

PART II. CITIES

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CHAPTER 11. CITY OF CHESTER HOME RULE CHARTER

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Source

The provisions of this Chapter 11 adopted April 22, 1980, unless otherwise noted.

ARTICLE I. NAME, BOUNDARIES, AND POWERS OF THE CITY

Sec.
11.1-101. Name and Boundaries.
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§ 11.1-101. Name and Boundaries.

The City of Chester shall continue as a municipal corporation under the name of the City of Chester with the actual boundaries at the time this Charter takes effect and as may be lawfully changed thereafter. As used in this Charter the words Chester and city shall mean the Home Rule Municipality City of Chester, Delaware County, Pennsylvania.

§ 11.1-102. General Powers.

Chester shall have and may exercise any powers and perform any function not denied by the Constitution of Pennsylvania, the General Assembly of the Commonwealth of Pennsylvania, or this Charter.

§ 11.1-103. Interpretation.

The powers of Chester shall be liberally construed in favor of the City in order to provide Chester with the greatest possible power of self-government under the Pennsylvania Constitution. Any specific mention of the powers in the Charter shall not be construed as limiting in any way the general powers of the city as stated in this Article.

Cross References

This section cited in 323 Pa. Code § 11.6-604 (relating to boards and commissions).

§ 11.1-104. Powers Vested in the City Council.

The legislative powers of Chester shall be exclusively vested in the City Council as set forth and limited in this Charter.

§ 11.1-105. Continuation.

All powers and functions contained in any and all ordinances and resolutions of the City of Chester prior to the effective date of this Charter, which are in force on the effective date of this Charter, and not inconsistent herewith, shall continue in force until amended, repealed, superseded, or expired by their own terms.

ARTICLE II. CITY COUNCIL

Sec.

- 11.2-201. Name and Composition.
- 11.2-202. Qualifications for Office.
- 11.2-203. Prohibitions.
- 11.2-204. Forfeiture of Office.
- 11.2-205. Term of Office.
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- 11.2-209. Compensation.
- 11.2-210. Organization of the Council.
- 11.2-211. Council Meetings and Procedures.
- 11.2-212. Quorum and Majority Action.
- 11.2-213. Official Action.
- 11.2-214. Records and Reports.
- 11.2-215. Legislative Powers and Duties.

§ 11.2-201. Name and Composition.

The legislative body of Chester shall be the City Council, hereinafter referred to as the Council. The Council shall be composed of five members, one of whom will be elected under the title of Mayor. The Mayor will participate as a member of Council, with full voting rights thereon, and shall be the presiding officer of Council. All references to Council Members in this Charter shall include the Mayor. Council members shall be elected from the city at large.

§ 11.2-202. Qualifications for Office.

A member of the City Council, including the Mayor, hereinafter referred to as a Council Member, shall be a citizen of the United States; a qualified voter of the city; must retain such status during the term of office for which elected; should not have been convicted of any crime classified as a misdemeanor of the second class or higher; must have been a resident of the City of Chester for at least one (1) year prior to filing a petition for election; and must not otherwise be disqualified from office by the terms of this Charter or by the laws of the Commonwealth of Pennsylvania.

Cross References

This section cited in 323 Pa. Code § 11.5-501 (relating to election, qualifications, and compensation).

§ 11.2-203. Prohibitions.

No Council Member shall, during the terms of office of the Council Member, hold any other compensated position in the City of Chester government. This prohibition shall not preclude a nonpaying position with any local, state, or federal board or authority. Reimbursement of expenses shall not be considered compensation.

Cross References

This section cited in 323 Pa. Code § 11.5-501 (relating to election, qualifications, and compensation).

§ 11.2-204. Forfeiture of Office.

The office of Council Member shall be forfeited if the Council Member is declared by any court in this Commonwealth to:

A—Lack any qualifications for the office prescribed by this Charter or laws of the General Assembly;

B—Have willfully violated any express prohibition of this Charter;

C—Be convicted of any crime classified as a misdemeanor of the second class or higher, under the laws of the Commonwealth or of the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

Cross References

This section cited in 323 Pa. Code § 11.5-501 (relating to election, qualifications, and compensation).

§ 11.2-205. Term of Office.

Council Members shall serve for four-year staggered terms beginning at 10:00 a.m. of the first Monday of January following the year in which they are elected except for Council Members appointed or elected to fill a vacancy, who shall

serve for the remainder of the unexpired term of the member succeeded or as otherwise provided in § 11.2-208 of this Charter.

§ 11.2-206. Elections.

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

§ 11.2-207. Vacancies.

The office of Council Member shall become vacant upon death, resignation, removal of place of residence from the city, legal certification of mental and/or physical disability, or forfeiture of office as directed by this Charter, or as otherwise provided by law.

Cross References

This section cited in 323 Pa. Code § 11.5-501 (relating to election, qualifications, and compensation).

§ 11.2-208. Filling of Vacancies.

Whenever a vacancy exists in the office of Council Member, the vacancy shall be filled as set forth in the Administrative Code.

Cross References

This section cited in 323 Pa. Code § 11.2-205 (relating to term of office); and 323 Pa. Code § 11.5-501 (relating to election, qualifications, and compensation).

§ 11.2-209. Compensation.

The compensation of the Council Members under this Charter shall be as set by City Council. Council may establish by ordinance the annual compensation of succeeding Council Members. It is the intent of this Charter that all Council Members, except the Mayor, elected to office at the same time shall be paid at same the rate and that the Council shall not change the compensation of Council Members then in office for the remainder of their present term. They shall be authorized to receive reimbursement of reasonable expenses actually incurred in the performance of their duties in accordance with regulations which shall be set forth in the Administrative Code or other ordinance.

§ 11.2-210. Organization of the Council.

The Council shall organize at a meeting at 10:00 a.m. on the first Monday of January of each year. If the first Monday is a legal holiday, the organizational meeting will be held on the first day following which is not a legal holiday. At the organizational meeting the Council shall elect from its membership a Deputy Mayor to serve at the pleasure of the Council. The Deputy Mayor shall serve as presiding officer of Council during any temporary absence of the Mayor and shall serve as the city's representative at ceremonial occasions during any temporary

absence of the Mayor or at such other times as the Mayor may request. The Council shall also appoint a City Clerk to maintain records of Council and perform such other duties as prescribed for City Clerks by general law, this charter, the Administrative Code, or other direction of Council.

§ 11.2-211. Council Meetings and Procedures.

The Council shall meet regularly at least once in every month at such time and place within the city, as the Council may prescribe by ordinance or resolution.

At its first meeting each year, the Council shall designate and advertise the calendar of regular monthly meetings for the remainder of the year. Special meetings may be held on the call of the presiding officer by providing notice to each Council Member at least twenty-four hours in advance of such special meeting, which meeting notice shall be prominently posted at the City Hall. In the event of an emergency which makes it necessary to convene a meeting with less than twenty-four hours' advance notice, such notice requirement may be waived, provided all reasonable effort is made to provide Council with direct notice. The Council may, in the Administrative Code or other ordinance, adopt rules and regulations for its meetings which shall be designed to assure full and equal participation in the deliberations of the Council by all of its members and shall not be inconsistent with specific provisions of this Charter. All regular meetings of the Council, and any special meetings at which official actions are taken, shall be open to the public and public notice of such meetings shall be given.

§ 11.2-212. Quorum and Majority Action.

A majority of the members of the Council shall constitute a quorum. The Council shall conduct no business except in the presence of a quorum. The action of a majority of Council Members present and entitled to vote shall be binding upon and constitute the action of the Council, provided a quorum is present, except as otherwise stated in this Charter. The phrase "majority of the total membership of the Council" or similar language is used elsewhere in this Charter to indicate actions which must be taken by a majority of the total membership rather than by a majority of a quorum.

§ 11.2-213. Official Action.

All actions of the Council shall be taken by the adoption of an ordinance, resolution, or motion. All legislation shall be enacted by the adoption of an ordinance. All ordinances and resolutions shall be in written form and enacted only after reasonable notice, except as otherwise provided in this Charter or the Administrative Code. All final action in adopting ordinances and resolutions shall be by voice vote unless a roll-call is required by a member of Council, and the vote of each Council Member shall be entered in the record of the meeting.

§ 11.2-214. Records and Reports.

The City Clerk shall maintain a written record of the minutes and proceedings of all meetings of the Council. All ordinances and resolutions shall be entered, as approved, in the record books of the city. All records and reports shall be open and available for public inspection at City Hall throughout normal office hours. No citizen of Chester shall be denied reasonable access to all public records of the city. Copies of the minutes, ordinances, resolutions, and other official reports and actions of the Council shall be available to the public at a reasonable fee established by Council.

§ 11.2-215. Legislative Powers and Duties.

All legislative powers and duties of the city shall be exclusively vested in and exercised by the Council. The Council shall provide for the exercise of and performance of all legislative powers and duties imposed on the city by law or this Charter, and specifically, but not limited to, the following:

A—To adopt the budget, make appropriations for expenditures for all lawful purposes and levy taxes authorized by law and limitations thereon imposed by this Charter or general law;

B—To adopt, amend, and repeal an Administrative Code to create, alter, combine, and/or abolish municipal departments, bureaus, boards, and commissions, and prescribe procedures not inconsistent with this Charter or general law.

C—To make or cause to be made such studies or post-audits and investigations as it deems to be in the best interest of the city;

D—To adopt ordinances and resolutions not inconsistent with or restrained by the Constitution and laws of the Commonwealth or by this Charter, and prescribe fines and penalties consistent with general law for the violation of City ordinances;

E—To make provision for any matter of the city government not otherwise provided for in this Charter or general law, and not inconsistent therewith.

ARTICLE III. MAYOR

Sec.

11.3-301. Chief Executive.

11.3-302. Duties of Mayor.

11.3-303. Supervision of City Officers.

11.3-304. Emergency Power of the Mayor.

11.3-305. Administrative Assistant.

§ 11.3-301. Chief Executive.

The Mayor shall be the chief executive of the city. He shall be inaugurated and take the oath of office at 10:00 a.m. of the first Monday of January next succeeding his election, or as soon thereafter as possible.

§ 11.3-302. Duties of Mayor.

The Mayor shall be a member of City Council and shall have any and all additional powers and duties which may be conferred upon him by the Administrative Code and this Charter.

§ 11.3-303. Supervision of City Officers.

The Mayor shall supervise the conduct of all city officers, examine the grounds of all reasonable complaints against any of them, and cause all of their violations or neglect of duty to be promptly punished or reported to the Council for correction. For the purposes aforesaid, he is hereby empowered to issue subpoenas and compulsory processes, under his official seal, for the attendance of such persons and the production of such books and papers as he may deem necessary, and shall have like enforcement of such subpoenas.

Notes of Decisions*Authority of Mayor*

The mayor had no right under the law to hire a press secretary without city council's approval. The contract was void at its alleged inception. *Edmondson v. Zetuskys*, 674 A.2d 760 (Pa. Cmwlth. 1996).

§ 11.3-304. Emergency Power of the Mayor.

In order to enable the Mayor effectually to preserve the public peace within the city, all the powers which are devolved by the laws of this Commonwealth upon sheriffs, to prevent and suppress mobs, riots, and unlawful and tumultuous assemblies, are hereby conferred upon him. When the Mayor, or chief executive, considers that a state of emergency exists, he may issue his proclamation, which shall be in writing and copies of which shall be made available to all news media, and to each member of City Council declaring a state of emergency for a period not to exceed five (5) days, unless extended by action of Council. In his proclamation he may prohibit, for all or any part of the city in which there is a clear and present danger to life or property through civil disorder:

- (1) Any person being on the public streets, or in the public parks or at any other public place during the hours declared by him to be a period of curfew;
- (2) The assembling or gathering of a group of people, in such numbers to be designated by him, upon the public streets, parks, or other public places;
- (3) The entry or departure of persons into or from any restricted area;
- (4) The sale, purchase, or dispensing of any commodities or goods, as designated by him;
- (5) The transportation, possession, or use of gasoline, kerosene, or other combustible, flammable, or explosive liquids or materials, except in connection with the normal operation of motor vehicles, normal home use, or legitimate commercial use;
- (6) Any other such activities as he reasonably believes should be prohibited to help preserve life, health, property, or the public peace.

The proclamation shall describe any restricted area with particularity and shall specify the hours during which such restrictions are to be in effect.

Any person violating such proclamation of emergency shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed Three Hundred Dollars (\$300) or to undergo imprisonment not to exceed thirty (30) days or both.

§ 11.3-305. Administrative Assistant.

The Mayor may appoint an assistant to assist in the administration of the functions of the Mayor. The Administrative Assistant will serve at the pleasure of the Mayor, shall be qualified by education and/or experience to carry out the duties of the office, and shall be compensated by a salary which shall be set by Council in the Administrative Code or other ordinance.

ARTICLE IV. ORDINANCES

Sec.

- 11.4-401. Action Requiring Ordinances.
- 11.4-402. Standard Codes of Technical Regulations.
- 11.4-403. Procedure for Enactment.
- 11.4-404. Effective Date.
- 11.4-405. Recording.
- 11.4-406. Codification.
- 11.4-407. Emergency Ordinances.

§ 11.4-401. Action Requiring Ordinances.

The following action of City Council shall require an ordinance:

A—Provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;

B—Establish, levy, and collect taxes, and decrease or increase the rates of existing taxes;

C—Establish, alter, or abolish rates or charges for any utility or other service supplied by the City;

D—Authorize the borrowing of money, except for revenue anticipation loans or emergency loans as provided elsewhere in this Charter;

E—Grant, renew, or extend a franchise;

F—Exercise the power of eminent domain;

G—Establish, alter, or amend any zoning ordinance, subdivision procedure, land development, land use, or building regulation;

H—Amend or repeal any ordinance previously adopted.

§ 11.4-402. Standard Codes of Technical Regulations.

The Council may adopt any standard code of technical regulation by adopting an ordinance incorporating said code by reference. The details of such standard

codes need not be advertised, but copies of such codes shall be available at City Hall for public inspection and for purchase at a reasonable fee fixed by the Council.

§ 11.4-403. Procedure for Enactment.

An ordinance may be introduced by any Council Member at any regular or special public meeting. Except where specifically provided otherwise in this Charter, an ordinance shall proceed as provided in the Administrative Code.

§ 11.4-404. Effective Date.

Except as specifically provided otherwise in this Charter, an ordinance shall take effect immediately after final adoption or such later date as the Council may prescribe.

§ 11.4-405. Recording.

The City Clerk shall cause the full text of any ordinance, with proof of publication, to be recorded as a permanent record within one month after its final adoption. The permanent record shall be open and available for public inspection throughout normal office hours.

§ 11.4-406. Codification.

The Council shall provide for the maintenance of a general codification of all city ordinances having the force and effect of law. The general codification shall be published in loose-leaf form and include this Charter and the Administrative Code required by this Charter. The compilation shall be known and cited as “The General Laws of the City of Chester” and copies shall be made available for purchase by the public at a reasonable price set by the Council. All amendments to the General Laws and all new ordinances shall be integrated in said compilation and distributed as aforesaid.

§ 11.4-407. Emergency Ordinances.

Notwithstanding any other provisions of this Article, the Council may, in the event of substantial public emergency affecting the life, health, property, and peace of the citizens of Chester, adopt one or more emergency ordinances. Emergency ordinances shall be introduced in the form required for ordinances and shall be so designated and shall clearly state the nature of the emergency in specific terms. No prior publication of an emergency ordinance shall be required, and an emergency ordinance may be introduced, adopted, and take effect immediately at any meeting in which it is introduced. An emergency ordinance shall require the approval of a majority of the total members of the Council, except for emergencies at which it is impossible for the total membership to be present, in which case an emergency ordinance may be adopted by a two-thirds vote of the members present provided there is a quorum. Emergency ordinances shall not

levy taxes or authorize the borrowing of money except as provided elsewhere in this Charter. An emergency ordinance shall become effective immediately upon adoption and shall automatically stand repealed as of the thirty-first day following the date of its adoption, but may be reenacted as provided herein if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

ARTICLE V. CONTROLLER

Sec.

11.5-501. Election, Qualifications, and Compensation.

11.5-502. Personnel.

11.5-503. Duties of the Controller.

§ 11.5-501. Election, Qualifications, and Compensation.

There shall be an office of Controller, elected under the election laws of the Commonwealth of Pennsylvania for a term of four (4) years. Candidates for the office shall be registered voters of the City of Chester and shall be qualified by education and experience to perform the duties of the office.

The provisions of this Charter applying to Council Members on qualifications for office (§ 11.2-202), Prohibitions (§ 11.2-203), Forfeiture of Office (§ 11.2-204), and Vacancies (§ 11.2-207) shall apply to the office of Controller.

Section 11.2-208 of this Charter applying to the filling of vacancies in the office of Council Member shall apply to filling vacancies in the office of Controller. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term.

The compensation for the Controller shall be as set by Council. Council may by ordinance establish the compensation for future offices of Controller, provided that no ordinance increasing the salary of the Controller shall take effect until the expiration of the term of the officer holding the office at the time the ordinance was adopted. Ordinances affecting the compensation of future Controllers shall be enacted prior to the first day of February in municipal election years in order to apply to the officers elected in such years.

§ 11.5-502. Personnel.

Council shall authorize the employment of such personnel as it deems necessary for the performance of the functions assigned to the Controller. Employees of the offices of Controller shall be employees of the City and subject to all rules and regulations of Council on personnel administration.

Council shall designate a qualified employee of the office of the Controller to serve as deputy during any temporary absence or disability of the Treasurer or the Controller. Persons appointed as deputy shall have all the powers and responsibilities of their principal.

§ 11.5-503. Duties of the Controller.

The duties of the Controller shall be:

A—Approve all orders of disbursement submitted when such disbursements are for a lawful purpose and there is sufficient unexpended balance in the appropriate account. If the order of disbursement is not for a lawful purpose or, if there is not a sufficient unencumbered balance in the account to which the disbursement is to be charged, the Controller shall return the order and state the reasons for withholding approval.

B—Approve all contracts and purchase orders after determining that there is a sufficient unencumbered balance in the proper account to which the eventual expenditure will be charged and the expenditure will be for a lawful purpose.

C—Review monthly financial reports and report promptly in writing to Council any exceptions thereto.

D—To administer, subject to the direction of the various pension boards, all city employee pension funds and to make such reports and keep such records as are necessary for the proper administration of said funds.

E—To perform an internal audit of all city accounts on a quarterly basis and to report to Council the results of said audit every fiscal year.

ARTICLE VI. CITY ADMINISTRATION

Sec.

11.6-601. General Provisions.

11.6-602. Administrative Code.

11.6-603. Legislative Review.

11.6-604. Boards and Commissions.

11.6-605. Director of Personnel.

11.6-606. Compensation.

11.6-607. City Solicitor, Assistant Solicitors, and Special Counsel.

11.6-608. City Engineer.

11.6-609. Director of Planning.

11.6-610. City Treasurer.

11.6-611. Civil Service Commission.

§ 11.6-601. General Provisions.

The Council may, by ordinance, create, alter, or abolish and prescribe the functions of the city departments, agencies, and offices, not inconsistent with the general laws or this Charter, and designate department heads from City Council.

§ 11.6-602. Administrative Code.

The Council may, by ordinance, adopt an Administrative Code which shall provide for the administrative organization of the city government, the assignment of duties and responsibilities to officers and employees, and procedural requirements set forth in the general laws or in the Charter. All changes in organization and procedures set forth in the Administrative Code shall be effected by amendment to the Administrative Code in the same manner as other ordinances are enacted and amended.

§ 11.6-603. Legislative Review.

At the annual organizational meeting of Council, the Mayor may assign to each Council Member a responsibility as department head of one or more departments or agencies of the city government. Council shall act as a body in formulating programs and policies of all departments and agencies of the city government, which policies and programs shall be implemented through the Administrative Code, other ordinances of Council, or departmental regulations approved by Council.

§ 11.6-604. Boards and Commissions.

The Council may create, modify, or abolish boards, commissions, authorities, or other agencies and special committees of the city government if not inconsistent with general laws or this Charter. The Council may appoint by a majority vote of its total membership, subject to Section 11.2-203, the members of such agencies if not otherwise provided by this Charter or general law.

Cross References

This section cited in 323 Pa. Code § 11.6-611 (relating to civil service commission).

§ 11.6-605. Director of Personnel.

The Mayor, with the approval of Council, may appoint a qualified person to serve as Director of Personnel. The Director of Personnel will be responsible for the functions of personnel administration as may be set forth in the Administrative Code or other ordinance.

§ 11.6-606. Compensation.

The compensation of all officers, if not otherwise provided in this Charter, shall be set by Council in the Administrative Code or other ordinance, and may be changed from time to time by amendment of the same at the discretion of the Council. Compensation of employees other than officers shall be in accordance with the pay plan established under the Administrative Code.

§ 11.6-607. City Solicitor, Assistant Solicitors, and Special Counsel.

The Council shall, on the first Monday of January, One Thousand Nine Hundred and Eighty-one, and on the first Monday of January every fourth year thereafter, or as soon thereafter as practicable in each of said years, appoint a City Solicitor, who shall be learned in the law and admitted to practice in the Supreme Court of the Commonwealth, and shall maintain an office in the city. He shall serve for a term of four years from the said first Monday of January and until his successor is qualified. He shall receive a fixed annual salary to be provided by ordinance. He shall give lawful bond to the city, with a surety or other company authorized by law to act as surety, to be approved by Council, in such sum as they shall by ordinance direct, conditioned for the faithful performance of his official duties. Vacancies in said office shall be filled by Council for the unexpired term.

Council may appoint one or more Assistant City Solicitors whose term of office shall be concurrent with that of the City Solicitor, and whose compensation shall be fixed by resolution, and who shall assist the Solicitor in the performance of all duties prescribed for him.

Council may, at its discretion, retain special counsel for particular proceedings or matters of the city and fix his compensation by resolution.

All duties, obligations, and other matters pertaining to the Solicitors and to special counsel shall be as set forth in the Administrative Code.

§ 11.6-608. City Engineer.

The Mayor, with the approval of the majority of the total membership of the Council, shall appoint and fix the compensation of a City Engineer who shall be a professional civil engineer registered in Pennsylvania, or an engineering firm similarly registered. The City Engineer or engineering firm shall perform the duties required by the Council through the Administrative Code or other action, or as may be required of a City Engineer by general law.

§ 11.6-609. Director of Planning.

The Mayor, with the approval of the majority of the total membership of the Council, shall appoint a Director of Planning, who shall be qualified by education and/or experience in city planning and zoning, to direct the planning and zoning of the city and to perform such duties as prescribed for such officer in this Charter and as the Council may require in the Administrative Code or other ordinance.

§ 11.6-610. City Treasurer.

Council may appoint a Treasurer to perform such functions and receive such salary as shall be set forth in the Administrative Code or by ordinance.

§ 11.6-611. Civil Service Commission.

Council shall appoint a Civil Service Commission pursuant to the authority vested in Section 11.6-604 of this Charter. In no event shall the members of said Commission be members of City Council nor be a member of any of the departments over which the Commission has control.

ARTICLE VII. FINANCIAL ADMINISTRATION

Sec.

- 11.7-701. Fiscal Year.
- 11.7-702. Classification of Accounts.
- 11.7-703. Budget Submission.
- 11.7-704. Balanced Budget.
- 11.7-705. Council Review.
- 11.7-706. Advertising and Public Hearing.
- 11.7-707. Budget Adoption.
- 11.7-708. Levy of Taxes.
- 11.7-709. Revised Budget.
- 11.7-710. Budget Execution.
- 11.7-711. Capital Budget.
- 11.7-712. Receipts.
- 11.7-713. Contracts.
- 11.7-714. Disbursements.
- 11.7-715. Records and Reports.
- 11.7-716. Independent Audit.
- 11.7-717. Bonding of Officers and Employees.
- 11.7-718. Tax Levy.

§ 11.7-701. Fiscal Year.

The fiscal year of the city shall be the calendar year. However, after 1981, if not prohibited by law, the Council may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making such transition.

§ 11.7-702. Classification of Accounts.

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

§ 11.7-703. Budget Submission.

At least ninety (90) days before the end of the fiscal year, the director of each department may prepare in detail and submit to the chief financial officer their proposed operating budget for the ensuing fiscal year.

At least forty-five (45) days before the end of the fiscal year the chief financial officer shall prepare and submit to the Council a proposed operating budget for the ensuing fiscal year.

The procedure for budget submission, form of the budget, and all other matters affecting the budget submission shall be set forth in the Administrative Code unless specifically provided for in this Charter.

§ 11.7-704. Balanced Budget.

The proposed budget, and the budget subsequently adopted by the Council, shall be balanced so that appropriations shall not exceed the estimated revenues and available surplus.

§ 11.7-705. Council Review.

On or before thirty (30) days prior to the end of the fiscal year, the Council shall complete its review of the proposed budget, make such adjustments as it deems necessary, and adopt a preliminary budget.

§ 11.7-706. Advertising and Public Hearing.

No later than ten (10) days following the adoption of the preliminary budget by the Council, the City Clerk shall cause to be published in one or more newspapers of general circulation in the city, a notice of the date, time, and place at which the Council shall hold a public meeting on the proposed budget which shall take place at any regular or special meeting of the Council prior to the final adoption of the budget. The preliminary budget shall be available for public inspection at City Hall and copies shall be available for the public at a reasonable fee to be set by the Council.

Cross References

This section cited in 323 Pa. Code § 11.7-709 (relating to revised budget).

§ 11.7-707. Budget Adoption.

Following advertising and public hearing, at which interested citizens shall have the right to express their views on the budget, the Council, by a majority vote of its total membership, shall adopt a final budget with such amendments as the Council considers advisable. The budget shall be adopted by ordinance which shall be effective as of the start of the fiscal year. The provisions of Article IV of this Charter shall not apply to ordinances adopting and amending proposed budgets. Should the Council for any reason fail to adopt a budget before the start of the fiscal year, the appropriations of the preceding year, prorated on a month-to-month basis, shall be considered to be adopted temporarily pending adoption of a final budget.

Cross References

This section cited in 323 Pa. Code § 11.7-709 (relating to revised budget).

§ 11.7-708. Levy of Taxes.

At the time of adopting the annual budget, the Council shall simultaneously by ordinance levy sufficient taxes from authorized sources which, with other revenues and available receipts and balance, will provide for a balanced budget.

Cross References

This section cited in 323 Pa. Code § 11.7-709 (relating to revised budget).

§ 11.7-709. Revised Budget.

Notwithstanding any other provisions of this Article, when the fiscal year of the City is the calendar year, in any year following a municipal election year the Council may, within forty-five (45) days after the start of the fiscal year, revise the budget and tax levies adopted by the previous Council. The procedures for adopting a revised budget shall be in accordance with Sections 11.7-706, 11.7-707, and 11.7-708 above, with the time periods adjusted to forty-five (45) days after the start of the fiscal year. Ordinances adopting a revised budget shall be effective as of the start of the fiscal year and shall rescind and replace the budget ordinance of the previous Council. It is the intent of this Charter that a new Council, in the year following a municipal election, shall have the power to revise the budget and tax levies adopted by the previous Council.

§ 11.7-710. Budget Execution.

The chief financial officer shall cause the appropriations voted by the Council to be entered in the accounting records of the city and shall approve no contract or expenditure which would exceed the unencumbered balance of appropriations in any account. The Council may at any time amend the operating budget, but changes in appropriations, either increases or decreases, shall be made only pursuant to an ordinance authorizing such changes. Supplemental appropriations may be made by the Council in the event that revenues are found and certified by the Mayor to exceed estimates in the budget. If revenues are found and certified by the Mayor to fall short of estimates in the budget, the Mayor shall recommend reductions in appropriations to offset the deficiency in revenues, and the Council shall make necessary adjustments in appropriations to maintain a balanced budget. All appropriations shall lapse at the end of the fiscal year.

§ 11.7-711. Capital Budget.

The capital program and the capital budget shall be adopted by the Council only after advertisement and public hearing as provided for the adoption of the operating budget. The capital budget may be financed from appropriations of current revenues or monies borrowed as authorized by law or by this Charter. The chief financial officer shall control expenditures in the capital budget in the same manner as provided for the operating budget. The Council may amend the capital budget at any time, but before doing so must amend the capital program.

All appropriations for the capital budget shall lapse at the end of the fiscal year, but sufficient amounts to complete projects in progress may be appropriated in the budget for the year following.

§ 11.7-712. Receipts.

The Council shall, in the Administrative Code, provide for the receipt, deposit, and accounting for all monies due and received by the city. Such procedures shall be assigned to employees of the Treasurer or the chief financial officer as Council deems most appropriate consistent with other provisions of this Charter. The Mayor, with the approval of Council, shall designate the depositories for city receipts.

§ 11.7-713. Contracts.

The Council may make contracts for all lawful purposes, subject to general law or this Charter. No contract shall be made or obligation incurred unless the chief financial officer or his designee shall certify that there is a sufficient unencumbered balance in an appropriation and that sufficient monies therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. The Council shall provide in the Administrative Code the procedures for letting contracts which shall not be inconsistent with general law or this Charter.

Notes of Decisions

Authority of Mayor

The mayor had no right under the law to hire a press secretary without city council's approval. The contract was void at its alleged inception. *Edmondson v. Zetuskys*, 674 A.2d 760 (Pa. Cmwlth. 1996).

§ 11.7-714. Disbursements.

The chief financial officer shall authorize disbursement of city monies only after determining that all goods and services which have been contracted for have actually been received or performed. The Council shall provide in the Administrative Code for the signing and countersigning of all checks, drafts, or other orders of payment by three of five persons, designated by Council, two of whom shall be the Director of the Department of Accounts and Finance and the Controller.

§ 11.7-715. Records and Reports.

The chief financial officer shall:

A—Provide for the recording of all financial transactions and related activities of the city in terms of dollars and other appropriate units of measurement, in accordance with the form and procedures prescribed by the Council in the Administrative Code, and as shall be directed by the Council, in order that the required reports and analysis may be produced for the proper management and control of such activities.

B—Prepare periodic financial reports, at least monthly, and at such other times as the Mayor may direct, and at the end of each fiscal year prepare an annual financial report. The monthly reports shall be submitted to the Council at its regular meetings and made available to the public.

C—Provide for the preservation of official financial records, which shall be kept at City Hall and shall be available for public inspection during regular office hours, in conjunction with state historical records preservation standards.

§ 11.7-716. Independent Audit.

The Council shall provide for an annual independent audit of city receipts, expenditures, accounts, and reports by a Certified Public Accountant or a Certified Public Accounting firm, experienced in municipal finance, having no personal interest, direct or indirect, in the fiscal affairs of the city or any of its elected or appointed personnel. The Council may provide for more frequent audits at its discretion.

§ 11.7-717. Bonding of Officers and Employees.

The Council shall provide in the Administrative Code for the bonding of all officers and employees who are responsible for the handling and/or authorization of receipts, disbursements, materials, and supplies. All such bonding shall be approved by the City Solicitor for form and sufficiency. The premium for such bonding shall be paid for by the city.

§ 11.7-718. Tax Levy.

Council shall establish tax rates and levy on the various subjects of taxation subject to the limitations of Section 17 of an act entitled the Local Tax Enabling Act (Act No. 511 of 1966; P. L. 1257, Section 17, 53 P. S. § 6917).

ARTICLE VIII. PROHIBITIONS AND CONFLICT OF INTEREST

Sec.

11.8-801. Prohibited Activities.

11.8-802. Conflict of Interest.

§ 11.8-801. Prohibited Activities.

The following activities shall be prohibited in the operation of the city government.

A—*Discrimination.* No person shall be favored or discriminated against in employment by the city in any capacity, appointment to any board, commission, or agency, or removal therefrom, because of race, sex, age, political or religious opinions or affiliations.

B—*Improper Gifts*. No person who seeks appointment to any city office, board, commission, or agency shall directly or indirectly give or pay any money, service, or other consideration to any person in connection with such appointment.

C—*Gifts to the City*. No gift of real estate, or any interest in real estate, to the city may be accepted without approval of Council.

§ 11.8-802. Conflict of Interest.

The following shall constitute a conflict of interest and shall be prohibited and punishable as provided herein:

A—*Improper Advantage*. No elected or appointed official of the city government shall:

1. Engage in any activity or take any action by virtue of the elected or appointed position from which activity or action the official, or any other person or entity in whose welfare the official is interested, shall benefit or realize a gain or advantage. Such benefit, gain, or advantage shall not be construed to be prohibited if the action in question is in behalf of a group of citizens of the city and such benefit and relationship is generally known and acknowledged.

2. Solicit or accept, directly or indirectly, any gift, favor, service, commission or other compensation or consideration that might reasonably tend to influence that official in the discharge of the duties of the office.

3. Seek to influence, directly or indirectly, the awarding of any contract where such official, or other person or entity in whose welfare the official is interested, would benefit directly, financially or otherwise, from said contract. Such action is not intended to apply to actions of a Council Member on behalf of a group or class of citizens of the city who would benefit from the contract, and such benefit is generally known and acknowledged.

B—*Disqualification from Action*. Any elected or appointed official of the city, or employee thereof, having any direct or indirect financial interest with any person or other entity proposing to contract with the city for the purchase or sale of land, materials, supplies, or services of any kind, whether that interest be as an employee, a party, a partner, or a stockholder, shall fully disclose such interest and, except where stockholdings in a public corporation shall be minimal, shall not participate in the discussion of said contract or vote on same. Violation of this section shall render the contract voidable.

ARTICLE IX. CITIZEN PARTICIPATION

Sec.

11.9-901. General Provisions.

11.9-902. Participation Encouraged.

11.9-903. Employee Residency.

§ 11.9-901. General Provisions.

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

A—Seeking elective office of the city as prescribed by this Charter and voting for candidates for elective office;

B—Serving on boards, commissions authorities, or other agencies of the city government when requested by the appropriate officials;

C—Attending and being heard at public meetings of the Council and other boards, commissions, authorities, and other agencies of the city government.

D—Addressing suggestions to the Council and others to provide guidance for their actions.

§ 11.9-902. Participation Encouraged.

The Council shall make every effort to appoint qualified citizens of the city to boards, commissions, authorities, or other agencies of the city government in order that the greatest possible use be made of the talents and interests of city citizens in promoting public interest and welfare of the City of Chester.

Notes of Decisions

The city's residence requirement for employees' ordinance adopted after the issuance of arbitration award under which police were allowed to live where they chose, was unenforceable. *City of Chester v. Fraternal Order of Police Lodge 19*, 615 A.2d 893 (Pa. Cmwlth. 1992).

§ 11.9-903. Employee Residency.

(a) No person shall be employed by the City of Chester who is not a legal resident (domicile) thereof at the time of employment.

(b) All persons presently employed by the City who presently live within the City or are employed after the effective date of this amendment shall as a condition of their employment maintain their legal residence (domicile) within the City of Chester or they shall be subject to dismissal.

(c) Where special skills are required, Council may at its discretion, employ qualified non-residents of the City in such cases where there are no qualified City residents available for the particular position involved.

(d) All persons presently employed by the City of Chester who do not reside in the City and have changed address and move for any reason must move into the City of Chester and maintain their legal residence therein (domicile) or they shall be subject to dismissal.

(e) Any employee who is discharged or leaves employment of the City of Chester for any reason and is subsequently reinstated who at the time of discharge or at the time of his leaving the employment of the City was required to be a

resident of the City of Chester as a condition of his employment must upon reinstatement maintain his legal residence (domicile) within the City of Chester.

Source

The provisions of this § 11.9-903 adopted November 7, 1989, effective January 1, 1990.

Notes of Decisions

The city's residence requirement for employees' ordinance adopted after the issuance of arbitration award under which police were allowed to live where they chose, was unenforceable. *City of Chester v. Fraternal Order of Police Lodge 19*, 615 A.2d 893 (Pa. Cmwlth. 1992).

ARTICLE X. GENERAL PROVISIONS

Sec.

11.10-1001. Effective Date.

11.10-1002. Amendment.

11.10-1003. Severability.

§ 11.10-1001. Effective Date.

This Charter shall become effective on January 7, 1981, except for the transitional provisions of Article XI of this Charter which shall become effective upon certification of the adoption of the Charter.

§ 11.10-1002. Amendment.

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

§ 11.10-1003. Severability.

If any provisions of this Charter is held invalid, the remaining provisions of the Charter will not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XI. TRANSITIONAL PROVISIONS

Sec.

11.11-1101. Elected Officers.

11.11-1102. Rights and Privileges Preserved.

11.11-1103. Departments, Offices, Boards, Commissions, and Agencies.

11.11-1104. Pending Matters.

11.11-1105. Transition Committee.

Cross References

This article cited in 323 Pa. Code § 11.10-1001 (relating to effective date).

§ 11.11-1101. Elected Officers.

Elected officers in office on the day before this Charter becomes effective shall continue in office for the remainder of the term to which they were elected. On the effective date of this Charter, they will assume the functions and duties of their respective offices as set forth in this Charter and shall be compensated as provided therein.

§ 11.11-1102. Rights and Privileges Preserved.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights and privileges of persons who are officers and employees of the city at the time of adoption of this Charter. An employee holding a position in the city government at the time this Charter takes effect, and who was serving in the same or similar position at the time of the adoption of this Charter, shall not be subject to competitive tests as a condition of continuation in the same or similar position, but in all other respects shall be subject to the personnel system set forth in the Administrative Code.

§ 11.11-1103. Departments, Offices, Boards, Commissions, and Agencies.

The organization of the city government under this Charter after the seventh day of January 1981 shall be set forth in the Administrative Code required by this Charter. However, nothing in this section shall be construed to abolish the office or terminate the terms of any officer or employee protected by a tenure of office law or collective bargaining agreement, and it is the intent of this Charter that qualified officers and employees be reappointed to the same or similar positions in the organization to be set forth in the Administrative Code. All appointed members of boards, commissions, authorities, or other agencies shall continue in office with the same or similar bodies for the remainder of the term of their original appointment. However, nothing in this Section shall limit the right of the Council to create, modify, or abolish boards, commissions, authorities, or other agencies as provided in this Charter.

§ 11.11-1104. Pending Matters.

All actions and proceedings of a legislative, executive, or judicial character which are pending upon effective date of this Charter shall be maintained, carried on or dealt with by the city officer, department, or agency appropriate under this Charter.

§ 11.11-1105. Transition Committee.

In order to establish an orderly procedure for transition to the new form of government provided by the Charter, and to ensure that all necessary action is taken to make this Charter fully effective on its effective date, the Council may

within fifty (50) days after adoption of this Charter appoint a Transition Committee comprised of such members of the Council, the Government Study Commission, administrative staff of the city, and such representatives of civic agencies as the Council shall select to draft the necessary rules and regulations, ordinances, and resolutions as set forth below.

Not less than forty-five (45) days prior to the effective date of this Charter, the Council Members shall meet with the Transition Committee to review and prepare the final draft of the necessary ordinances and any other appropriate ordinances to implement this Charter.

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