be removed through the initiating statutory authority.

SECTION 26. That ARTICLE 187 - Authorities, is hereby adopted to read as follows:

ARTICLE 187 - Authorities

Sanitation Authority:

Ordinance 6037 passed July 14, 1964 authorized creation of the New Castle Sanitation Authority for sewage treatment including pump stations, sewer lines or parts thereof.

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Ordinance 6063 (relative to the sewer system), passed March 22, 1965 authorized the lease agreement. Ordinance 6064 passed March 22, 1965 authorized the management agreement. Ordinance 6171 (relative to the Big Run Interceptor sewer line and the East Side sanitary sewer connection line and appurtenances, passed June 1, 1967 supplemented the statement of purpose of the Sanitation Authority.

Ordinance 6174 passed June 1, 1967 authorized the management agreement.

Ordinance 6536 passed June 13, 1974 authorized a service agreement with the Authority to transport, treat and dispose of sewage from the Neshannock Township area.

Ordinance 6563 passed September 28, 1974 authorized a similar agreement with Hickory Township.

Ordinance 6631 passed November 11, 1976 authorized a first supplemental agreement with Neshannock Township.

Ordinance 6644 passed April 28, 1977 extended the Sanitation Authority existence for fifty years.

Ordinance 7723, passed May 12, 2005, terminated the lease rental debt of the Sanitation Authority.

Ordinance 8120, passed December 18, 2014, increased the term of existence for fifty years.

Area Transit Authority:

Ordinance 5736 passed August 19, 1958 authorized creation of the New Castle Public Transportation Authority.

Ordinance 6097 passed October 22, 1965 authorized creation, jointly with Neshannock, Shenango and

Union Townships, of the New Castle Area Transit Authority.

Ordinance 6099, passed November 18, 1965 amended Ordinance 6097.

Ordinance 8125, passed March 12, 2015, increased term of existence for fifty years.

Redevelopment Authority:

Council by Resolution passed March 17, 1958 authorized creation of the Redevelopment Authority, which operates under provisions of the Urban Redevelopment Law, Act of May 24, 1945 (P.L. 991) as amended (35 P.S. §1701 et seq.)

CROSS REFERENCES:

Municipal Authorities Act - see 53 P.S. §301 et seq.

Urban Redevelopment Law - see 53 P.S. §1701 et seq.

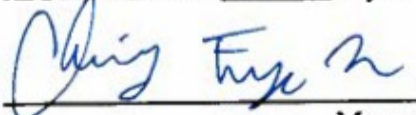
SECTION 27. This Ordinance shall become effective on January 1, 2023.

SECTION 28. That this Ordinance, when adopted, shall be incorporated in and made a part of the Codified Ordinances of the City of New Castle, Pennsylvania.

INTRODUCED this 27th day of October, 2022.

ADOPTED this 10th day of November, 2022.

APPROVED this 15th day of November, 2022.



 Mayor

CERTIFIED this 15th day of November, 2022.



 City Clerk

