CODIFIED ORDINANCES OF YORK

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CODIFIED ORDINANCES OF YORK

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions
Art. 101. Codified Ordinances.
Art. 103. Official Standards.

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101.07 Repeals and ordinances not repealed.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.
101.99 General penalty.

CROSS REFERENCES

Codification of ordinances - see 3rd Class Charter Law §609 (53 P. S. §41609); 3rd Class §1014.1 (53 P. S. §36014.1)

Introduction and enactment of legislation in Council - see ADM. 115.01 et seq.

101.01 CODIFICATION ADOPTED; PROCEDURE.

(a) The ordinances of the City of York, Pennsylvania of a general and permanent nature, consolidated and codified with minor nonsubstantive 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 York, 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 1951 P. L. 662 as amended by 1957 P.L. 631.

101.02 COMPONENT CODES; SHORT TITLE; CITATION.

The Codified Ordinances of York, 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 Code

The Codified Ordinances of York, 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 York, 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 York, 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 of the City adopting the Codified Ordinances of York, 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 or holiday 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 York, Pennsylvania.

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

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

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

(h) "Fire Department" 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.

(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" include persons, firms, associations, corporations, clubs and copartnerships, 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 Department" 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 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 representation 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. §41101 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 York 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 York, 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 on 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.

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.

101.99 GENERAL PENALTY.

(a) 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.

(b) Such violator shall, upon conviction in a summary proceeding, be fined not more than one thousand dollars ($1,000) for each and every offense, together with costs of prosecution, to be collected as other fines and costs are by law collectible, and, in default of payment thereof, shall be imprisoned for not more than ninety days, or both.

(c) 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.

(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 103
Official Standards

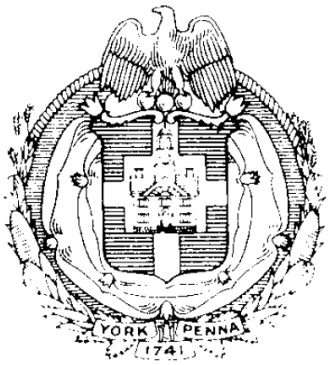
103.01 Official emblem.
103.02 City seal.
103.03 Mayor's seal.
103.04 Lettering of City vehicles.

CROSS REFERENCES

Mayor's seal - see 3rd Class §1204 (53 P.S. §36204)
Right of city to have and use a corporate seal - see
3rd Class Charter Law §303 (53 P. S. §41303)
Official State time - see 1887 P.S. 21 §1 (76 P.S. §171)

103.01 OFFICIAL EMBLEM.

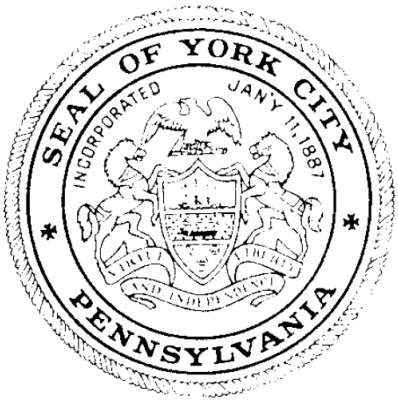
There is hereby adopted as the official emblem of the City the following:



(1944 Code Ch. 1 § 8.)

103.02 CITY SEAL.

The corporate seal for the use of the City shall, as shown in the accompanying facsimile, have upon it the word "Pennsylvania, " the name of the City and the date of incorporation.



(1944 Code Ch. 1 §9.)

103.03 MAYOR'S SEAL.

The seal of the Mayor shall contain the words "Seal of the Mayor, York City, Pennsylvania." (1944 Code Ch. 1 §10.)

103.04 LETTERING OF CITY VEHICLES.

At the discretion of the Mayor and/or the department directors, all vehicles owned by the City shall bear, on the exteriors thereof, appropriate lettering showing ownership thereof by the City and the respective departments of the City government in which they are used, which lettering can be readily seen. (Ord. 36-1958 §1.)

TITLE THREE - Legislative

Art. 111. Council.
Art. 115. Ordinances and Resolutions.

ARTICLE 111
Council

111.01 Legislative power.
111.02 Number, election, terms and qualifications of councilmen.
111.03 Organization.
111.04 Regular, special and transferred meetings.
111.05 Procedure.
111.06 Investigations.
111.07 Vacancies.
111.08 Incompatible offices and employment.
111.09 Council as Board of Health; Director of Health.
111.10 Fees established by resolution of Council.

CROSS REFERENCES

Election and term - see 3rd Class Charter Law §404 (53 P.S. §41404)
Meetings - see 3rd Class Charter Law §408, 606 (53 P.S. §41408, 41606)
Powers and duties - see 3rd Class Charter Law §409, 410, 418-421 (53 P.S. §41409, 41410, 41418-41421)
Qualifications - see 3rd Class §1001 (53 P.S. §36001)

111.01 LEGISLATIVE POWER.

The legislative power of the City government shall be vested in and exercised by Council. (Ord. 20-1962 §201.)

111.02 NUMBER, ELECTION, TERMS AND QUALIFICATIONS OF COUNCILMEN.

Council shall consist of five members, elected at large by the voters of the City at regular municipal elections. The terms of office of the members of Council shall begin on the first Monday of January next following their election and shall be for four years and until their successors qualify. Three members of Council shall be elected at the municipal election in November, 1963, and every four years thereafter; the remaining two members shall be elected at the municipal election in November, 1965, and every four years thereafter. Councilmen shall be at least twenty-one years of age, shall have been residents of the City throughout one year immediately preceding their election and shall reside in the City throughout their terms of service. (Ord. 1-1975 §1. Passed 1-21-75.)

111.03 ORGANIZATION.

On the first Monday of January following a regular municipal election, the members of Council shall meet in the Council Chambers or such location as approved by the affirmative vote of three members of Council, to organize and elect one of the members as President of Council. If the first Monday is a legal holiday, the meeting shall be held on the first day following. The President shall serve as such until the first Monday in January following the next regular municipal election. The President shall preside at the meetings of Council and it shall be his/her duty to promptly sign all bills which have been passed by Council and are ready to be presented for the approval or disapproval of the Mayor and shall perform such other duties as Council may prescribe. Council shall also elect one of its members to serve as Vice President, who shall serve as temporary presiding officer and perform the duties of the President in the absence of the President until the latter returns. In the event of resignation or death of the President as such, the Vice President shall become the President and the Council shall elect one of its other members as Vice President. In the event of resignation or death of the Vice President, the Council shall elect one of its other members as Vice President.
(Ord. 11-2004. Passed 4-6-04.)

111.04 REGULAR, SPECIAL AND TRANSFERRED MEETINGS.

(a) Regular meetings of Council shall be held at least once a month at the Council Chamber in the City Hall Annex, Market Way West Building, or such location as approved by the affirmative vote of three members of Council, as such times are fixed by resolution of Council. The Mayor or the President of Council, as the case may be, may and, upon written request of a majority of the members of the Council, shall call a special or emergency meeting of the Council. The call shall designate the purpose of the special or emergency meeting and no other business shall be considered. All meetings of Council shall be open to the public and public notice of meetings shall be given as required by Title 65 PaCS, Section 709, Public Notice. The minutes of every meeting and the journal of proceedings shall be kept by the City Clerk and shall be signed by the officer presiding at such meeting and by the City Clerk.
(Ord. 11-2004. Passed 4-6-04.)

(b) In case of any emergency arising, including but not limited to, the illness of any elected or appointed officer or employee of the City which prevents his presence in the Council Chamber in the City Hall Annex, or designated location, Council may, by resolution or motion, authorize the transfer of any stated or special meeting to any other room in the City Hall building, building annex of the City Hall, or any other designated room or building, and there transact all business of the Council, including the passage of ordinances, resolutions or motions, with the same force and effect as though such meeting had been held and conducted in the Council Chambers. However, such transferred meeting shall be open to the public.
(Ord. 19-2000. Passed 10-17-2000.)

111.05 PROCEDURE.

Three members of Council shall constitute a quorum, but no ordinance shall be adopted by Council without the affirmative vote of three members of Council. Council shall determine its own rules of procedure, not inconsistent with ordinance or statute. No member of Council shall vote upon any question, measure or bill in which he or she has a direct or personal pecuniary interest. In the absence of a decision of Council as to written rules of procedure, Council shall broadly and generally use Robert's Rules of Order, Newly Revised, in conducting its meetings. (Ord. 11-2004. Passed 4-6-04.)

111.06 INVESTIGATIONS.

Council may require any City officer to prepare and submit to it sworn statements regarding his performance of his official duties and may otherwise investigate the conduct of the duties of any department, office or agency of the City government. Any such statement required by Council to be submitted or any such investigation undertaken by it, if any officer, department, office or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless written notice of Council's action is given to the Mayor. The Mayor shall have the right to review any statement before submission to Council and to appear personally or through his designee on behalf of any such department, office or agency in the course of any investigation.
(Ord. 2-1962 §206.)

111.07 VACANCIES.

(a) If a vacancy occurs among the members of Council, it shall be filled by a majority of the remaining members, within thirty days after occurrence of the vacancy, by electing a qualified person to serve until the first Monday in January following the next regular municipal election occurring at least thirty days after occurrence of the vacancy. At such municipal election a qualified person shall be elected to serve for the remainder of the term of the person originally elected or, if such term would otherwise expire on the first Monday of January following, for a new term of four years. If any vacancy occurs within 30 days of a regular municipal election at which the seat which has become vacant was to be filled for a new term of four years, the vacancy shall be filled only until the first Monday of January following such election.

(b) If three or four vacancies occur among the members of Council in a way that only two or one member(s) remain(s) seated, the remaining member(s) shall fill such vacancies one at a time, giving each new appointee such reasonable notice of his selection as will enable him to meet and act with the remaining member(s) in making further selections until three members of Council have been qualified. Such three members shall then fill the remaining two vacancies at a meeting attended by them, the persons selected to fill the vacancies receiving at least two votes of the members present. Any persons selected as members of Council in accordance with this subsection shall hold office for the terms provided in subsection (a) hereof.

(c) In the event of a tie among the members of Council in filling a vacancy, the Mayor may, if he so desires, cast the deciding vote.

(d) If, by reason of a tie vote or otherwise, any vacancy is not filled within thirty days after it occurs, the Court of Common Pleas of York County, upon the petition of ten or more qualified electors of the City, shall fill such vacancy by appointment of a qualified person for the portion or all of the unexpired term, as provided in subsection (a) hereof.

(e) If vacancies occur among the members of Council in a way that all five seats become vacant, the Court of Common Pleas of York County shall, within thirty days, appoint five qualified persons as City Councilmen who shall serve for terms as set forth in subsection (a) hereof.
(Ord. 2-1962 §207.)

111.08 INCOMPATIBLE OFFICES AND EMPLOYMENT.

(a) No member of Council shall be the head of a department of the City government or be otherwise employed by the City in any capacity for which he receives compensation either directly or indirectly.

(b) No member of Council shall serve as an officer of the United States or of the Commonwealth of Pennsylvania, except as a notary public or in the militia, or as an officer of any county or school district or as an employee of any municipality authority which is created solely by the City or jointly by the City or more other political subdivisions.

(c) No member of Council shall serve as a member of the General Assembly of Pennsylvania or of the Congress of the United States.

(d) No person, elected or appointed to Council, who is employed or serves contrary to the provisions of this section, shall take or continue in his seat until such employment or service is terminated. If his seat remains unoccupied for a period of thirty days or more, Council shall declare such seat vacant and proceed to fill it in accordance with the provisions of this article regarding vacancies in Council. (Ord. 2-1962 Sec. 208.)

111.09 COUNCIL AS BOARD OF HEALTH; DIRECTOR OF HEALTH.

(a) Council shall exercise all the rights, duties and obligations imposed by existing legislation upon boards of health in cities of the third class. (1944 Code Ch. 13 Sec. 1)

(b) The Director of Health shall be appointed as provided in Section 123.04(d). The Director shall have full charge of the health office and laboratory of the City, and shall do all things as he may be required by Council, acting as a Board of Health.
(1944 Code Ch. 13 Sec. 2)

111.10 FEES ESTABLISHED BY RESOLUTION OF COUNCIL.

(a) All application fees and licensing fees and examination fees and inspection fees may be hereafter established by resolution of Council under the authority of and with the same effect as the ordinance requiring such application or license or examination or inspection, each and every such ordinance being incorporated herein by reference. Such fees are and shall be in the amounts currently set unless and until established by resolution of Council.

(b) In order that persons engaging in activities in the City requiring any such fee shall have due notice thereof, and regulation adopted hereunder shall be prominently displayed together with the City ordinance at the appropriate City office and a copy thereof shall be available to such person at the time of collecting such fee.

(c) Any fee increases which are to be proposed by the Administration shall be provided to Council at least one meeting in advance of the meeting upon which a vote is sought on such fee increases. (Ord. 19-97. Passed 12-2-97.)

ARTICLE 115
Ordinances and Resolutions

115.01 Enactment.
115.02 Publication.
115.03 Effective date.
115.04 Compilation.
115.05 Franchise ordinances printed at expense of grantee.
115.06 Enforcement of ordinances and laws.

CROSS REFERENCES

Enforcement - see 3rd Class Charter Law §412 (53 P.S. §41412); 3rd Class §1017 (53 P.S. §36017)
Publication - see 3rd Class Charter Law §608(a); 3rd Class §1014 (53 P. S. §36014)
Form, introduction and reading of legislation - see 3rd Class Charter Law §41607(b) (53 P.S. §41607(b))

115.01 ENACTMENT.

(a) Every legislative act of Council shall be by ordinance or resolution. No ordinance shall be adopted without the affirmative vote of at least three members of Council, and no ordinance or resolution shall be introduced unless reviewed by the City Solicitor and is in written or typewritten form. Every ordinance shall be read by title only upon introduction as a bill, unless one member of Council requests it to be read at length. Except for amendments, it shall be read by title only upon final passage which shall not occur sooner than three days following its introduction. A complete copy of every bill introduced shall be available for public inspection at the City Clerk's office during regular office hours. The vote upon every motion, ordinance or resolution shall be taken by roll call, and the yeas and nays shall be entered upon the minutes. (Ord. 14-2002. Passed 5-22-02.)

(b) All ordinances adopted by Council shall be submitted forthwith to the Mayor who shall, within ten days after such submission, either approve an ordinance by affixing his signature thereto or disapprove it by returning it to Council through delivery to the City Clerk together with a statement of his objections thereto. No ordinance shall take effect without the Mayor's approval unless he fails to return it to Council within ten days after receiving it or unless Council, upon reconsideration of the ordinance on or after the third day following its return, by resolution agreed to by four of its members, decides to override the Mayor's veto. (Ord. 2-1962 §230.)

115.02 PUBLICATION.

(a) Every proposed ordinance, except as otherwise herein provided, prescribing a penalty for the violation thereof shall be forthwith published not more than sixty days nor less than seven days prior to passage in at least one and not more than two newspapers printed or circulated within the City. Publication of any proposed ordinance shall include either the full text thereof or the title and a brief summary prepared by the City Solicitor setting forth all the provisions in reasonable detail and a reference to a place within the City where copies of the proposed ordinance may be examined. If the full text is not included a copy thereof shall be supplied to the same newspaper of general circulation in the City at the time the public notice is published. If the full text is not included an attested copy thereof shall be filed in the County law library or other County office designated by the County Commissioners who may impose a fee no greater than that necessary to cover the actual costs of storing such ordinances. In the event substantial amendments are made in the proposed ordinance or resolution, before voting upon enactment, Council shall within ten days readvertise in one newspaper of general circulation in the City, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(b) At least one week and not more than three weeks prior to the first reading of any proposed building code, ordinance, housing code, ordinance, fire prevention code, ordinance, electrical code, ordinance, plumbing code, ordinance, or zoning ordinance, or any standard or nationally recognized code, ordinance or any changes or variations of any standard or nationally recognized code, or parts thereof, by Council, an information notice of intention to consider such ordinance and a brief summary setting forth the principal provisions of the proposed ordinance in such reasonable detail as will give adequate notice of its contents, and a reference to the place or places within the City where copies of the proposed building code, housing code, fire prevention code, electrical code, plumbing code or zoning ordinance or any standard or nationally recognized code may be examined or obtained, shall be published in the manner herein provided for the publication of ordinances. Not less than three copies of any such building code, ordinance, housing code, ordinance, fire prevention code, ordinance, electrical code, ordinance, plumbing code, ordinance, or zoning ordinance or any standard or nationally recognized code, ordinance, shall be made available for public inspection and use during business hours for at least three months after adoption, and printed copies thereof shall be supplied upon demand, at cost.

(c) In any case in which maps, plans or drawings of any kind are to be adopted as part of an ordinance, Council may instead of publishing the same as part of the ordinance, refer, in publishing the ordinance or a summary thereof, to the place where such maps, plans or drawings are on file and may be examined.

(d) All ordinances shall, within one month after their passage, be certified and recorded by the City Clerk, in a book provided by the City for that purpose, which shall be at all times open to the inspection of citizens. All ordinances, resolutions, motions or other proceedings of Council may be proved by the certificate of the City Clerk under the corporate seal, and when printed or published in book or pamphlet form by authority of the City, shall be read and received as evidence in all courts and elsewhere without further proof.
(Ord. 18-1980 §1. Passed 8-19-80.)

115.03 EFFECTIVE DATE.

Ordinances shall take effect when provided therein except that no ordinance, except the budget ordinance, shall take effect less than twenty days after passage by Council and approval by the Mayor and, in the case of an ordinance imposing a tax or a license fee, less than thirty days after such time unless Council by resolution, declares an emergency with respect to such ordinance, at least four members of Council voting in favor of such resolution.
(Ord. 1-1989 § 1. Passed 1-17-89.)

115.04 COMPILATION.

All ordinances and resolutions shall be compiled and codified by the City Clerk and City Solicitor as provided in Section 125.02. (Ord. 2-1962 § 233.)

115.05 FRANCHISE ORDINANCES PRINTED AT EXPENSE OF GRANTEE.

When any person desires the passage by Council of an ordinance conferring the right or privilege on them to use or occupy the streets, lanes, alleys or other highways of the City for the erection of poles or wires, or for the construction of tracks thereon, or for the laying of pipes or conduits thereunder, or for any other overhead, surface or underground construction or apparatus, before such ordinance shall be printed for the use of the members of Council prior to the first reading thereof, such person for or on whose account such ordinance shall have been introduced, shall pay to the City Treasurer fifty dollars ($50.00) for each ordinance to cover the cost of printing the same. All payments so made to the City Treasurer shall be applied to the credit of the proper item of the supply department appropriation.
(1944 Code Ch. 1 § 7.)

115.06 ENFORCEMENT OF ORDINANCES AND LAWS.

(a) All officers of the City shall enforce obedience to such laws of the Commonwealth, ordinances of the City, and orders of the Mayor or Council, as may be the duty of such officers respectively to enforce, and shall notice all complaints, and institute such proceedings as may be necessary. (1944 Code Ch. 1 § 6.)

(b) All prosecutions for the violation of the ordinances of the City and all proceedings for the recovery of fines, penalties and forfeitures imposed thereby shall be brought and conducted as prescribed by general law and the Codified Ordinances.
(1972 Code §2-57.)

TITLE FIVE - Administrative Offices and Departments

Art. 121. Administration Generally.
Art. 123. Mayor.
Art. 125. City Clerk.
Art. 127. City Treasurer.
Art. 129. City Controller.
Art. 133. Department of Administration.
Art. 135. City Solicitor.
Art. 136. Small and Disadvantaged Business Enterprise Program.
Art. 137. Fiscal Procedure.
Art. 138. Recycled Product Procurement Policy.
Art. 141. Department of Public Works.
Art. 143. Department of Public Safety. (Abolished)
Art. 145. Police Department.
Art. 147. Emergency Management Agency.
Art. 149. Fire Department.
Art. 151. Department of Community Development.
Art. 153. Historic Monument Preservation Fund.
Art. 155. Public Library Funding.

ARTICLE 121

Administration Generally

Amended Bill #4, Ordinance #4 of 2011

121.01 Legislative findings.
121.02 Departments authorized.
121.03 Department heads.
121.04 Rules and regulations.

CROSS REFERENCES

Investigation of departments by Council - see 3rd Class Charter Law §409 (53 P.S. §41409)
Reports - see 3rd Class Charter Law §412 (53 P.S. §41412)
Number, organization of departments - see 3rd Class Charter Law §415 (53 P.S. §41415)

121.01 LEGISLATIVE FINDINGS.

The General Assembly of the Commonwealth of Pennsylvania, by the Act of July 15, 1957, P.L. 901, has granted to the City of York and other third class cities of the Commonwealth of Pennsylvania, the right to adopt a home rule charter and a new form of government and to exercise broadly the power of local self-government. The residents of the City of York having elected to be governed under the Mayor-Council Charter Plan beginning January 1, 1962, this Administrative Code is hereby adopted to effectuate such adoption and to provide for the residents of the City of York, a progressive, efficient and economical

government. It is the purpose of this Code, in keeping with the "Optional Third Class City Charter Law" of 1957, to permit the broadest power of local self-government consistent with the Constitutions of the United States and of the Commonwealth of Pennsylvania and with Charter Law itself, and its provisions shall be read and interpreted in the light of such purpose.
(Ord. 2-1962 §1.)

121.02 DEPARTMENTS AUTHORIZED.

The City shall have the following departments under the supervision of the Mayor: Administration, Economic ~~Development,~~ and Community Development, Police, Fire and Public Works. (Ord. 3-2002. Passed 1-22-02.)

121.03 DEPARTMENT HEADS.

(a) Each of the Departments of the Mayor's Administration shall be headed by a Director. The Police Department shall be headed by a Police Commissioner or Chief of Police, at the discretion of the Mayor. The Fire Department shall be headed by a Fire Chief.

(b) Each department head shall be appointed as provided in Section 123.04(d). A department head need not reside within the City at the time of an appointment by the Mayor, but shall within 120 days following his appointment, become a resident of the City and during the tenure of office shall reside within the City unless Council, by resolution, states otherwise. Each department head shall serve, subject to removal at the pleasure of the Mayor, during the term of office of the Mayor appointing the department head and until a successor is appointed and qualifies. Except for those employees under the Civil Service of the City, a department head may appoint, and with the approval of the Mayor, suspend or remove subordinate officers and employees within a department. In the case of a vacancy in the office of a department head, the Mayor may head one or more departments, temporarily, and have all of the powers and perform all of the duties of such department head or heads, until such vacancy is filled.

(c) Compensation of Department Heads: Upon this subsection taking effect, the department heads shall receive the same percentage of a cost of living increase approved by the Council for full-time, non-affiliated City employees in the annual City budget. Any additional salary increase or bonus or other change in salary proposed by the Mayor for department heads shall only take effect by approval of Council.
(Ord. 5-2008. Passed 2-19-08.)

121.04 RULES AND REGULATIONS.

(a) No rule or regulation made by any department, officer, agency, or authority of the City, except such as relates to the organization or internal management of the City, shall take effect until it has been approved as to form and legality by the City Solicitor, approved by the Mayor and filed with the Business Administrator and the City Clerk.

(b) The Business Administrator shall keep a record of all rules and regulations filed with him and shall publish them within sixty days after the date of filing. He shall, with the advice and assistance of the City Solicitor, bind, compile and codify all rules and regulations from time to time.

Amended Ord. 4-11

ARTICLE 123
Mayor

123.01 Executive power.
123.02 Election, term and qualifications.
123.03 Duties.
123.04 Powers.
123.05 Vacancy.
123.06 Acting Mayor.
123.07 Incompatible offices.
123.08 Rewards.
123.09 Department of Economic Development.
~~123.10 Department of Community Development.~~

CROSS REFERENCES
Election and term - see 3rd Class Charter Law §403 (53 P.S. §41403)
Duties - see 3rd Class Charter Law §412 (53 P. S. §41412)
Absence - see 3rd Class Charter Law §414 (53 P.S. §41414)
Qualifications - see 3rd Class §1201 (53 P.S. §36201)

123.01 EXECUTIVE POWER.
The executive power of the City government shall be vested in and exercised by the Mayor. (Ord. 2-1962 §301.)

123.02 ELECTION, TERM AND QUALIFICATIONS.
The Mayor shall be elected by the voters of the City at a regular municipal election. His term of office shall begin on the first Monday of January next following his election and shall be for four years and until his successor qualifies. He shall be at least twenty-one years of age, shall have been a resident of the City throughout one year immediately preceding his election and shall reside in the City throughout his term of service.
(Ord. 1-1975 §1. Passed 1-21-75.)

123.03 DUTIES.
The Mayor shall enforce the charter and ordinances of the City and all general laws applicable thereto. He shall supervise all of the departments of City government and the conduct of all City officers under his jurisdiction and shall require each department head to make such reports to him as he deems desirable. He shall report annually to Council and to the public, the same time as the Budget is submitted, on the work of the preceding year and on the condition and needs of the City government. He shall make such recommendations for action by Council as he deems in the public interest.
(Ord. 15- 1990 § l. Passed 10-2-90.)

123.04 POWER.
(a) The Mayor may attend meetings of the Council and may participate in its discussions. However, he shall have no vote in Council except, if he so desires, to cast the deciding vote in case of a tie in the filling of a vacancy in Council.

(b) All bonds, notes, contracts and written obligations of the City shall be executed by the Mayor together with the Controller.

(c) In the carrying out of his duty to supervise the departments of City government and the conduct of all City officers under his jurisdiction, the Mayor may 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 deems necessary and may have enforcement of such subpoenas by the Court of Common Pleas of York County.

(d) The Mayor shall appoint all department heads with the advice and consent of a majority of Council passing upon the appointment. The Mayor, at his pleasure, may remove any department head after notice and an opportunity to be heard; but before removing such person, the Mayor shall file a written notice of his intent to remove with Council, the removal becoming effective on the twentieth day after such filing. Any employee of a department may be removed by the head of the department with the approval of the Mayor.
(Ord. 2-1962 §304.)

123.05 VACANCY.

(a) If vacancy occurs in the office of Mayor, Council shall fill such vacancy within thirty days by choosing a qualified person to serve as Mayor until the first Monday in January following the next municipal election occurring at least 200 days after the vacancy occurs. At such municipal election a qualified person shall be elected to serve from the first Monday of January following, for a new term of four years. If a vacancy occurs within 200 days of a regular municipal election at which the office of Mayor is to be filled for a new term of four years, the person selected by Council shall serve only until the first Monday in January following such election.

(b) If a vacancy in the office of Mayor is not filled by Council within the time specified above, the Court of Common Pleas of York County, upon petition of ten or more qualified electors of the City, shall fill such vacancy by the appointment of a qualified person for the portion or all of the unexpired term as provided in subsection (a) of this section.

(c) Until such time as either Council or the court fills a vacancy in the office of Mayor, the Director of the Department of Administration shall serve as Mayor and shall possess all the rights, perform all the duties and exercise all the powers thereof.
(Ord. 2-1962 §305.)

123.06 ACTING MAYOR.

The Mayor shall designate by executive order any department head or the City Clerk to act as Mayor whenever the Mayor is unable to attend to the duties of his office; and the person so designated shall possess all of the rights, powers and duties of the Mayor. If the disability of the Mayor to attend to his duties persists for sixty consecutive days, Council shall appoint one of its members as Acting Mayor; and such member shall succeed to all of the rights, powers and duties of the Mayor or then Acting Mayor, as the case may be, until such time as the disability of the Mayor ceases or a vacancy occurs in the office of Mayor or the term of office of the Mayor expires. (Ord. 2-1962 § 306.)

123.07 INCOMPATIBLE OFFICES.

The Mayor shall not serve as a member of Council or otherwise hold any office or employment in the City government for which compensation is prescribed; nor shall he hold any office or employment under the government of the United States or the Commonwealth of Pennsylvania or serve as a member of Congress or of the General Assembly of Pennsylvania. (Ord. 2-1962 §307.)

123.08 REWARDS.

(a) The Mayor is hereby authorized and empowered, by executive order, to offer suitable monetary rewards not to exceed one hundred dollars ($100.00) each, for the arrest and conviction of persons guilty of capital or other high or serious crimes within the City, and for the recovery of stolen property within the City.

(b) When any person qualifies for the reward offered by performing the acts or things required by such executive order, the City may then pay to such person the amount of the reward offered. (Ord. 45-1948 §1, 2.)

123.09 DEPARTMENT OF ECONOMIC DEVELOPMENT.

The Department of Economic **and Community** Development shall under its Director administer Article 136. The Director shall be the City's liaison with all internal departments and external organizations to determine the economic development impact of their programs and services to the City. Such groups would include but not be limited to Main Street and York County Industrial Development Council. The Director shall serve as staff assistance to the General Authority of the City of York. In addition, the Director shall be responsible for the development, application and administration of Federal, State and Foundation Grant Programs pertaining to economic and physical development, urban renewal and City planning with appropriate internal departments and external organizations. **The Director shall also be responsible for the planning and implementation of programs directed at the betterment of the Community and its Neighborhoods. This will include being responsible for the development, application and administration of the Housing and Community Development Block Grant Program, Health Department, Planning and Zoning, as well as Federal, State and Foundation Grant Programs pertaining to community and physical development and community based partnerships. The Director shall be the City's liaison with all internal departments and external organizations such as the Redevelopment Authority and Neighborhood Resource Center to determine the community development impact of their programs and services to the City. This will require appropriate interaction with internal departments and community organizations.**
(Ord. 2-2002. Passed 1-22-02.)**(Amended Ord. 4-11)**

~~123.10 DEPARTMENT OF COMMUNITY DEVELOPMENT.~~

~~The Department of Community Development shall, under its Director and in conjunction with the Department of Economic Development, be responsible for the planning and implementation of programs directed at the betterment of the Community and its Neighborhoods. This will include being responsible for the development, application and administration of the Housing and Community Development Block Grant Program, Health Department, Planning and Zoning, as well as Federal State and Foundation Grant Programs pertaining to community and physical development and community based partnerships. The Director shall be the City's liaison with all internal departments and external organizations such as the Redevelopment Authority and the Neighborhood Resource Center to determine the community development impact of their programs and services to the City. This will require appropriate interaction with internal departments and community organizations.~~
~~(Ord. 2-2002. Passed 1-22-02.)~~

ARTICLE 125
City Clerk

125.01 Appointment.
125.02 Duties.
125.03 Notary powers.
125.04 Annual supplement to Codified Ordinances.

CROSS REFERENCES

Appointment, duties, qualifications - see 3rd Class Charter Law §410(a) (53 P.S. §41410(a)); 3rd Class §1301, 1302 (53 P.S. §36301, 36302)

Keep Council minutes; signature - see 3rd Class Charter Law §606, 607(b) (53 P. S. §41606, 41607(b))

125.01 APPOINTMENT.

The City Clerk shall be appointed by a majority of the members of Council, shall serve at the pleasure of Council and Council shall fix his compensation. (Ord. 2-1962 §220.)

125.02 DUTIES.

The City Clerk shall keep minutes of the meetings of Council and shall sign them as set forth in Section 111.04; shall record and index all ordinances and resolutions adopted by Council and, at the end of each year, with the advice and assistance of the City Solicitor, shall compile, bind and index the same or copies thereof; and shall keep all other records and documents of Council. He shall perform such other duties as may be required of him by any elected official of the City. All records and documents of Council shall be open to inspection by any taxpayer of the City upon demand at the office of the City Clerk during office hours. (Ord. 2-1962 §221.)

125.03 NOTARY POWERS.

The City Clerk shall have the power of a notary public to administer oaths in any matter pertaining to the business of the City or in any legal proceeding in which it is interested. (Ord. 2-1962 §222.)

125.04 ANNUAL SUPPLEMENT TO CODIFIED ORDINANCES.

The City Clerk shall at the close of each year cause to be prepared and printed as a City document a supplement to the Codified Ordinances containing all the ordinances of a general and permanent nature passed during such year. (1944 Code Ch. 1, §2.)

ARTICLE 127
City Treasurer

127.01 Election, qualifications, vacancy, duties and bond.

CROSS REFERENCES

Powers and duties - see 3rd Class Charter Law §415(a) (53 P.S. §41415(a))
Violation in office - see 3rd Class Charter Law §601 et seq. (53 P. S. §41601 et seq.)
Fiscal procedure - see ADM. Art. 137

127.01 ELECTION, QUALIFICATIONS, VACANCY, DUTIES AND BOND.

(a) The City Treasurer shall be elected for a term of four years, and until his successor qualifies, at the municipal election of 1963 and every four years thereafter, such term to begin on the first Monday of January following his election. At the time of his election he shall be at least twenty-one years of age and shall have been a resident of the City throughout one year immediately preceding such election. He shall reside in the City throughout his term of service. (Ord. 1-1975 §1. Passed 1-21-75.)

(b) If a vacancy occurs in the office of Treasurer, Council shall fill such vacancy within thirty days by choosing a qualified person to serve as Treasurer until the first Monday in January following the next municipal election occurring at least 200 days after the vacancy occurs. At such municipal election, a qualified person shall be elected to serve from the first Monday of January following the election for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday of January following, for a new term of four years. If a vacancy occurs within 200 days of a regular municipal election at which the office of Treasurer is to be filled for a new term of four years, the person selected by Council shall serve only until the first Monday in January following such election. If a vacancy is not filled by Council within the time above specified, the Court of Common Pleas of York County, upon petition of ten or more qualified electors of the City, shall fill such vacancy by the appointment of a qualified person for the portion or all of the unexpired term as provided herein. (Ord. 2-1962 §330.)

(c) The Treasurer may appoint a Deputy Treasurer, who shall be a resident of the City throughout his term of office, who in case of the sickness, absence or inability of the Treasurer to act, shall have the same powers, and shall perform the same duties as are imposed by law upon the Treasurer. In the case of such appointment, the Treasurer shall be responsible and liable for the acts of the Deputy Treasurer. The Treasurer shall have the exclusive right to terminate the services of the Deputy Treasurer, for any reason. The Treasurer may appoint such other employees of his office in such number and at such compensation as is fixed in accordance with law. In all other respects the Deputy Treasurer and such other employees shall be considered as employees of the City. (Ord. 3-1979 §1. Passed 2-20-79.)

(d) The City Treasurer shall carry out such duties and exercise such powers with respect to the receipt and disbursement of public moneys as are provided by general law and, in addition thereto, shall receive for deposit from the departments of the City government, all City moneys collected by such departments.
(Ord. 2-1962 §330.)

(e) The City Treasurer shall furnish such fidelity bond and insurance as is required by general law. The amounts of such bond and insurance shall be fixed by Council at the time a Treasurer assumes office. Applicants for appointment to fill a vacancy for City Treasurer shall file such proof upon a deadline established by Council.

(f) Pursuant to the Act of June 23, 1931, P.L. 932, No. 317, known as the Third Class City Code, the sum of the fidelity bond to the Commonwealth is hereby established at two hundred thousand dollars ($200,000). However, nothing in this section shall operate to relieve the City Treasurer from the additional requirements of providing insurance protection against any and all losses of funds through fire, burglary, larceny, theft, robbery or forgery, similarly approved by Council, in such sum as may be directed by ordinance. The required bond shall be placed on file with the City Clerk's Office no later than thirty (30) days prior to the date the duly elected City Treasurer shall take the oath of office. If this requirement is not fulfilled, then the duly elected City Treasurer shall not be permitted to take the oath of office and the office of City Treasurer shall be filled in accordance with this article.
(Res. 79-2008. Passed 5-6-08.)

ARTICLE 129
City Controller

129.01 Election, qualifications, vacancy, duties and bond.

CROSS REFERENCES

Election and term - see 3rd Class Charter Law §403 (53 P. S. §41403)
Vacancy - see 3rd Class Charter Law §406(b) (53 P. S. §41406(b))
Qualifications - see 3rd Class §1701 (53 P.S. §36701)
Fiscal procedure - see ADM. Art. 137

129.01 ELECTION, QUALIFICATIONS, VACANCY, DUTIES AND BOND.

(a) The City Controller shall be elected for a term of four years and until his successor qualifies, at the municipal election of 1963 and every four years thereafter, such term to begin on the first Monday of January following his election. He shall be a competent accountant and, at the time of his election, shall be at least twenty-one years of age and shall have been a resident of the City throughout one year immediately preceding such election. He shall reside in the City throughout his term of service. (Ord. 1-1975 §1. Passed 1-21-75.)

(b) If a vacancy occurs in the office of Controller, Council shall fill such vacancy within thirty days by choosing a qualified person to serve as Controller until the first Monday in January following the next municipal election occurring at least 200 days after the vacancy occurs. At such municipal election a qualified person shall be elected for the remainder of the term of the person originally elected to such office or, if such term would otherwise expire on the first Monday of January following, for a new term of four years. If a vacancy occurs within 200 days of a regular municipal election at which the office of Controller is to be filled for a new term of four years, the person selected by Council shall serve only until the first Monday in January following such election. If a vacancy is not filled by Council within the time above specified, the Court of Common Pleas of York County, upon petition of ten or more qualified electors of the City, shall fill such vacancy by the appointment of a qualified person for the portion or all of the unexpired term as provided herein.

(c) The Controller may appoint such employees of his office in such number and at such compensation as is fixed in accordance with law. In all other respects such employees shall be considered as employees of the City.

(d) The Controller shall be responsible for the establishment and maintenance of a uniform accounting system throughout the City government, which system shall be so designed as to reflect accurately the assets and liabilities, income and expenses of the City and the operation of the City budget at any time during the fiscal year. He shall receive from the other department heads such information regarding City properties and obligations and City income and expenditures as he deems necessary to carry out these duties and shall furnish the other department heads and Council with a report concerning these matters at least monthly and at such other times as he deems necessary.

(e) The City Controller shall review all warrants for the expenditure of City moneys and, if satisfied that such expenditure is within the budget allotment pertaining thereto, shall sign such warrant before payment is made. In so doing, he shall also pre-audit all claims and demands against the City prior to payment and shall sign checks drawn for payment thereof only if satisfied that such payment is in accordance with law.

(f) The City Controller shall make a report to the Mayor and to Council, at the time of the first meeting of Council in March of each year, of the audits which he shall have made of the accounts for the preceding fiscal year of all officers having charge, custody and control of disbursement of public moneys and other funds, showing the balance in their hands respectively; and, at the same time, he shall file a copy of such report with the clerk of the Court of Quarter Sessions. Appeals therefrom may be taken as provided by general law. A summary of the report shall be prepared by the City Controller and posted in the center hall of the main entrance of City Hall. Council or the Mayor may, from time to time, require interim reports from the City Controller.

(g) The City Controller shall have the power to administer oaths or affirmations in relation to any matter touching the authentication of any account, claim or demand of or against the City; and he shall have the power to issue subpoenas to obtain the attendance of any officers of the City or elsewhere whose accounts he is required or authorized to adjust, audit and settle and of any person whom it may be necessary to examine as a witness in connection therewith. Any City officer refusing to appear upon being subpoenaed shall be subject to removal from office by the Mayor for such refusal. Any person, including a City officer, willfully refusing to appear upon being subpoenaed, without sufficient cause therefor, shall, upon conviction therefor, be fined not more than two hundred dollars ($200.00) and costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than sixty days.

(h) All bonds, notes, contracts and written obligations of the City shall be executed by the Controller together with the Mayor. (Ord. 2-1962 §331.)

(i) The City Controller shall give bond to the City, as required by general law, in a sum fixed by Council at the time a Controller assumes office. Applicants for appointment to fill a vacancy for City Controller shall file such proof upon a deadline established by Council. The required bond shall be placed on file with the City Clerk's Office no later than thirty (30) days prior to the date the duly elected City Controller shall take the oath of office. If this requirement is not fulfilled, then the duly elected City Controller shall not be permitted to take the oath of office and the office of City Controller shall be filled in accordance with this article. (Res. 79-2008. Passed 5-6-08.)

ARTICLE 133
Department of Administration

133.01 Powers and duties; business administrator.
133.02 Sewer Rental Bureau.
133.03 Parking Bureau.

CROSS REFERENCES

Reports submitted to Mayor - see 3rd Class Charter Law §412 (53 P. S. §41412)
Director - see 3rd Class Charter Law §415(c), (d) (53 P.S, §41415 (c),(d))
Appointment and removal of employees - see 3rd Class Charter Law §415(e) (53 P S. §41415(e))
Civil Service Boards - see ADM. Art. 163

133.01 POWERS AND DUTIES; BUSINESS ADMINISTRATOR.

(a) The Department of Administration shall supervise and coordinate the administrative functions of all the departments of the City government as determined by the order of the Mayor. It shall be headed by a Director who shall be designated as the Business Administrator of the City, and who shall be appointed with reference to his qualifications and training for the duties of the office. At the time of his appointment he need not be a resident of the City or of the Commonwealth; but during his tenure of office he shall reside within the City, unless Council, by resolution, states otherwise.

(b) The Department, under the Director, shall assist the Mayor in the preparation of the budget, shall administer a centralized purchasing system, for all of the departments of the City government, shall establish and supervise standard personnel policies and practices and shall install, maintain and direct throughout the departments a system of work programs and where practicable, quarterly allotments in connection with the operation of the budget.

(c) The Department shall conduct and process all disbursements by the City.

(d) The civil service examining boards as established by the Third Class City Code and the Firemen's Civil Service Law of May 31, 1933, P. L. 1108, shall be attached to and function within this Department.

(e) The pension boards as now existing under present ordinances, shall be attached to and function within this Department, except that in the Firemen's Pension Fund Board, the Director of Public Safety under this article shall be substituted for the Director of Public Safety under the Third Class City Code and in the Officers and Employees Retirement Board, the Business Administrator under this article shall be substituted for the Director of Accounts and Finance under the Third Class City Code. (Ord. 2-1962 §322; Ord. 15-1969 §1.)

133.02 SEWER RENTAL BUREAU.

(a) There is hereby established a Sewer Rental Bureau in the Department of Administration. The City shall provide office space for the Bureau in any City-owned property as directed by Council resolution.

(b) The Bureau shall render bills to the property owners and other users of the sewers, sewer system and sewage treatment works of the City, for the rentals and charges imposed, shall receive payments of the same and deliver the proceeds of such payments to the City Treasurer who shall place them in the Sewer Rental Fund.
(Ord. 8-1954 §2. Passed 2-26-54.)

133.03 PARKING BUREAU.

(a) There is hereby established a Parking Bureau in the Department of Administration.

(b) The Bureau shall be responsible for: the Traffic Fines Bureau; the monthly parking functions; the operation of the Meter Division including streets and lots; the City Parking Garage; and the supervision of the required maintenance of the parking lots.

ARTICLE 135
City Solicitor

135.01 Appointment, qualifications, duties and bond.

CROSS REFERENCES

Violation in office - see 3rd Class Charter Law §601 et seq. (53 P. S. (53 P. S. 41601 et seq.)
Solicitor's duties - see 3rd Class §1603 (53 P. S. §36603)
Claims procedure - see 3rd Class §1606 et seq. (53 P. S. §36606 et seq.)
Assistant Solicitor - see 3rd Class §1609 (53 P. S. §36609)

135.01 APPOINTMENT, QUALIFICATIONS, DUTIES AND BOND.

(a) The City Solicitor shall be appointed by the Mayor with the advice and consent of Council. He shall be admitted to practice before the Supreme Court of Pennsylvania and the various courts of York County at the time of his appointment and shall maintain an office within the City during his tenure as City Solicitor. He shall serve at the pleasure of the Mayor and until his successor is appointed and qualifies. If at any time the office of City Solicitor becomes vacant, Council shall immediately be informed of same.

(b) The City Solicitor shall be the chief law officer of the City and shall have control over all City law matters. No City department or employee shall employ or retain any other counsel in any City matter; except that Council may, in its own discretion, employ counsel for its own assistance, or for the assistance of the Controller or Treasurer. The Mayor may appoint, with the advice and consent of Council, such assistant solicitors as he and the City Solicitor deem necessary. The Mayor, at the request of the City Solicitor and with the approval of Council, may also retain special counsel for a particular proceeding.

(c) The City Solicitor shall represent the City in all legal actions brought by or against the City, shall render legal opinions to Council, the Mayor, the department heads, the administrative boards and the City Controller and City Treasurer upon questions of law submitted by any of them in their official capacities, and shall maintain the City lien docket. It shall be the duty of any officer or agency of the City requiring legal advice to refer such matter to the City Solicitor, except as permitted in subsection (b) hereof.
(Ord. 23-1974 §1. Passed 10-30-74.)

(d) The City Solicitor shall be furnished by the heads of the various departments with statements of claims of the City which remain due and unpaid within thirty days from the date such claim became due and payable, and the City Solicitor shall enter such claim in the City lien docket. Upon payment of any claim so entered, the person receiving such payment shall forward to the City Solicitor a satisfaction piece. It shall be the duty of the City Solicitor to cause satisfaction to be entered upon the proper record.

(e) The City Solicitor shall, following the end of every month, make a return to the City Controller, under oath or affirmation, of each item of moneys received by or through him, or his assistants, by virtue of his office or on account of any matter connected therewith. Upon making such return, he shall pay over the amount in his hands to the City Treasurer. He shall, similarly, pay into the City treasury all fees received by him in his official capacity exclusive of any judgment fee or commission allowed him in his capacity of attorney.

(f) The City Solicitor shall give bond to the City, as required by general law, in a sum fixed by Council at the time he assumes office. (Ord. 2-1962 §332.)

(g) The Solicitor and/or Assistant Solicitors shall not be considered full-time employees for the purpose of vacation or leave time, except where the City Solicitor or any Assistant Solicitor has been appointed and approved as a full-time City employee. (Ord. 20-1983 §1. Passed 7-19-83.)

ARTICLE 136
Small and Disadvantaged Business Enterprise Program

136.01 Purpose.
136.02 Definitions.
136.03 Contracting.
136.04 Assistance programs.
136.05 Contract performance.
136.06 Certificate of registration.
136.07 Office of Economic Development; powers and duties.
136.08 Implementing regulations.
136.99 Penalty.

136.01 PURPOSE.

Council finds it to be in the interest of the residents of the City to provide for the regulation of a Small and Disadvantaged Business Enterprise Program to stimulate new employment opportunities, to assist in the development of existing City businesses, and to encourage businesses to locate and remain in the City, and to this end, Council enacts this article. (Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.02 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings:

(a) "Agency" means an agency, department or office of the City of York government.

(b) "Enterprise zone" means an area within the City which has been designated by the United States Government, the Commonwealth of Pennsylvania, and/or the City as an Enterprise Zone.

(c) "Joint venture" means a combination of the property, capital, efforts, skills, or knowledge of two or more persons or businesses to carry out a single project.

(d) "Local business enterprise" means:

(1) A business enterprise with its principal office located physically in the City; or

(2) A partnership, joint venture or corporation which is owned at least fifty-one percent (51%) by a City resident(s) and whose employees are comprised of at least fifty percent (50%) City residents.

(e) "Small business enterprise" means:

(1) A business which meets four of the following criteria:

A. The principal office of the business is located in the York Standard Metropolitan Area.

B. More than thirty percent (30%) of the assets of the business are located in the City.

C. More than fifty percent (50%) of the employees of the business are residents of the City.

D. The owners of more than fifty percent (50%) of the business are residents of the City.

E. More than thirty percent (30%) of the total sales or other revenues are derived from the transactions of the business in the City; and

(2) In addition, has had averaged annualized gross receipts or average number of employees (for at least one full fiscal year preceeding certification) not exceeding the following limits:

	Average Annualized Receipts	Average Gross Number of Employees *
Construction:		
Heavy (street and highways, bridges, etc)	$500,000	20
Building (general construction, etc.)	350,000	15
Specialty Trades	225.00	10
Goods and Equipment	125,000	5
General Services	350,000	10
Professional Services:		
Personal (hotels, beauty, laundry, etc.)	100,000	5
Business services	200,000	5
Health and Legal Services	200,000	5
Health Facilities Management	350,000	10
Manufacturing Services	200,000	10
Transportation and Hauling Services	225,000	15
Financial Institutions in assets	6,500,000	20

* Full-time or full-time equivalent.

(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.03 CONTRACTING.

Each agency of the City, including those agencies that contract a portion of their procurement through the Department of Business Administration, unless otherwise determined by the Office of Economic Development, shall:

(a) Allocate its construction contracts in order to reach a goal of fifty percent (50%) (or such other goal as may be determined) of the dollar volume of all construction contracts to be let to small business enterprises;
(b) Allocate its procurement of goods and services other than construction in order to reach the goal of fifty percent (50%) (or such goal as may be determined) of the dollar volume to small business enterprises;
(c) Allocate five percent (5%) of its contract to prime contractors that agree to subcontract a portion of the contract work with local business enterprises; and
(d) Provide quarterly reports to Council within thirty days after the end of a quarter specifying with respect to the contracts and subcontracts subject to the provisions of this section:

(1) The means by which it intends to implement the programs provided in Section 136.04 during the next twelve months;
(2) The dollar percentage of all contracts and subcontracts during the quarter which were let to local business enterprises and small business enterprises;
(3) The dollar volume of contracts and subcontracts let during the quarter to local business enterprises and small business enterprises; and
(4) A description of its past and current activities under Section 136.04.

(e) Upon receipt of the semi-annual report from the Office of Economic Development, Council shall review the goals set forth under this section and consider appropriate amendments to this article.
(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.04 ASSISTANCE PROGRAMS.

(a) To achieve the goals set forth in Section 136.03, programs designed to assist contractors, who are certified as local business enterprises or small business enterprises, shall be established by regulations issued by the Mayor pursuant to Section 136.07.

Such programs shall be implemented by each agency within sixty days of the effective date of this article.

(b) The Mayor shall include among these programs a bid preference mechanism for local business enterprises and small business enterprises. In evaluating bids and proposals, agencies shall award preferences, in the form of points (in the case of proposals) or a percentage reduction in price (in the case of bids) as follows:

(1) Eight points of a possible 100, eight percent (8%), for local business enterprises.
(2) Two points of a possible 100, two percent (2%), for businesses located in enterprise zones.
(3) Four points of a possible 100, four percent (4%), for a small business enterprise as defined herein.
(4) However, in no event shall any bidder receive greater than twelve points of a possible 100, twelve percent (12%), preference.
(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.05 CONTRACT PERFORMANCE.

(a) A prime contractor certified shall perform at least fifty percent (50%) of the contracting effort, excluding the cost of materials, goods and supplies, with its own organization and resources, and if it subcontracts, fifty percent (50%) of the subcontracted effort excluding the cost of materials, goods and supplies shall be with certified local or small business enterprises. The contract shall include a certified statement to this effect. Any request for waiver from this subsection shall be submitted in writing at time of bid submission.

(b) For construction contracts of up to one million dollars ($1,000,000), a prime contractor shall perform at least fifty percent (50%) of the on-site work with its own work force, excluding the cost of materials, goods, supplies and equipment and if it subcontracts fifty percent (50%) of its subcontracts, excluding the cost of materials, goods, supplies and equipment, shall be with local and/or small business enterprises. The bid document shall contain a certification form to be signed by all bidders to this effect. Any request for waiver from this subsection shall be submitted in writing at time of bid submission.
(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.06 CERTIFICATE OF REGISTRATION.

(a) Notwithstanding any other provisions of the law, no enterprise shall be permitted to participate in the program established under Section 136.04, unless it has been issued a certificate of registration under the provisions of this article or is self-certified pursuant to regulations issued pursuant to this eligibility criteria or pursuant to regulations issued pursuant to this article. Eligibility criteria for certification shall include the following:

(1) Written evidence that the applicant is:

A. A bona fide local business enterprise;

B. A bond fide small business enterprise;

C. A bond fide local business enterprise located in an enterprise zone.

(2) Compliance with the regulations set forth in subsection hereof.

(b) Any enterprise seeking to be registered as a local business enterprise or a small business enterprise in the City shall make and file with the Office of Economic Development a written application as may be prescribed, which shall include a certification of the correctness of the information provided. The applicant shall be required to furnish evidence of eligibility, ability, character and financial statement prepared by a public accountant or certified public accountant, as of no more than ninety days prior to the application date. If the information provided in the application changes, the applicant shall report the change to the Office of Economic Development and the City Human Relations Commission. If the information submitted complies with the criteria of this article, the Office and the Commission shall jointly issue the applicant a certificate of registration to engage in the programs established under Section 136.04.

(c) If the Office and the Commission are unable to agree on a certification request, such request shall be submitted within thirty days to Council for decision, and such decision shall be binding on both the Office and the Commission. Such decision shall be in the form of a resolution voted upon by Council at a regularly scheduled Council meeting.

(d) The Office and the Commission may decertify for cause as defined in Section 136.99(a). If there is a disagreement on the appropriateness of decertification, the issue shall be submitted within thirty days to Council for decision, and such decision shall be binding on both the Office and Commission. Such decision shall be in the form of a resolution voted upon by Council at a regularly scheduled Council meeting.

(e) A certificate of registration shall expire three years from the date of approval of the application.
(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.07 OFFICE OF ECONOMIC DEVELOPMENT; POWERS AND DUTIES.
The Office of Economic Development shall:

(a) Establish procedures and guidelines for the implementation of the programs established pursuant to this article.

(b) Determine which local business enterprise or small business enterprise shall be eligible for certification under this article and establish criteria to identify those enterprises which shall be given priority consideration for government contracts.

(c) Review the procurement plans of each agency of the City and determine, if it deems appropriate, which contracts, or parts thereof, shall be reserved for the programs established under Section 136.04. Where an agency has failed to meet the goals set forth in Section 136.03, the Office of Economic Development shall reserve portions of the agency's contracts to be performed in accordance with the programs established under Section 136.04, so that such agency's failings shall be timely remedied.

(d) Consider agency requests for adjustment of goals in particular instances, provided, that the Office of Economic Development report to the Mayor and Council on a semi-annual basis recommendations for changes of the goals under Section 136.03, on an agency basis if appropriate, and accompanied by necessary supporting data.

(e) Determine that portion of the dollar amount of a joint venture which may be attributed toward an agency's percentage goal.

(f) Recommend that an agency waive bonding in excess of the standard waiver provided to require that contracts for construction, alteration or repair of any public building or public work of the City be accompanied by a performance bond protecting the City and by an additional bond for the protection of persons furnishing material and labor, and for other purposes, where such a waiver is appropriate and necessary to achieve the purposes of this article.

(g) Recommend that an agency make advance payments to a certified contractor or to subdivide a contract into smaller parts where the Office of Economic Development has determined that such payments or such subdivisions are necessary to achieve the purposes of the article. Subdivision may be recommended in order to fall within bond exemption provided.

(h) Review bids in the small business enterprise administrative arrangements established under Section 136.04 and may authorize agencies to refuse to let a contract where the Office of Economic Development determines that bids for particular contracts are excessive.

(i) Maintain contracts with the business community (financial institutions and bonding companies) and solicit cooperation for development for the City.

(j) Review contracting problems and make further recommendations that increase small and local contractor participation with the City government. Recommendations shall include, but not be limited to, improved schedules that ensure prompt payment to contractors, special geographic radii requirements on certain contracts, innovative contract advertising procedures, the encouragement of joint ventures and advising the Mayor on methods to be utilized to ensure participation.

(k) Review and determine the continued eligibility of contractors certified by the Office of Economic Development and the City Human Relations Commission.

(l) Insert in bid solicitations for procurement of property or services, a provision limiting advance or progress payments to local and small business enterprises, to provide that payments may not exceed the unpaid contract price.

(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.08 IMPLEMENTING REGULATIONS.

The Mayor shall issue regulations to implement this article, including rules that establish a procedure to provisionally certify, self-certify or to challenge the certifications that a business enterprise is a small or local business enterprise.

(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

136.99 PENALTY.

(a) The Office of Economic Development and the City Human Relations Commission may revoke or suspend the certificate of registration of any enterprise registered who is found guilty of any of the following conditions:

(1) Fraud or deceit in obtaining the registration;

(2) Furnishing of inaccurate or incomplete ownership or financial information;

(3) Failure to report changes which affect the requirement for certification;

(4) Gross negligence, incompetence, financial irresponsibility or misconduct in the performance of a contract with the City; or

(5) Willful violation of any provision of this article or regulations adopted pursuant to this article.

(b) Any person may file with the Commission a complaint alleging a violation of this article against any applicant for registration or contractor registered pursuant to this article. The complaint shall be in writing and sworn to by the complainant. The Commission may, without a hearing, dismiss a complaint which is frivolous or otherwise without merit. Any hearing shall be heard within three months of the filing of the complaint. The Commission shall determine the time and place for the hearing. The Commission shall cause to be issued and served on the person or organization alleged to have committed the violation, hereinafter called the respondent, a written notice of the hearing together with a copy of the complaint at least thirty days prior to the scheduled hearing. Notice shall be served by registered or certified mail, return receipt requested, or by personal service. At the hearing the respondent shall have the right to appear personally or by a representative and to cross-examine witnesses and to present evidence and witnesses. The Commission shall have authority to issue subpoenas requiring the attendance of witnesses and to compel the production of records, papers and other documents. If, at the conclusion of the hearing, the Commission determines that the respondent has violated the provisions of this article, the Commission shall issue and cause to be served on the respondent, a decision and order, accompanied by findings of fact and conclusions of law, requiring the respondent's registration to be revoked or suspended, or take any other action as it deems appropriate.

(c) In addition to the penalties provided in subsection (b) hereof, the City Solicitor may bring a civil action against a business enterprise, and/or its directors, officers or principals, when there is reasonable basis to believe that certification has been obtained by fraud or deceit, and where there is a basis for asserting damages sustained by the City as a result of such fraud or deceit. In addition, the City Solicitor is hereby authorized to work in conjunction with, and with the approval of, the District Attorney's office in proceeding against any individual supplying false information, based upon the Pennsylvania Crimes Code section pertaining to unsworn falsification to public officials.
(Ord. 18-1993 Sec. 1. Passed 8-3-93.)

ARTICLE 137
Fiscal Procedure

137.01 Fiscal year.
137.02 Definitions; appropriations.
137.03 Depositories of City funds.
137.04 Temporary investment of City funds.
137.05 Budget.
137.06 Finance control.
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137.13 Bond issue financing.
137.14 Payroll liability reserve.
137.15 Establishment of Loan Committee.
137.16 Forgiveness of loans.

CROSS REFERENCES

Preparation of City Budget - see 3rd Class Charter Law §416, 417 (53 P.S. §41416, 41417)
Contracts - see 3rd Class §1901 et seq. (53 P.S. §36901 et seq.)
Municipal Unclaimed Moneys Act - see 27 P.S. §491 et seq.
Surplus fund use - see 53 P.S. §37403 clause 1.1

137.01 FISCAL YEAR.
The fiscal year of the City is January 1 through December 31. (Ord. 2-1962 §401.)

137.02 DEFINITIONS; APPROPRIATIONS.
(a) Definitions.
(1) "Appropriation item", for the purpose of this article, means the functional categories used in the Pennsylvania Department of Community Affairs Chart of Accounts for expenditures.
(2) "Department", for the purpose of this article, means the Mayor's Office, Council, Treasurer's Office, Controller's Office, Solicitor's Office, Business Administration, Economic and Community Development, Public Works, Police Department and Fire Department.
(3) "Fund", for the purpose of this article, means fund as used in the annual City budget document approved by Council.

(b) Appropriations. No moneys shall be paid out of the City treasury except upon appropriation previously made by Council and upon warrant pursuant thereto which warrant shall explicitly state the purpose for which the money is to be drawn. 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.

All expenditures shall be charged to the appropriate standard account, as determined by the Business Administrator. The appropriate standard account shall be adequately funded to cover each expenditure from the appropriate standard account.

In order to ensure that proper accounting practices are followed and adequate financing is available for each expenditure, the Business Administrator shall have the power to authorize the transfer of unexpended funds between accounts except in the following instances which shall require an affirmative vote of four members of Council:

(1) Transfer of more than five percent (5%) of an appropriation item within that fund.

(2) Transfer of more than five percent (5%) of a department's appropriated budget in that fund.

All transfers shall be cumulative in nature.
(Ord. 26-1990 § 1. Passed 12-18-90.)

137.03 DEPOSITORIES OF CITY FUNDS.

The City Treasurer shall deposit all City funds and all City taxes collected by him in such banks or other financial depositories as he is directed by the Mayor, City Controller and himself acting as a body for the designation of City depositories. All deposits shall be made in the name of the City. (Ord. 37-1989 §1. Passed 3-21-89.)

137.04 TEMPORARY INVESTMENT OF CITY FUNDS.

The Mayor, City Treasurer and City Controller, acting as a body for the temporary investment of City funds, shall have power to provide for such investment as provided by the Third Class City Code. (Ord. 37-1989 §2. Passed 3-21-89.)

137.05 BUDGET.

(a) The City budget shall be prepared annually by the Mayor with the assistance of the Business Administrator. In order to prepare the budget, the Mayor shall require all department heads to submit requests for appropriations to him and to appear before him or such other officer as the Mayor designates at a public hearing on such requests. The City Clerk shall also appear at such hearing and submit for incorporation into the budget the requests for appropriations for the use of Council.

(b) Except for the budget for the fiscal year beginning on the first Monday of January, 1962, the Mayor shall present the budget to Council at no later than the last meeting scheduled in November of each year preceding the fiscal year for which the budget is submitted. The budget shall be in the form of an analysis of the various proposed items of revenue and expenditure.

(c) In considering the budget, Council may reduce any item by a vote concurred in by at least three members; but it may increase or add an item only if four members vote in favor thereof. After passing the proposed budget ordinance on first reading, Council shall fix a date for final passage thereof which date shall not be later than December 31 immediately following. In the interval between passage on first reading and final passage, the proposed budget ordinance shall be available for public inspection in the office of the City Clerk.

(d) In the month of January following any municipal election the Mayor may submit and Council may pass amendments to the budget ordinance adopted during the preceding month. In so doing, it shall cause the amended ordinance to be available for public inspection in the office of the City Clerk during the interval between first reading and final passage of such amendments.

(e) All expenditures of the City shall be made in accordance with the budget and shall be specifically identified with reference to the budget.
(Ord. 2-1962 §405; Ord. 15-1969 §7.)

(f) The City budget, when prepared by the Mayor with the assistance of the Business Administrator, shall reflect an unappropriated balance equal to a minimum of one-half percent (.5%) of the projected appropriations in each budgetary fund. The purpose of the balance is to prevent deficit financing resulting from a revenue shortfall.

Any projected expenditure from the unappropriated balance shall require a supplemental appropriation measure approved by a majority of Council, as outlined in Section 137.02. (Ord. 21-1983 §1. Passed 7-19-83.)

137.06 FINANCE CONTROL.

(a) The City Controller shall be responsible for determining that, in the operation of the budget, no funds are expended which have not previously been alloted for such expenditure, no expenditures are made except upon written requisition and no payment is made unless a warrant therefor has been properly signed and a check therefor presented to the City Treasurer.

(b) No claim or demand against the City for services rendered or goods sold to the City shall be paid unless such claim or demand has been audited by the City Controller prior thereto as provided in Section 129.01.

(c) There is hereby appropriated out of any money in the City treasury not otherwise appropriated five hundred dollars ($500.00) which shall be known as the Petty Expenditures Revolving Fund. From this Fund shall be paid all properly approved purchases and expenditures made by any department agency, commission, bureau, other unit, officer or employee for incidentals. At the end of each month the director of the department administering the centralized purchasing system shall render to the City Controller and City Council a statement showing the actual expenditures for each user so made out of such Petty Expenditures Revolving Fund.

(d) All applications for grants to the City from local, State or Federal sources or from private foundations, wherein the City pledges, or commits itself to pledge, matching contributions, either by program or cash, shall be submitted to Council for prior approval thereto before accepting such grants.

(e) The Business Administrator shall present to the Council members a monthly written report, in a form they approve, that lists the expenditures for the proceeding month. The report shall also include a listing of all transfers authorized by the Business Administrator as stated in Section 137.02(b).

(f) The Business Administrator at the end of each fiscal quarter shall submit to Council in a form that its members shall approve a consolidated report on the expenditures and operations of the entire City government, together with his or her recommendations, no later than 30 days after the close of each quarter.
(Ord. 12-2002. Passed 5-7-02.)

137.07 ANNUAL AUDITS.

Each account of the City shall be audited following the close of each fiscal year by an independent certified public accountant or qualified firm selected by resolution of Council. The City shall request proposals for a new auditing contract once every three years and Council shall approve the contract no later than thirty (30) days prior to the close of the fiscal year to be audited. An Audit Committee comprised of the Mayor or his or her designee, the Business Administrator or his or her designee, the deputy business administrator for finance, the Council President or his or her designee and the Controller or his or her designee shall consider all proposals for the auditing contract and/or recontract and recommend an independent certified public accountant or a qualified firm to the Council. The committee shall receive all oral and written reports presented by independent certified public accountant or firm. The Council President shall give Council reports on the audit as required. The independent certified public accountant or firm shall formally present the audit findings and report(s) to the Council at a session open to the public. (Ord. 17-2007. Passed 5-1-07.)

137.08 CONTRACTS.

(a) Except in the case of an actual emergency declared and stated by the Mayor in writing to Council, the Business Administrator shall not purchase, lease, lease to purchase, rent or otherwise acquire a right to use of goods, properties, or services for or on behalf of the City, except as hereafter provided, involving an expenditure of more than ten thousand dollars ($10,000), except under written contract entered into after competitive bidding on such purchase following advertisement two times, on different days, in a newspaper of general circulation in the City and posting notice of the advertisement in City Hall. All such contracts shall be awarded to the lowest responsible bidder, but the City shall be deemed to reserve the right to accept or reject any and all bids in connection with any such contract. Any contract that involves an expense exceeding the average annual payment of an amount equal to .0010 (.10%) of the total projected General Fund appropriation shall not be undertaken or proceeded upon except after reference thereof to Council and approved by Council by ordinance or resolution. Each year after the Council gives final approval to the General Fund appropriation, the Business Administrator shall calculate and report to Council the specific amount equal to .0010 of that appropriation. The Controller shall file all signed contracts within his or her office. The Business Administrator shall receive a copy of each contract within 10 days of it being signed. The Controller shall present a written report monthly to the Council of all contracts signed during the prior month. (Ord. 10-2006. Passed 3-7-06.)

(b) The following purchases or contracts shall not require advertising or bidding as set forth in subsection (a) hereof:

(1) Those for maintenance, repairs or replacements for water, electric light or other public works of the City, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment, but a bond may be required by Council as in other cases or work done;

(2) Those made for improvements, repairs and maintenance of any kind made or provided by any City through its own employees: provided, however, that this shall not apply to construction materials used in street improvements;

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by Council, which are patented and manufactured or copyrighted products;

(4) Those involving any policies of insurance or surety company bonds; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission, those made with another political subdivision or a county, the Commonwealth of Pennsylvania, the Federal government, any agency of the Commonwealth or the Federal government, or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or the Federal government, or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal government or their agencies; or

(5) Those involving personal or professional services.

(c) Except in the case of an actual emergency declared and stated by the Mayor in writing to Council at its next meeting following the declaration, notwithstanding other provisions of this section, Council must approve the purchase of, lease of, lease to purchase of, rent of, or any other acquisition of a right by the City to the use of all motor vehicles for the City.

(d) All other matters pertaining to the advertisement, bidding and award of contracts for the purchase of goods, properties or service not otherwise subject to this section shall be determined in accordance with rules and regulations for the operation of the centralized purchasing system to be drawn and promulgated by the Business Administrator with the approval of the Mayor. The Mayor and the Business Administrator shall report all such rules and regulations to the Council at the next meeting after their approval. Such rules and regulations shall provide for the protection of the City in such cases:

(1) By requiring proper security to be submitted with the bid proposal only when required by the Business Administrator. This security may be in the form of a bid bond, certified check, cashier's check, cash or a letter of credit. The security shall be in the amount of ten percent (10%) of the amount of the bid proposal. Security shall be forfeited for nonperformance;

(2) By requiring further security in the form of a performance bond with contracts for "public works" in excess of ten thousand dollars ($10,000). Performance bonds shall be in the amount of one hundred percent (100%) of the cost of the contract. Contracts for materials, supplies, motor vehicles and equipment shall not need the performance bond, unless the nature of such contract is such that the Business Administrator deems it necessary to require such bond. The City reserves the right to request any bond deemed necessary to insure the completion of the contract. In lieu of a bond, the City may accept a certified check, cashier's check or an irrevocable letter of credit. "Public works" contracts include any contract for construction or maintenance. Excluded would be purchases of materials, supplies, motor vehicles and equipment. If installation of a purchased product is considered an important part of the contract, it should be considered a "public works" contract. "Liquid fuels" purchases require a fifty percent (50%) performance bond.

(3) By requiring a bond for the protection of persons furnishing materials to or supplying or performing labor for the City in the carrying out of "public works" contracts in the amount of fifty percent (50%) of the value of the contract for contracts between one thousand five hundred dollars ($1,500) and five thousand dollars ($5,000). For "public works" contracts in excess of five thousand dollars ($5,000), a one hundred percent (100%) bond shall be required. This security, also known as a payment bond, may be in the form of a certified check, cashier's check or irrevocable letter of credit.

(4) By requiring, whenever the contract involves the employment of labor, that the contractor will accept, with respect to the work involved, the provisions of the Pennsylvania Workmen's Compensation Act and will either insure his liability thereunder or file a certificate of exemption from such insurance from the Pennsylvania Department of Labor and Industry;

(5) By requiring, whenever the contract involves the employment of labor, that the contractor or any subcontractor will not discriminate on account of race, color, religious creed, national origin, ancestry, age, familial status, sex, sexual orientation, or disability in his hiring of employees for the performance of work under the contract; and

(6) By including such specifications as are required by the "Pennsylvania Prevailing Wage Act", Act of August 15, 1961, P.L. 987 with regard to the payment of wages to workmen employed in the performance of the contract.

(7) By requiring all contracts to comply with the provisions of Article 136 "Small and Disadvantaged Business Enterprise Program".

(Ord. 13-2002. Passed 5-7-02.)

(e) Original copies of all fully executed bonds, notes, contracts and written obligations of the City shall be filed in the Offices of the York City Solicitor, York City Controller, and York City Clerk. (Res. 67-2002. Passed 5-7-02.)

137.09 STANDARDIZED COMPENSATION.

Salaries and wages paid to employees of the City shall be standardized throughout the City government insofar as such standardization is consistent with the needs of the City government. For these purposes the Business Administrator shall prepare a standard compensation plan which the Mayor, following his review and approval, shall promulgate by executive order. The Mayor, subject to the provisions of the budget, may create and abolish offices and positions of employment when the same are not otherwise provided for by law or ordinance. (Ord. 2-1962 §409; Ord. 15-1969 §9.)

137.10 CAPITAL RESERVE FUND.

(a) Creation. There is hereby created a separate fund to be known as the Capital Reserve Fund for municipal purposes, including the accumulation of funds for the construction, purchase or replacement of or addition to City buildings, equipment, machinery, motor vehicles or other capital assets of the City.

(b) Deposits. All moneys, now or hereafter budgeted and appropriated for the purposes of such Fund shall be deposited in the Fund.

(c) Accumulations. For the purpose of accumulating such Fund, Council is hereby authorized to appropriate each year at the time of making and adoption of the annual City budget an item of moneys for such Fund and to include such item in the annual budget. Council may also from time to time appropriate and transfer moneys from the General Fund to the Capital Reserve Fund, and may also place in such Fund any moneys received from the sale, lease or other disposition of any City property, or from any other source unless received or acquired for a particular purpose.

(d) Surplus Funds. Any moneys in the Fund at the end of the fiscal year, shall not lapse, nor shall the same be used for any other purpose than that specified herein, except as expressly provided by Act of June 23, 1931 P. L. 932 (as amended by June 28, 1951, P. L. 662) Section 2403, Clause 1.1 (53 P.S. §37403 clause 1.1).
(Ord. 54-1963 § 1-4.)

137.11 UNCLAIMED MONEYS FUND. (REPEALED)
(EDITOR'S NOTE: Former Section 137.11 was repealed by Ordinance 24-2007.)

137.12 TREASURY WARRANTS; CHECK SIGNING MACHINE.
(a) Mechanical Preparation. Warrants drawn upon the City Treasurer for the payment of bills, demands, payrolls, wages and other claims against the City, may be prepared and executed by passing the same through a check signing machine through which the signatures of the officers of the City, now or hereafter required by law or ordinance to sign and countersign such warrants, may be imprinted in facsimile in an unerasable substance upon such warrants.

(b) Authenticity Presumed. Such warrants when so prepared and executed shall, unless the contrary is proven, be presumed to be authentic warrants and entitled to full faith and credit as such by any and all persons and for any and all purposes.

(c) Dies. One or more dies bearing the engraved signatures of such officers shall be used in the operation of the check signing machine which can be inserted for its operation and withdrawn when it is not in use.

(d) Custody of Dies. Where one such die can be used for the signature of each officer, each officer shall have custody of and be responsible for the die bearing his respective signature when the machine is not in operation, When more than one signature of the officers is required to be engraved upon a die, the City Controller shall have custody of and be responsible for all such die or dies when the machine is not in operation.
(Ord. 20-1948 §1-4.)

(e) Operation. When such check signing machine is placed in operation to prepare and execute warrants drawn on the City Treasurer, the operation of such machine shall be conducted in the presence of the following officials: the Mayor or his representative duly authorized in writing and the City Controller or his representative duly authorized in writing.
(Ord. 88-1964 §1. Passed 12-15-64.)

(f) Custody of Machine. When such machine is not in operation the City Controller shall have custody of and be responsible for the same.

(g) Exception. No provision of this section shall be construed to prohibit the manual or countersigning of such warrants by any of the required officers in ink.

(h) Duties of Officers. Nothing contained in this section shall relieve any of the officers required to sign or countersign such warrants of or from any of the duties, responsibilities, liabilities or penalties otherwise imposed upon them or any of them by existing laws or ordinances.
(Ord. 20-1948 §6-8.)

137.13 BOND ISSUE FINANCING.

(a) All general obligation bonds floated by the City, as approved and authorized by Council shall require the following financing provisions for the funding of the debt service (principal and interest) payments:

(1) In the first year in which debt service payments are required for the bond issue, no more than seventy-five percent (75%) of the total principal and interest payments due in that fiscal year, shall be paid by or from capitalized interest on the principal.

(2) In the second year in which debt service payments are required for the bond issue, no more than fifty percent (50%) of the total principal and interest payments due in that fiscal year shall be paid by or from capitalized interest on the principal.

(3) In the third year in which debt service payments are required for the bond issue, no more than twenty-five percent (25%) of the total principal and interest payments due in that fiscal year shall be paid by or from capitalized interest on the principal.

(4) In the fourth year in which debt service payments are required for the bond issue, and for all subsequent years, the full portion of the principal and interest payments shall be paid from revenue derived from City ad valorem taxation.

(b) Tax anticipation notes, revenue or grant anticipation notes or other like forms of debt derived for the sole purpose of anticipating income sources, are exempted from this provision.

(c) Any excess capitalized interest earnings shall be:

(1) Applied as revenue for a Capital Improvements Fund, as a method of financing other capital projects outlined in the City Capital Improvement Program, that meet the provisions of the bond indenture, as approved, authorized and appropriated by Council, or;

(2) Escrowed for the purpose of recalling bonds, if approved by bond counsel and the City Solicitor and if permitted by the bond indenture,
(Ord. 3-1983 §1. Passed 2-1-83.)

137.14 PAYROLL LIABILITY RESERVE.

By the first Council meeting in July of each year, the Department of Administration shall introduce a resolution to transfer one-twelfth of the budgeted bi-weekly payroll for each year that there are only twenty-six pays. These funds shall be transferred by resolution to the special projects account and restricted for use only in the year of a twenty-seventh pay period to meet the extra payroll unless otherwise approved by Council.
(Ord. l-1991 §1. Passed 1-15-91.)

137.15 ESTABLISHMENT OF LOAN COMMITTEE.

(a) A Loan Committee is hereafter established to be comprised of the following three members: the member of City Council who serves as liaison to the Community Development Department or a member of City Council designated by the member who is the liaison to the Department of Community Development, the Controller and the Mayor.

(1) For all loans or grants made by the City in excess of fifteen thousand dollars ($15,000.00) the Committee shall have the authority to review and recommend approval or denial of the application for any such loan or the modification, waiver or forgiveness of any term of such grant or loan. No such grant or loan shall be made, nor shall any term of any such existing grant or loan be modified, waived or forgiven until it shall first have been reviewed by the Committee.

(2) The Loan Committee shall review all information submitted by the applicant in support of his/her application to the City staff for City funded loans and grants, including information related to the income and sources of income of applicants, without deletion or redaction. The Committee's review shall occur in committee and no documents containing personal, confidential information, as defined in subsection (a)(3) hereof, shall be copied or removed by any member of the Committee.

(3) Any personal information that could be used to perpetrate an identity theft, including social security numbers, financial account numbers, date and place of birth, etc., in the files and applications of the applicants and any information that is classified as confidential by local, state or federal laws will not be made available by members of the Loan Committee to the public unless authorized to be released by the applicant.

(b) Council shall receive monthly a report from the Community Development Director that contains the names and addresses of recipients of loans and/or grants and the amount of those loans and/or grants.

(Ord. 14-2004. Passed 4-20-04.)

137.16 FORGIVENESS OF LOANS.

For all grants or loans in an amount exceeding one and one half mills (.0015) of the expenditure budget of the General Fund the City Council shall have the sole authority to approve the making of the grant or loan, to approve modification of the terms of any existing grant or loan, or forgive the terms of any loan and/or grant with recapture provisions that are issued directly by and for the City and/or through any other entity with whom the City has contracted to administer City programs.

(Ord. 14-2004. Passed 4-20-04.)

ARTICLE 138
Recycled Product Procurement Policy

138.01 Purpose.
138.02 Definitions.
138.03 Specifications.
138.04 Contracts.
138.05 Equipment compatibility.
138.06 Labeling products.
138.07 Cooperation surrounding governments; City agencies and departments.

CROSS REFERENCES
Waste minimization and recycling - see S.U. & P.S. Art. 952

138.01 PURPOSE.
The purpose of this article is to establish a policy for the City to purchase certain recyclable products for the purpose of reducing the need for incineration, maximizing energy and resource conservation and reducing expenses for the City.
(Ord. 16-1991 §1. Passed 5-7-91.)

138.02 DEFINITIONS.
(a) "Purchasing Agent" means the person designated by the Mayor as purchasing agent with the duty of purchasing for the City.

(b) "Recycled products" means goods, supplies, equipment, materials and printing containing postconsumer materials.

(c) "Postconsumer materials" means any product generated by a business or consumer which has served its intended end use and which has been separated or diverted from solid waste for the purposes of collection, recycling and disposition. The term includes industrial by-products that would otherwise go to disposal or processing facilities. The term does not include internally generated scrap that is commonly returned to industrial or manufacturing processes. (Ord. 16-1991 §1. Passed. 5-7-91.)

138.03 SPECIFICATIONS.
(a) Within twelve months subsequent to the effective date of this article, the Purchasing Agent shall conduct a review of existing product and service specifications to determine whether existing specifications either require or exclude the use of recycled products, reusable products or products designed to be recycled, for use by all department agencies, officers, boards and commissions.

(b) In the event that such specifications do exclude the use of recycled products or require the use of virgin materials, then such exclusions or requirements shall be eliminated unless the pertinent department or entity can demonstrate to the satisfaction of the Purchasing Agent that these recycled products would not achieve a necessary performance standard.

(c) Specifications for products should incorporate a provision that requires the reporting of the type and degree of use of recycled material. Administrative guidelines shall be issued that indicate the extent to which preferences to recycled products shall be allowed. (Ord. 16-1991 §1. Passed 5-7-91.)

138.04 CONTRACTS.

Preference in the award of purchases may be given solely on the basis of the use of recycled materials where permitted by law. (Ord. 16-1991 §1. Passed 5-7-91.)

138.05 EQUIPMENT COMPATIBILITY.

(a) Recycled paper, of the appropriate grade (such as xerographic grade for xerographic equipment), where feasible, shall be purchased and used in all currently owned copiers, printers and offset equipment that will accept it.

(b) The Purchasing Agent shall purchase only copiers, printers and offset equipment capable of utilizing recycled paper of the appropriate grade (such as xerographic grade for xerographic equipment). (Ord. 16-1991 §1. Passed 5-7-91.)

138.06 LABELING PRODUCTS.

When recycled products are used, reasonable efforts shall be undertaken to label the products to indicate that they contained recycled materials. City departments and agencies shall use for their mast-head stationery and envelopes recycled paper that includes postconsumer recycled content and indicate on the paper and envelope that they contained recycled materials. Existing supplies shall be exhausted prior to purchase of new materials. Other recycled products used by the City shall also indicate that they contained recycled material. (Ord. 16-1991 §1. Passed 5-7-91.)

138.07 COOPERATION WITH SURROUNDING GOVERNMENTS; CITY AGENCIES AND DEPARTMENTS.

(a) The City shall cooperate to the greatest extent feasible with neighboring City and County governments in an effort to develop a comprehensive, consistent and effective procurement effort intended to stimulate the market for recycled products, reusable products and products designed to be recycled.

(b) All related City departments and agencies shall work cooperatively to further the purposes of this article. The City's economic development process shall incorporate the goal of stimulating the market for recycled materials. (Ord. 16-1991 §1. Passed 5-7-91.)

ARTICLE 141
Department of Public Works

141.01 Powers and duties; Director.
141.02 Additional duties.

CROSS REFERENCES
Administrative organization - see ADM. 121.02 et seq.
Street and sidewalk areas - see S.U. & P.S. Art. 901 et seq.

141.01 POWERS AND DUTIES; DIRECTOR.

(a) The Department of Public Works shall be headed by a Director of Public Works. The Department shall be responsible for the construction and maintenance of City streets and highways, City parking facilities, City parks, City storm and sanitary sewers and all other City-owned properties and facilities. The Department shall also carry out the function of refuse collection and disposal.

(b) There shall be attached to and operated within the Department, under the supervision of the Director, the City Electrical Bureau and the City Engineer, if one is appointed.

(c) The functions of the Department shall be carried out in cooperation with the operating activities of the other departments of the City government; and the personnel attached to the Department may, by order of the Mayor, perform such construction, maintenance and technical services as are required by the other departments.
(Ord. 2-1962 §325.)

141.02 ADDITIONAL DUTIES.

The Director of Public Works shall have supervision and charge of the cleaning of streets and public places; the erection, repairing, maintenance and reconstruction of all street improvements, pavements, sidewalks, curbs, sewers, conduits and bridges; supervision of all public utilities as to their occupancy of streets and other public places; and all officers and employees used when the City assumes collection, removal and disposal of refuse.
(1944 Code Ch. 29 §1.)

ARTICLE 143
Department of Public Safety

143.01 Abolition of department.

CROSS REFERENCES
Administrative organization - see ADM. 121.02 et seq.
Civil defense provisions - see ADM. Art. 147
Traffic powers - see TRAF. Art. 501

143.01 ABOLITION OF DEPARTMENT.

The Department of Public Safety and the office of Director of Public Safety are hereby abolished. The duties and responsibilities of the Director of Public Safety with regard to the Police Department and Fire Department shall be vested in the Police Commissioner or Chief of Police and the Fire Chief for their respective departments. The Fire Department shall also maintain the office of Director of Civil Defense. The Director of Community Development shall supervise health services as prescribed by Council acting as the Board of Health as prescribed in Section 111.09(a). (Ord. 31-1978 §1. Passed 11-21-78.)

ARTICLE 145
Police Department

145.01 Composition, control and appointments.
145.02 Superior officers.
145.03 Special officers.
145.04 Extra police officers.
145.05 Manual of rules.
145.06 Promotional procedures.
145.07 Detective Division.

CROSS REFERENCES

Appointment and qualifications - see 3rd Class §2001 (53 P. S. §37001)
Designation of Chief - see 3rd Class §2002 (53 P. S. §37002)
Powers and authority - see 3rd Class §2005, 2006 (53 P. S. §37005, 37006)
Police Pension Fund - see ADM. Art. 169

145.01 COMPOSITION, CONTROL AND APPOINTMENTS.

(a) The Police Department shall consist of not more than 100 police officers and such other employees as funds may be provided for in the current budget, or by supplemental appropriations.

(b) The number of police officers and other employees may be increased to provide additional positions when such positions are funded by grants from State or Federal agencies and approved by Council.

(c) The Police Department shall be under the direct supervision and control of the Mayor, who shall appoint a Police Commissioner or Chief of Police who is professionally qualified by education and experience as a law enforcement administrator. The Police Commissioner shall not be regarded as a police officer within the provisions of this article and other ordinances unless specifically included therein.

(d) Exception: In addition to his or her duties of Police Commissioner, the Council may approve the Police Commissioner as a sworn police officer if the Police Commissioner can pass all state certification requirements that are established to be qualified as a police officer. The Police Commissioner shall have all the same powers and may conduct the same duty as other police officers within the City, but shall not be counted in the roster as a police officer and shall not qualify under the police pension system. The Police Commissioner shall not receive additional pay unless approved by Council and can only serve as a sworn officer after receiving state certification and only as long as he or she serves as Police Commissioner.
(Ord. 2-2004. Passed 2-4-04.)

(e) All appointments of police officers shall be in accordance with the Civil Service provisions of the Third Class City Code and shall be subject to Council approval.
(Ord. 32-1978. Passed 11-21-78.)

145.02 SUPERIOR OFFICERS.

All police officers shall be termed as "police officers" except those designated as superior officers by the Police Commissioner or Chief of Police with the approval of the Mayor in accordance with the promotional procedures set forth in Section 145.06. The ranks of superior officers shall be:

(a) Police Commissioner or Chief of Police.
(b) Captain.
(c) Lieutenant.
(d) Inspector.
(e) Sergeant.
(f) Detectives First Class.
(Ord. 2-1989 §1. Passed 2-7-89.)

145.03 SPECIAL OFFICERS.

Whenever Council deems it necessary for the public safety, it may appoint one or more special police officers to serve for such term as Council deems advisable. Such appointments shall be made upon the recommendation of the Mayor and Police Commissioner or Chief of Police, and only upon certification by the Police Commissioner or Chief of Police that the persons recommended are qualified to perform the duties for which they are to be appointed. Such officers shall receive salary or compensation as Council may determine and shall exercise the rights and be subject to the duties imposed upon police officers while on duty. Special police officers shall do and perform such special police duty as may be directed by the Mayor and Police Commissioner or Chief of Police, but shall not be used to replace Civil Service police officers. (Ord. 32-1978 §1. Passed 11-21-78.)

145.04 EXTRA POLICE OFFICERS.

(a) The Mayor is hereby authorized and directed, on occasions of threatened public disorder or danger, whenever in his or her judgment it becomes necessary for the public safety or to preserve order, to appoint extra police officers.

(b) The number of extra police officers shall be determined by the Mayor in accordance with existing circumstances and they shall serve for such period as the Mayor may designate, not exceeding thirty days.

(c) Extra police officers shall be furnished, by the City, with whatever uniforms and equipment may be deemed necessary by the Mayor, and their compensation shall be fixed by Council. (Ord. 32-1978 §1. Passed 11-21-78.)

145.05 MANUAL OF RULES.

The Police Commissioner or Chief of Police shall prepare and distribute a manual of rules and procedures in accordance with the provisions of Section 121.04.
(Ord. 32-1978 §1. Passed 11-21-78.)

145.06 PROMOTIONAL PROCEDURES.

(a) The procedures set forth in this section shall govern all promotions of police officers.

(b) The Police Commissioner or Chief of Police shall be appointed by the Mayor with the advice and consent of Council. The Chief of Police shall be designated from the force

and may be removed without cause in the same manner, but not to any rank lower than the rank held at the time of designation as Chief of Police.

(c) Promotions to the ranks of Sergeant, Lieutenant and Captain shall be from eligibility lists established by the Police Civil Service Board. The Board shall govern the composition of the written test, establish guidelines for the oral test and approve of those regulations and procedures to be followed in taking tests.

(1) Rating Factors. Each candidate for promotion shall be rated by written test, oral test, evaluation and seniority. The relative importance of each rating factor shall be determined by the Board, but the written test shall not be less than fifty percent (50%) of the total score. A seniority allowance of one-half point for each full year of service after completion of the first five years shall be added to the total score, however, seniority shall not exceed five points of the total score.

(2) Selection. The Police Commissioner or Chief of Police with the approval of the Mayor shall select one of the top three officers on the list who are certified by the Board for promotion.

(d) Promotion to the rank of Inspector shall be made by the Police Commissioner or Chief of Police with the approval of the Mayor. The Inspector shall be designated from the force and shall receive the salary of a Lieutenant. The rank of Inspector is a staff position and he or she shall have no line authority except over members assigned to the Inspectional Services Division. The Police Commissioner of Chief of Police with the approval of the Mayor may return the Inspector to his or her Civil Service rank at any time.

(e) Promotion to the rank of Detective First Class and Detective shall be made in accordance with the provisions of Section 145.07.
(Ord. 32-1978 §1. Passed 11-21-78.)

(f) Promotions to the rank of Corporal shall be made by the Police Commissioner or Chief of Police, who shall have the authority to promote up to twenty-five percent (25%) of the total number of police officers authorized, subject to the availability of funds. Corporal shall receive the salary of a Detective. Promotional criteria shall include education and training, experience, and performance evaluations, and any Corporal may be returned to his or her previous rank for just cause by the Police Commissioner or Chief of Police.
(Ord. 10-1995 §1. Passed 6-6-95.)

145.07 DETECTIVE DIVISION.

It is hereby determined that positions in the Detective Division require special training which can best be discovered and developed by on-the-job training and observation and accordingly appointment to positions in the Detective Division shall be made as follows:

(a) Assignments to the position of detective trainee shall be made by the Police Commissioner or Chief of Police on a rotating basis to provide all police officers with the opportunity to develop their investigative skills.

(b) Promotions to the rank of detective shall be made by the Police Commissioner or Chief of Police upon the written recommendation of the Detective Commander. Such recommendation shall be based on the officer's education and training, experience, and demonstrated investigative ability.

(c) Promotions to the rank of detective first class shall be made by the Police Commissioner or Chief of Police upon the written recommendation of the Detective Commander from those police officers holding the rank of Detective. Detectives first class shall receive the salary of a Sergeant. The rank of detective first class is a working supervisory position, and detectives first class shall have no line authority except over members assigned to the Detective Division.

(d) The Police Commissioner or Chief of Police may return any detective first class or detective to his or her Civil Service rank at any time, provided that such reduction in rank is for sound managerial reasons.

(Ord. 32-1978 §1. Passed 11-21-78.)

ARTICLE 147
Emergency Management Agency

147.01 Establishment.
147.02 Authority.
147.03 General duties and responsibilities.
147.04 Declaration of disaster emergency.
147.05 Temporary suspension of formal requirements.
147.06 Local Coordinator of Emergency Management.
147.07 Powers and duties of the York City Emergency Management Agency.
147.08 Coordination, assistance and mutual aid.
147.09 Approvals and ratification of agreements.
147.10 Gifts and grants of monies.
147.11 Representation on boards and agencies.
147.12 Insignia and identifying marks.
147.13 Applicability of state statutes.

CROSS REFERENCES

State law provisions - see 35 P.S. §2001 et seq.
Civil Defense Director directed by Public Safety Department - see ADM. 143.01
Civil emergencies - see GEN. OFF. Art. 709

147.01 ESTABLISHMENT.

A local emergency management agency is hereby established and shall be known as the York City Emergency Management Agency.
(Ord. 7-2001. Passed 9-4-01.)

147.02 AUTHORITY.

The York City Emergency Management Agency is established pursuant to the provisions of the Emergency Management Services Code (35 Pa. C.S.A. Section 7101 et seq.).
(Ord. 7-2001. Passed 9-4-01.)

147.03 GENERAL DUTIES AND RESPONSIBILITIES.

The York City Emergency Management Agency shall have the responsibility for emergency management and disaster response and recovery within The City of York. The York City Emergency Management Agency shall also provide emergency management and disaster response and recovery services outside The City of York as required by the terms and conditions of this article.
(Ord. 7-2001. Passed 9-4-01.)

147.04 DECLARATION OF DISASTER EMERGENCY.

(a) A local disaster emergency may be declared by the Mayor of York City. In addition, the Mayor is hereby authorized to declare a local disaster emergency subject to ratification by the City Council within seven (7) days of such declaration.

(b) A local disaster emergency may only be declared upon finding by the Mayor that a disaster has occurred or is imminent.

(c) The declaration of a local disaster emergency shall not be continued or renewed for a period in excess of seven (7) days unless approved by the York City Council.

(d) Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and a copy of any such order or proclamation shall be filed promptly with the Pennsylvania Emergency Management Agency.

(e) Upon declaration of a local disaster emergency, the applicable response and recovery aspects of the local emergency management plan shall be activated, and all provisions for aid and assistance thereunder shall be authorized.
(Ord. 7-2001. Passed 9-4-01.)

147.05 TEMPORARY SUSPENSION OF FORMAL REQUIREMENTS.

Upon declaration of a disaster emergency, The City of York, pursuant to 7301(c) of the Emergency Management Services Code shall be authorized to exercise the powers granted in the article without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. In addition, upon the declaration of a disaster emergency The City of York is authorized to avail itself of the provisions of Act of August 5, 1941, (P.L. 752, No. 286), known as the "Civil Service Act," in connection with the employment of personnel in local organizations established pursuant to the provisions of this article.
(Ord. 7-2001. Passed 9-4-01.)

147.06 LOCAL COORDINATOR OF EMERGENCY MANAGEMENT.

(a) The York City Emergency Management Agency shall have a Coordinator who shall be responsible for the planning, administration, and operation of the agency subject to the direction and control of the Mayor.

(b) The Coordinator of the York City Emergency Management Agency shall be appointed by the Governor of the Commonwealth of Pennsylvania upon recommendation of the Mayor of York City. The Mayor may, upon agreement by resolution with adjoining municipalities, recommend to the Governor a candidate for Coordinator for emergency management activities in the said political subdivisions. The Emergency Management Coordinator shall serve at the pleasure of Mayor.

(c) The Coordinator of the York City Emergency Management Agency shall:

(1) Be professionally competent and capable of planning, effecting and coordinating operations among agencies of government and controlling coordinated operations by local emergency preparedness forces;

(2) Attend and successfully complete the first phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within one year after appointment;

(3) Attend and successfully complete the second phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within three years after appointment;

(4) Attend basic and advanced seminars, workshops and training conferences called by the Director of the Pennsylvania Emergency Management Agency and/or its Director of Training and Education;

(5) Failure to attend and successfully complete the career development program phases, as described above, or failure to attend a prescribed training program for two consecutive years shall be cause for replacement of the Coordinator of the York City Emergency Management Agency;

(6) Responsibility for the professional in-service training of the Coordinator of the York City Emergency Management Agency shall rest with the Emergency Management Coordinator of York County.

(d) The City of York will reimburse its coordinator for actual expenses incurred as the result of his or her attendance at scheduled meetings and training programs.
(Ord. 7-2001. Passed 9-4-01.)

147.07 POWERS AND DUTIES OF THE YORK CITY EMERGENCY MANAGEMENT AGENCY.

The York City Emergency Management Agency is hereby directed to:

(a) Prepare, maintain and keep current a disaster emergency plan for the City of York for the prevention and minimization of injury and damage caused by disaster, for prompt and effective response to disaster and for disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan and the York County Emergency Management Plan;

(b) Establish, equip, and staff an emergency operations center for The City of York.

(c) Establish a warning and communications system for the City that will support governmental operations in emergencies;

(d) Provide essential facilities and equipment to those agencies and organizations that have been assigned emergency functions under the provisions of this article;

(e) Provide individual and organizational training programs for police officers, firefighters, rescue personnel, ambulance personnel, emergency management volunteers and the general public to insure prompt, efficient and effective disaster emergency services;

(f) Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment and facilities necessary for disaster emergency readiness, response and recovery;

(g) Adopt and implement precautionary measures to mitigate the anticipated effects of a disaster;

(h) Execute and enforce such rules, regulations and orders as the York City Emergency Management Agency may adopt pursuant to the provisions of this article;
(i) Cooperate and coordinate with any public and private agencies or entities in achieving any purpose of this article;
(j) Have available for inspection at its emergency operations center all emergency management plans, rules, regulations, and orders of the Governor and the Pennsylvania Emergency Management Agency;
(k) Provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth and local officials and agencies and the general public;
(l) Make periodic reports to the York City Council on the status and programs of the York City Emergency Management Agency, its personnel, programs, and plans;
(m) Execute and enforce such rules and orders as may be adopted by the Pennsylvania Emergency Management Agency;
(n) Make timely recommendations to and secure the consent of the York City Council concerning the development of plans, the acquisition of materials, supplies, and equipment and the development of a budget for the agency, except as provided for in disaster emergencies;
(o) Identify areas within the City of York that are particularly vulnerable to disasters;
(p) Upon request of the Mayor, the City Council or a duly authorized City official, assist The City of York and or its police, fire, rescue, or emergency medical services in handling and coordinating special, non-disaster emergencies and situations.

(Ord. 7-2001. Passed 9-4-01.)

147.08 COORDINATION, ASSISTANCE AND MUTUAL AID.

The Coordinator of the York City Emergency Management Agency shall develop and maintain mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance. The agreements shall be consistent with the plans and program of the Pennsylvania Emergency Management Agency and the York County Emergency Management Agency. The agreements shall stipulate that direction of emergency disaster assistance is the responsibility of the lowest level of government affected, that the county emergency management agency shall provide coordination and support when more than one political subdivision within York County is affected, and that the Pennsylvania Emergency Management Agency or its area organization shall provide coordination and support when two or more counties are affected. In disaster emergencies, requests for mutual aid assistance shall be referred to the organization, as outlined above. Having responsibility for coordination and in time of emergency, it shall be the duty of the York City Emergency Management Agency to render assistance in accordance with these mutual aid agreements. In all cases, support services provided from outside the affected area shall remain under the command and control of the receiving area.
(Ord. 7-2001. Passed 9-4-01.)

147.09 APPROVALS AND RATIFICATION OF AGREEMENTS.

(a) Except during local disaster emergencies, the York City Council shall:
(1) Review and approve the York City Emergency Management Plan.

(b) All mutual aid agreements (Section 147.08) shall be ratified by the York City Council and by the governing bodies of the other, affected municipalities prior to implementation.
(Ord. 7-2001. Passed 9-4-01.)

147.10 GIFTS AND GRANTS OF MONIES.
Any gift or grants of monies made to the York City Emergency Management Agency or to The City of York for the payment of expenses incurred or to be incurred by or for the York City Emergency Management Agency shall be deposited in the treasury of The City of York and shall be appropriated only for the purpose for which the gift or grants were made.
(Ord. 7-2001. Passed 9-4-01.)

147.11 REPRESENTATION ON BOARDS AND AGENCIES.
Nothing in this article shall be construed as prohibiting the York City Emergency Management Agency or the York City Emergency Management Advisory Council from providing representation to other boards or agencies, as outside emergency management advisory boards, emergency health services councils, regional communications committees, that coordinate with or otherwise impact the delivery of emergency management services.
(Ord. 7-2001. Passed 9-4-01.)

147.12 INSIGNIA AND IDENTIFYING MARKS.
The York City Emergency Management Agency may adopt such insignia and/or other identifying marks or markings as are necessary to ensure the correct, prompt identification of its personnel, equipment and facilities.
(Ord. 7-2001. Passed 9-4-01.)

147.13 APPLICABILITY OF STATE STATUTES.
The provisions of the "Emergency Management Services Code" of the Commonwealth of Pennsylvania, Act 1978-323 (P.L. 1332) shall govern the emergency management activities of The City of York and the York City Emergency Management Agency and its York City Emergency Management Advisory Council except in circumstances where the "Emergency Management Services Code" does not address local provisions or conditions provided for by this article.
(Ord. 7-2001. Passed 9-4-01.)

ARTICLE 149
Fire Department

149.01 Composition, control and appointments.
149.02 Qualifications of Fire Chief.
149.03 Fire Chief powers and duties.
149.04 Fire Prevention Inspectors; authority.
149.05 Duties of Inspectors.
149.06 Declaration of fire hazard.
149.07 Proper condition of equipment.
149.08 Service of orders.
149.09 Appeal.
149.10 Elimination of fire hazard.
149.11 Report to Bureau of Health.
149.12 Construction of words and phrases.
149.13 Application.
149.14 Election and duties of trustees.
149.15 Treasurers to file reports.
149.16 Insurance for employees.
149.17 Use of fire apparatus outside City.
149.18 Compliance with rules.
149.99 Penalty.

CROSS REFERENCES

Organization and maintenance - see 3rd Class §2101 (53 P.S. §37101)
Platoon system; time of service - see 3rd Class §2103 (53 P.S. §37103)
Powers of Fire Marshal - see 3rd Class §2104 (53 P.S. §37104)
Firemen's Pension Fund - see ADM. Art. 171
Fire Code enforcement - see FIRE PREV. 1501.02

149.01 COMPOSITION, CONTROL AND APPOINTMENTS.

(a) The Fire Department shall consist of not more than eighty-three members and shall be under the direct supervision and control of the Mayor or his designee.

(b) All appointments to the Fire Department shall be in accordance with the Civil Service provisions of the Third Class City Code and shall be subject to approval of Council. (Ord. 23-1972 §1, 2. Passed 12-5-72.)

149.02 QUALIFICATIONS OF FIRE CHIEF.

The Fire Chief shall be appointed by the Mayor. The Fire Chief shall not engage in nor follow any other occupation or business, but he shall devote his entire time and attention to the duties of his office. The Fire Chief shall take the oath of office required to be taken by City officials, before assuming the duties of his office.
(Ord. 54-1960 §1. Passed 9-2-60.)

149.03 FIRE CHIEF POWERS AND DUTIES.

(a) The Fire Chief shall be ex officio fire marshal of the City and shall have the powers and perform the duties imposed upon fire marshals by 53 P. S. §37104 et seq.

(b) It shall be the duty of the Fire Chief to attend all fires and alarms of fire in the City and he shall have charge and direct the operation of the respective fire companies, unless prevented by illness or other reasonable cause.

(c) He shall have full power and authority over all paid Fire Department employees and over all firemen on the fire ground. He shall plan the strategy in overcoming the fire and issue and enforce such orders as in his judgment may be necessary for the protection of property and the extinguishment of the fire. He shall give all orders on the fire ground through channels of authority, unless by reason of an emergency it becomes necessary to give direct orders to any fireman who may be available for immediate action. Where orders are to be communicated to the trustees of any fire company by mail, such mail shall be addressed to the trustees of such company, rather than the chairman of the trustees. He shall make weekly visits to each of the fire companies belonging to the Department. He shall have full charge of all apparatus and equipment, order all necessary repairs and see to it the apparatus and equipment are at all times in good serviceable condition. He shall, with the approval of the Director of Public Safety, designate the location of all new fire hydrants and fire alarm boxes. He shall prepare rules and regulations for the operation of the Department at large and shall submit copies for the approval of the Director of Public Safety.

(d) It shall be the duty of the Fire Chief, Assistant Chiefs or other officers in charge at the scene of a fire, if in their judgment it becomes necessary, to rope off highways adjacent to such fire, in order to prevent interference by the public.

(e) The Fire Chief, and assistant fire chiefs are hereby invested with authority to make arrests and to have all the powers conferred by law upon police officers at the scene of the fire. (1944 Code Ch. 10 §8, 10, 13.)

149.04 FIRE PREVENTION INSPECTORS AUTHORITY.

In the interest of public safety and security from fire, the Fire Chief and the full-time Assistant Fire Chiefs are hereby designated as Fire Prevention Inspectors and shall have full power and authority:

(1) To enforce all laws, ordinances, rules and regulations relating to the manufacture, sale, storage or transportation of flammable or explosive substances; and

(2) At any and all reasonable times to enter upon and into any building or premises, within the City, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence, arrangement or location of all appliances, materials, substances, goods, wares, or merchandise therein to determine whether or not a fire hazard exists. (Ord. 33-1952 §1.)

149.05 DUTIES OF INSPECTORS.

Fire Prevention Inspectors shall inspect as often as may be necessary, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of law, ordinance, rule or regulation relating to fire hazards. The interiors of private dwellings are subject to the provisions of this article, except that inspection thereof shall be made only when the Fire Chief receives a written complaint of the existence of a fire hazard therein. (Ord. 33-1952 §2.)

149.06 DECLARATION OF FIRE HAZARD.

If a Fire Prevention Inspector finds upon inspection of any building or premises any rubbish, debris, waste, flammable or combustible materials and that the same or any appliances, goods, wares or merchandise are not so arranged or placed as to afford reasonable safeguard against the danger of fire, or finds that any thereof are so arranged and placed that the occupants or persons rightfully on or in such buildings or premises would not, because of such arrangement and disposition, be afforded reasonable access to the exits in case of fire, or finds that by reason of such arrangement or disposition, the members of the Fire Department would unnecessarily or unreasonably be interfered with in the exercise of their duties in case of fire, he shall declare the same a fire hazard and order in writing its elimination.
(Ord. 33-1952 §3.)

149.07 PROPER CONDITION OF EQUIPMENT.

If a Fire Prevention Inspector finds that the equipment for protection against fire on or in any building or premises is not in proper condition and in conformity with all laws, ordinances, rules and regulations relating thereto, he shall order in writing that such equipment be placed in proper condition and in conformity with all laws, ordinances, rules and regulations relating thereto. (Ord. 33-1952 §4.)

149.08 SERVICE OF ORDERS.

The service of orders shall be made upon the owner, lessee, occupant or agent of any of them, of the building or premises affected either by delivering to and leaving with such individual or any person in charge of the building or premises a copy of the same, or in case no such person is found, by posting a copy thereof in a conspicuous place on the premises. The owner, lessee, occupant, person in charge, or agent of any of them, of such building or premises shall comply with such order or orders within forty-eight hours after service, unless an appeal is taken. (Ord. 33-1952 §5.)

149.09 APPEAL.

Any person aggrieved by any order may, within forty-eight hours after such order has been served, appeal to the Director of Public Safety who shall make such order in the premises as he deems right and reasonable, and fix the time within which the same shall be complied with. (Ord. 33-1952 § 6.)

149.10 ELIMINATION OF FIRE HAZARD.

In addition to other lawful remedies, a Fire Prevention Inspector, together with workmen, may enter at any time any building or premises in the City for the purpose of eliminating a fire hazard, and he and they are hereby authorized and empowered to eliminate such fire hazard. The costs and expenses of the elimination of fire hazards shall be recoverable from the owner of such building or premises from which the hazard is eliminated, or from any person causing or maintaining the same in the same manner as fines and penalties for violation of an ordinance. The cost of removal may be entered as a lien against such property in accordance with existing provisions of law. (Ord. 33-1952 §8.)

149.11 REPORT TO BUREAU OF HEALTH.

Where a Fire Prevention Inspector finds a fire hazard condition to exist detrimental to life or health which has not been corrected within forty-eight hours after written notice, he shall report the same to the Bureau of Health, to take such action as they deem necessary, This procedure shall be additional to any other remedy granted in this article. (Ord. 33-1952 §9.)

149.12 CONSTRUCTION OF WORDS AND PHRASES.

Words and phrases in this article shall be construed according to rules of grammer and according to their common and approved usage. Technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in this article shall be construed according to such peculiar and appropriate meaning or definition.
(Ord. 33-1952 § 10.)

149.13 APPLICATION.

The provisions of this article shall extend to, apply to, cover and regulate all buildings, premises, temporary structures, tents and other shelters on lands owned, controlled or managed by the City or an agency or bureau thereof within the corporate limits of the City. (Ord. 44-1955 § 1.)

149.14 ELECTION AND DUTIES OF TRUSTEES.

The various fire companies of the Fire Department shall, at their annual election of officers, elect a board of trustees, designating, in accordance with the provision of the by-laws of their respective companies, one member to act as chairman of the board. The trustees of the respective companies shall be the overseers of the buildings, shall be responsible for maintaining proper order, purchase all supplies or services necessary for proper maintenance and cleanliness, from appropriations made by Council. The firemen assigned to the respective fire houses shall be required to obey the rules and regulations of the board of trustees transmitted through the chairman only, with respect to chores to be done in and around the fire house, in addition to any rules and regulations deemed necessary for conducting the affairs of the company in an orderly manner. (1944 Code Ch. 10 §4.)

149.15 TREASURERS TO FILE REPORTS.

The treasurers of the respective companies shall, and are hereby required to, keep a correct account of the expenditures made by each company of the amounts annually appropriated by the City for their use and shall file the same with the City Controller not later than January 31 of each year. (1944 Code Ch. 10 §5.)

149.16 INSURANCE FOR EMPLOYEES.

In order to promote economy and uniformity in the matter of compensation insurance covering employees of the Fire Department, the City shall carry the necessary insurance for such purpose. (1944 Code Ch, 10 §16.)

149.17 USE OF FIRE APPARATUS OUTSIDE CITY.

(a) No fire apparatus of the City shall be used outside of the City to fight fires in any political subdivision (city, borough or township) unless such use outside the City is ordered by one of the officials designated in this section.

(b) Use of the fire apparatus outside of the City may be ordered by the Fire Chief or, during his absence from the City, by the Assistant Fire Chief who shall be in charge of the Fire Department during the absence of the Fire Chief. If the Fire Chief, or in his absence the Assistant Fire Chief in charge of the Department, cannot be located, the Director of Public Safety may order such use outside of the City. (Ord. 41-1947 §1,2.)

149.18 COMPLIANCE WITH RULES.

All members of the Fire Department shall conform with and abide by the rules and any subsequent rules or amendments adopted by the Fire Department, Civil Service Board, Director of Public Safety and Council. Failure of any member to conform to or abide by such rules shall subject such member to disciplinary action. (1972 Code §10-24.)

(EDITOR'S NOTE: Fire Department rules were adopted by Ordinance 61-1957.)

149.99 PENALTY.

Whoever violates any provision of this article or violates or fails to comply with any order or regulation made thereunder, or obstructs or prevents or attempts to obstruct or prevent a Fire Prevention Inspector in the discharge of his duties, shall, upon conviction thereof, be fined not more than one thousand dollars ($1,000) for the first two offense(s) with costs, and not exceeding five thousand dollars ($5,000) for the third and any subsequent offense and in default of payment thereof shall be imprisoned for not more than ninety days, or both. The imposition of a fine for any violation of this article or any order or regulation made thereunder shall not excuse the violation or permit it to continue and every person shall be required to obey the order within the time limit as specified heretofore. Every day upon which any person continues to violate any provision of this article or any order or regulation made thereunder, shall constitute a separate offense. The imposition of the above fine shall not be held to prevent the enforced change of prohibited condition at the cost of the person responsible therefor. (Ord. 1-2009. Passed 1-6-09.)

ARTICLE 151
Department of Community Development

151.01 Powers and duties; Director. (Repealed)

151.02 Rehabilitation for low and moderate income housing. (Repealed)

CROSS REFERENCES

Urban Redevelopment Law - see 35 P.S. §1701 et seq.
Human Relations Commission - see ADM. Art. 185
Citizens Advisory Committee to review redevelopment programs - see ADM. 199.01
Tax exemption for certain dwelling improvements - see BUS. REG. & TAX. Art. 307
Historic York - see BLDG. & HSG. Art. 1731

151.01 POWERS AND DUTIES; DIRECTOR.

(EDITOR'S NOTE: This section was repealed by Ordinance 2-1994, passed February 1, 1994. See Section 123.09, Office of Economic Development.)

151.02 REHABILITATION FOR LOW AND MODERATE INCOME HOUSING.

(EDITOR'S NOTE: This section was repealed by Ordinance 2-1994, passed February 1, 1994. See Section 123.09, Office of Economic Development.)

ARTICLE 153
Historic Monument Preservation Fund

153.01 Purpose.
153.02 Funds to be used.
153.03 Timing of contribution.
153.04 Investment of funds.
153.05 Distribution of funds.

153.01 PURPOSE.

The purpose of the Historic Monument Preservation Fund is to establish a means to provide that money will be available to maintain and preserve historic monuments located within the City of York in perpetuity.
(Ord. 26-2007. Passed 9-4-07.)

153.02 FUNDS TO BE USED.

Money escheated to the City of York in the Unclaimed Moneys Fund established by Section 137.11 of the Codified Ordinances of the City of York, and the interest earned by the Fire Escrow Fund, established by Section 1512 of the Codified Ordinances of the City of York, will be used to establish the Historic Monument Preservation Fund. The City of York may make additional contributions to the Fund. The initial contribution into the Fund will consist of $40,000 from the Fire Escrow Fund and $4,000 from the Unclaimed Moneys Fund, which is being abolished. (Ord. 26-2007. Passed 9-4-07.)

153.03 TIMING OF CONTRIBUTION.

The initial contribution to the Fund will be made as soon as practicable after the passing of the Ordinance. Future contributions will be made as required.
(Ord. 26-2007. Passed 9-4-07.)

153.04 INVESTMENT OF FUNDS.

Funds contributed as described above will be invested in the York County Community Foundation with full title to be held by it as the property of the Foundation in its corporate capacity. Assets of the Fund will be invested and reinvested as described in Exhibit A, the York City Historic Monument Preservation Fund Instrument of Gift for a Designated Fund.
(Ord. 26-2007. Passed 9-4-07.)

153.05 DISTRIBUTION OF FUNDS.

Distributions will be made annually upon the City of York's submitting to the Foundation projected expenses for costs directly associated with routine and annual maintenance of historic monuments and cemeteries. Distributions from the Fund may be made for other than routine maintenance (major cleaning, reconstruction, etc.) from the principal, if necessary, if the request is made by the City of York's Investment Committee (consisting of the Mayor, Controller, and Treasurer) and the consent of the York City Council.

(Ord. 26-2007. Passed 9-4-07.)

Amended Ordinance 3-2012

ARTICLE 155
Public Library Funding

155.01 Purpose.
155.02 Appropriation.
155.03 Budget and tax levy.
155.04 Distribution of appropriation.
155.05 Annual report and audit.

155.01 PURPOSE.
This article shall be known as Public Library Funding. Its purpose is to establish an annual appropriation out of the City's current revenue to assist in maintaining Martin Library, a free and public library open and operating for use of the residents of the City.
(Ord. 21-2010. Passed 8-17-10.)

155.02 APPROPRIATION.
The City hereby agrees, beginning with the 2011 budget year, to maintain or assist in the maintenance of the Martin Library and each year shall appropriate from its budget in accordance with Section 401 of the Act of June 14, 1961, P.L. 324, No. 188, known as the Library Code at a level of financial support that will ensure the library will have an income from the City of not less than one**-half** dollar ~~($1.00)~~**($.50)** ~~and not more than two dollars ($2.00)~~ per capita for the population of the City as established by the most recent census and Martin Library will then be able to qualify annually for state financial aid in accordance with Section 303 of the Act of June 14, 1961, P.L. 324, No. 188, known as the Library Code.
(Ord. 21-2010. Passed 8-17-10.)

155.03 BUDGET AND TAX LEVY.
(a) The City shall establish a specific line item within its annual budget for the funding for Martin Library as set out by Section 155.02.

(b) The City may establish a special property tax levy each year for the appropriation established by this article for Martin Library as authorized by Section 401 of the Act of June 14, 1961, P.L. 324, No. 188, known as the Library Code.
(Ord. 21-2010. Passed 8-17-10.)

155.04 DISTRIBUTION OF APPROPRIATION.

Beginning in 2011, by July 1 of each year, the City shall distribute to Martin Library the total amount appropriated for it from the budget.
(Ord. 21-2010. Passed 8-17-10.)

155.05 ANNUAL REPORT AND AUDIT.

(a) Each year during the budget process, Martin Library shall present a written report to the Mayor and Council and participate in any budget hearings held as part of the annual budget process.

(b) As part of the annual written report to the Mayor and Council, Martin Library shall present an audit showing the use of the City's annual appropriation. The City reserves the right to conduct its own audit of its appropriation.
(Ord. 21-2010. Passed 8-17-10.)

TITLE SEVEN - Employment Provisions; Pensions and Benefits.

Art. 161. Pension Boards.
Art. 163. Civil Service Boards.
Art. 165. Employment Provisions.
Art. 167. Officers and Employees Retirement System.
Art. 169. Police Officer's Pension Fund.
Art. 171. Firefighter's Pension Fund.

ARTICLE 161
Pension Boards

161.01 Continuation of existing boards; Board of Trustees.
161.02 Pension funds aggregated into single pension trust fund.

CROSS REFERENCES

Board of Trustees - see 53 P.S. §895.101 et seq.
Police Pension Fund - see ADM. Art. 169
Firemen's Pension Fund - see ADM. Art. 171

161.01 CONTINUATION OF EXISTING BOARDS; BOARD OF TRUSTEES.

(a) Notwithstanding any provisions of this article to the contrary, including repealing clauses, the various pension boards as now existing under present ordinances shall continue to function as prescribed by such ordinances.

(b) In addition to the existing boards as preserved by subsection (a) hereof there shall also be a Board of Trustees appointed pursuant to the provisions and mandates of Act 205 and in accordance with the resolutions of the existing boards and Section 161.02.
(Ord. 23-1986 §1. Passed 12-16-86.)

161.02 PENSION FUNDS AGGREGATED INTO SINGLE PENSION TRUST FUND.

(a) Whereas, the City has elected to participate in Recovery Program Level III, pursuant to Act 205 of 1984; and

Whereas, Section 606(G) of Act 205 requires that the participating municipality aggregate the assets of its pension plans into a single pension trust fund and that the pension trust fund shall be managed by a Board of Trustees; and

Whereas, the Act further states that the Board of Trustees shall include at least one representative of the active membership of each pension plan who shall be elected by such membership and that the remaining members shall be chosen from the managing boards or entities of the affected pension plans; and

Whereas, the managing boards of the Police, Firemens and Officers and Employees Pension Funds resolved to create the Board of Trustees as required by Act 205;

Now, therefore, be it resolved, by Council that the assets of the three pension funds shall be aggregated into a single pension trust fund and that a Board of Trustees shall be created to manage the aggregated pension trust fund pursuant to applicable law and that the Board of Trustees shall be composed of:

(1) The two persons selected from among the paid members of the Fire Department to serve on the managing board;

(2) The person selected among the police officers and chosen by the police officers to serve on the managing board and the person selected among the pensioned police officers to serve on the managing board;

(3) The two employees chosen by the officers and employees contributing to the retirement fund to serve on the managing board; and

(4) The Mayor, Controller, Treasurer and Business Administrator.

(b) The Mayor is authorized and the Controller, Managing Boards and Board of Trustees are authorized and directed to execute the necessary documents to aggregate the pension plan into a single trust fund. (Res. 179-1986. Passed 11-5-86.)

ARTICLE 163
Civil Service Boards

163.01 Continuation of existing boards; jurisdiction.

CROSS REFERENCES

Appointment of examining boards - see 3rd Class §4402 (53 P.S. § 39402)
Examination regulations - see 3rd Class §4404 (53 P.S. §39404)
Boards attached to Administration Department - see ADM. 133.01(d)

163.01 CONTINUATION OF EXISTING BOARDS; JURISDICTION.

The various Civil Service Boards as now constituted by the Third Class City Code and the Firemen's Civil Service Act (Act May 11, 1933; P.L. 1108) shall continue to function as prescribed by such statutes, notwithstanding any other provisions of this article, including repealing clauses, to the contrary. They shall be under the jurisdiction of the Department of Administration. (Ord. 2-1962 §343; Ord. 15-1969 §3.)

ARTICLE 165
Employment Provisions

165.01 Oath of office.
165.02 Contract interest; conflict of interest.
165.03 Conviction of crime.
165.04 Refusal to testify.
165.05 Cooperation with other political subdivisions.
165.06 Appointment of other officers and employees.
165.07 Residency requirements.
165.08 Blanket bond.
165.09 Federal social security benefits.
165.99 Penalty.

CROSS REFERENCES

Employee provisions - see 3rd Class §901 et seq. (53 P. S. §35901 et seq.)
Oath of office - see 3rd Class §905 (53 P. S. §35905)
Bonds of officers - see 3rd Class §906 et seq. (53 P. S. §35906 et seq.)

165.01 OATH OF OFFICE.

All officials of the City, at the time of taking office, shall be required to take and subscribe the usual oath or affirmation before the Mayor or some other person qualified by law to administer oaths or affirmations and to file such oath with the City Clerk.
(1944 Code Ch. 1 §12.)

165.02 CONTRACT INTEREST; CONFLICT OF INTEREST.

(a) No officer or employee of the City shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, to be furnished or performed for the City; and no such officer or employee shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, to be furnished or performed for any person operating any inter-urban railway, street railway, bus line, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of such City.

(b) No officer or employee of the City shall accept or receive, directly or indirectly, from any person operating within the territorial limits of a City, any inter-urban railway, bus line, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise any frank, free pass, free ticket or free service or accept or receive, directly or indirectly, from any person any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the City officials heretofore provided by any franchise or ordinance be affected by this section.

(c) No candidate for office, appointment or employment and no officer, appointee or employee of the City shall directly or indirectly give or promise any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

(d) No officer or employee of the City, personally or by a partnership, firm or association of which he is a member, shall, except in the performance of his duties as such officer or employee or except with respect to matters of a ministerial nature, represent or accept employment from or be retained by any person in relation to any matter pending before or involving the City or any board or commission thereof; nor shall he, or any partnership, firm or association of which he is a member, following termination of his service with the City, represent any person adverse to the City in relation to any matter which he personally participated during his period of City service or employment. (Ord. 2-1962 §601.)

165.03 CONVICTION OF CRIME.

Any person convicted of a crime or offense involving moral turpitude may be ineligible to assume any City office, position or employment and, upon conviction thereof while in office, may have to forfeit his office. In determining whether a person who has been convicted of a crime or offense involving moral turpitude is eligible to hold a City office, position or employment, or whether a person must forfeit his office pursuant to this provision, the City shall take the following factors into consideration:

(a) The temporal proximity of the crime or offense in question to the date the person has applied for or been appointed to any City office, position or employment;

(b) The duties and responsibilities of the City office, position or employment in question;

(c) The nature and elements of the crime or offense involving moral turpitude for which the person has been convicted; and

(d) Any other factors based on the crime or offense involving moral turpitude that weigh on the ability of the person to perform the duties and responsibilities of the office, position or employment.

(Ord. 8-2010. Passed 3-2-10.)

165.04 REFUSAL TO TESTIFY.

If any person hereafter elected or appointed to any office or position in the City shall, after lawful notice or process, willfully refuse or fail to appear before any court, any legislative committee or the Governor or, having appeared, refuses to testify or to answer any question regarding the property, government or affairs of the City which fall within the scope of his duties or the conduct of his office or regarding his nomination, election, appointment or official conduct or refuses to execute a waiver of immunity from prosecution on account of any such matter in relation to which he may be asked to testify, he may be removed from office by Council in its discretion. Any person removed from office pursuant shall not thereafter be eligible for election or appointment to any office or employment in the City.
(Ord. 2-1962 §603.)

165.05 COOPERATION WITH OTHER POLITICAL SUBDIVISIONS.

The City recognizes that, under modern conditions of metropolitan growth, the boundary lines of governmental subdivisions rarely reflect the boundary lines of governmental services and activities. Therefore, all officers and employees of the City shall take all action desirable and necessary to establish and carry out cooperative programs with other governmental subdivisions in the area and vicinity of the City to the end that greater efficiency and economy of operation and improved quality of service will result. (Ord. 2-1962 §606.)

165.06 APPOINTMENT OF OTHER OFFICERS AND EMPLOYEES.

(a) All City officers and employees not otherwise specifically provided for shall be appointed, as provided in Section 121.03. No such appointment shall be made unless funds therefor are contained in the current budget, or are provided for by supplemental appropriations, and it shall be the responsibility of the Mayor to determine what other officers and employments are necessary for the proper governance of the City.

(b) Department heads shall employ to the fullest extent possible, people who are City residents and shall exercise all possible recruitment efforts to employ such residents, including advertising in newspapers and contacting employment agencies.
(Ord. 2-1962 §333; Ord. 30-1962 §1; Ord. 82-1966 §1; Ord. 7-1968 §1; Ord. 98-1968 §1.)

165.07 RESIDENCY REQUIREMENTS.

(a) "Employee" means any person appointed to any position of employment by the City, whether such employment be full or part-time provided such person receives financial compensation from the City subject to withholding taxes by the State or Federal government.

(b) "Residence" means the actual domicile where the employee normally eats and sleeps and maintains a normal household.

(c) All persons who shall become employed by the City (other than department heads who remain subject to the provisions of Section 121.03(b)) on or after the effective date of this section shall be or become residents of the City within six months from the first date the employee achieves permanent employment status.

(d) All new employees, once their residence in the City is established, shall be required to maintain residence within the City during their employment. Failure to do so shall be determined to be a forfeiture of employment.

(e) Effective February l, 1994, and thereafter annually, every employee of the City shall file, with the City Controller, a certificate stating the employee's name and place of residence. Such a residence certificate shall be signed under penalty of perjury. The City Controller may also, from time to time, require proof of the bona fide residence of any employee of the City, to determine such employee's eligibility to receive financial compensation from the City.

(f) Officials and employees of the City shall be subject to such residency requirement as may now or in the future be imposed by the laws of the Commonwealth of Pennsylvania or by any contract or agreement resulting from the collective bargaining process. (Ord. 3-1994 §1. Passed 2-l-94.)

165.08 BLANKET BOND.

Any officer or employee of the City who is or may be required to give bond to the City conditioned for the faithful performance of his duties, except such officers and employees who are required by law to give individual bonds, may be covered by public employees blanket bond, the amount and coverage thereof to be determined by the Mayor.
(Ord. 2-1962 §334.)

165.09 FEDERAL SOCIAL SECURITY BENEFITS.

(a) The Mayor and the City Clerk are authorized to execute and deliver to the State Agency a plan and agreement required under the provisions of the Federal Social Security Act and the State Enabling Act to extend coverage to:

(1) Employees who express a preference for social security, previously excluded from coverage by reason of their membership in a retirement system; and

(2) Employees with whom such membership is optional and who express a preference for social security.

(b) The City Treasurer is hereby authorized to make all required payments into the contribution fund established by the Enabling Act and to establish such system of payroll deductions from salaries of officers and employees as may be necessary to their coverage under the Social Security Program.

(c) Council hereby appropriates from the proper funds the amounts necessary to pay into the contribution fund as provided in the Enabling Act and in accordance with the plan and agreement.

(d) The proper City officials shall do all things necessary to the continued implementation of the Social Security Program in accordance with the provisions contained in the plan and agreement and the authorizing laws.

(e) Coverage of the groups included in this section commences July 1, 1960.
(Res. Passed 6-17-60.)

165.99 PENALTY.

Any officer or employee who violates any provisions of Section 165.02 shall, upon conviction thereof, be fined not more than one thousand dollars ($1,000) and costs of prosecution and, in default of payment thereof shall be imprisoned for not more than ninety days, or both. (Ord. 1-2009. Passed 1-6-09.)

ARTICLE 167
Officers and Employees Retirement System

EDITOR'S NOTE: Pursuant to Ordinance 39, passed December 1, 2009, Council amended and reenacted Article 167 to bring it into compliance with the Internal Revenue Code. Copies available at City Hall.

View Article 167

ARTICLE 169
Police Officer's Pension Fund

EDITOR'S NOTE: Pursuant to Ordinance 37, passed December 1, 2009, Council amended and reenacted Article 169 to bring it into compliance with the Internal Revenue Code. Copies are available at City Hall.

View Article 169

ARTICLE 171
Firefighter's Pension Fund

EDITOR'S NOTE: Pursuant to Ordinance 38, passed December 1, 2009, Council amended and reenacted Article 171 to bring it into compliance with the Internal Revenue Code. Copies are available at City Hall.

View Article 171

(NOTE: The next printed page is page 87.)

TITLE NINE - Authorities, Boards and Commissions

Art. 181. General Provisions.
Art. 183. Fair Housing.
Art. 185. Human Relations.
Art. 187. Authorities.
Art. 189. Planning Commission.
Art. 190. Construction Board of Adjustment and Appeals.
Art. 191. Zoning Hearing Board.
Art. 193. Advisory Council on Recreation and Parks.
Art. 194. Educational Service Agency.
Art. 195. Tax Review Board.
Art. 197. Citizen's Grievance Committee. (Repealed)
Art. 199. Citizen's Advisory Committee.

ARTICLE 181
General Provisions

181.01 Member qualifications, expenses, term and removal.

CROSS REFERENCES
Power to regulate internal affairs - see 3rd Class Charter Law §303(1)

181.01 MEMBER QUALIFICATIONS, EXPENSES, TERM AND REMOVAL.

(a) No person shall serve as a member of any City board or commission who is not throughout his term of service, a resident of the City unless Council, by resolution, states otherwise.

(b) No member of Council or other City officer or employee shall serve as a member of any City board or commission except as is specifically provided for in this article.

(c) No member of any board or commission shall receive any compensation for his services, but he shall be reimbursed for any necessary expenses actually incurred by him in the performance of his official duties. Any board or commission, itself incurring or requiring the expenditure of funds in connection with its official duties, shall request the same from the director of the department to which the board or commission is attached. It shall be the duty of any such director to provide for such expenses and expenditures in his budget request for each fiscal year and to designate such provision as being for the work of the board or commission and its members involved.

(d) The terms of all members of the City Planning Commission, Recreation Commission, and Zoning Hearing Board shall be on a staggered basis; that is, appointment for the initial terms of the members of the Planning Commission and Recreation Commission shall be for one, two, three, four and five years with all subsequent appointments to be for terms of five years. Appointment for the initial terms of the members of the Zoning Hearing Board shall be for one, two and three years with all subsequent appointments to be for terms of three years.

(e) In any case where appointment to any board or commission is made by the Mayor with the advice and consent of Council, except for appointments to the Zoning Hearing Board, the appointee may be removed at the pleasure of the Mayor and the vacancy thus created filled for the balance of the unexpired term.
(Ord. 2-1962, §347.)

ARTICLE 183
Fair Housing

183.01	Definitions.	183.04	Exemptions.
183.02	Scope.	183.05	Enforcement by Prohibited acts Commission.
183.03			

CROSS REFERENCES

Housing and development assistance, discrimination - see 35 P.S. Sec. 1664

Discrimination and Human Relations Commission - see ADM. Art. 185

Unlawful housing practices - see ADM. 185.03

Citizens Advisory Committee to review housing programs - see ADM. 199.01(c)

183.01 DEFINITIONS.

As used in this article, unless a different meaning clearly appears from the content, the following terms shall have the following meanings. Words importing the masculine extend and shall be applied to the feminine and neuter genders.

(a) "Commission" means the City Human Relations Commission.

(Ord. 25-1991 Sec. 1. Passed 12-3-91.)

(b) "Discriminate" or "discrimination" means any difference in treatment in the sale, lease, rental or financing of housing units or housing accommodations because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(Ord. 3-1993 Sec. 1. Passed 2-16-93.)

(c) "Housing unit" means a single room or suite of rooms, or an apartment or dwelling, occupied or intended for occupancy as separate living quarters by any person or a family, or a parcel of real property or a lot available for the construction of a housing unit.

(d) "Lending institution" means any person, as defined in this article, regularly engaged in the business of lending money or guaranteeing loans.

(e) "Owner" includes the lessee, sub-lessee, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing unit which is part of a housing accommodation or to furnish services in connection therewith.

(f) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, independent contractor, lending institution and the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof.

(g) "Real estate broker" means any natural person, partnership, association or corporation who, for a fee or other valuable consideration, or other purposes, sells, purchases, exchanges or rents, or negotiates or offers or attempts to negotiate, the sale, purchase, exchange or rental of the real property of another, or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another or attempts to secure the listing for sale or rental of a housing unit by representing that a change has occurred or will or may occur with respect to the racial, religious, ethnic, handicap or disability, or familial status composition of the street, block, neighborhood or area in which such housing accommodation is located.

(h) "Real estate sales person or agent" means any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker, or providing any services in connection therewith.

(Ord. 25-1991 Sec. 1. Passed 12-3-91.)

(i) "Sexual orientation" means male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others.

(Ord. 3-1993 Sec. 1. Passed 2-16-93.)

183.02 SCOPE.

This article applies to discriminatory housing units located within territorial limits of the City. (Ord. 25-1991 Sec. 1. Passed 12-3-91.)

183.03 PROHIBITED ACTS.

(a) No real estate broker or real estate sales person or agent, or owner or other person shall refuse to sell, lease, sublease, rent, assign or otherwise transfer or refuse to negotiate for the sale, lease, sublease, rental, assignment or other transfer of the title, leasehold or other interest in any housing unit to any person, or represent that a housing unit is not available for inspection, sale, lease, sublease, rental, assignment or other transfer when in fact it is so available, or otherwise deny or withhold any housing unit from any person because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(b) No owner shall refuse to sell, lease, sublease, rent, assign or otherwise transfer the title, leasehold or other interest in any housing unit, which is part of a housing unit to a person, or otherwise deny or withhold such housing unit or deny or withhold the furnishing of services in connection therewith from any person because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(c) No real estate broker or real estate sales person or agent shall include in the terms, conditions, privileges or services in connection therewith of any sale, lease, sublease, rental, assignment or other transfer of any housing unit, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing unit because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap or the user or because the user is a handler or trainer of support or guide animals.

(d) No person shall include in the terms, conditions or privileges of the sale, lease, sublease, rental, assignment or other transfer of a housing unit, which is part of a housing accommodation, any clause, condition or restriction discriminating against any person in the use or occupancy of such housing unit because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(e) No person shall discriminate in the furnishing of any facilities or services for a housing unit, which is part of a housing accommodation, because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(f) No lending institution shall discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing unit or housing accommodation, because of race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.

(g) No real estate broker, real estate sales person or agent, owner or any other person or any lending institution shall publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or announce a policy, or use any form of application for the purchase, lease, rental or financing of housing, or make any record or inquiry in connection with the prospective purchase,

rental or lease of housing, which expresses directly or indirectly any limitation, specification or discrimination as to race, color, handicap or disability, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals, or any intent to make any such limitation, specification or discrimination.
(Ord. 3-1993 Sec. 2. Passed 2-16-93.)

(h) No person, whether or not a real estate broker, real estate sales person or agent, owner or lending institution, shall aid, incite, compel, coerce or participate in the doing of any act declared to be unlawful housing practice under this article, or obstruct or prevent enforcement or compliance with the provisions of this article of any rule, regulation or order of the Commission, or attempt directly or indirectly to commit any act declared by this article to be an unlawful housing practice.
(Ord. 25-1991 Sec. 1. Passed 12-3-91.)

183.04 EXEMPTIONS.

Nothing in this article shall bar any religious or denominational institution or religious or denominational organization which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, as long as such selection or preference is not on the basis of race, color, handicap or disability, familial status, creed, ancestry, age, sex, national origin, sexual orientation, or the use of a guide or support animal because of the handicap of the user or because the user is a handler or trainer of support or guide animals.
(Ord. 3-1993 Sec. 3. Passed 2-16-93.)

183.05 ENFORCEMENT BY COMMISSION.

The provisions of this article shall be enforced by the Human Relations Commission pursuant to procedure and regulations which they shall establish.
(Ord. 25-1991 Sec. 1. Passed 12-3-91.)

ARTICLE 185
Human Relations
Amended Ord. 42 of 2011

185.01 Short title.
185.02 Findings and declaration of policy.
185.03 General purpose.
185.04 Definitions.
185.05 Unlawful discriminatory practices in employment.
185.06 Unlawful discriminatory practices in housing.
185.07 Unlawful discriminatory practices in public accommodation.
185.08 Religious observance.
185.09 Abortion and sterilization; immunity from requirement to perform; unlawful discriminatory practices.
185.10 Human Relations Commission; powers and duties.
185.11 Procedure.
185.12 Enforcement and judicial review.
185.13 Conflict.
185.14 Authorization to receive donations.
185.15 Additional coverage.
185.99 Penalty.

CROSS REFERENCES

Housing and redevelopment assistance, discrimination - see 35 P.S. §1664
Pennsylvania Human Relations Act - see 43 P.S. §951 et seq.
Fair Housing - see ADM. Art. 183
Commission to enforce fair housing provisions - see ADM. 183.05

185.01 SHORT TITLE.

This act may be cited as the "City of York Human Relations Ordinance." (Ord. 9-98. Passed 9-15-98.)

185.02 FINDINGS AND DECLARATION OF POLICY.

(a) The practice or policy of discrimination against individuals or groups by reason of their race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals is a matter of concern of the City. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the City, and undermines the foundations of a free democratic society.

The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the City of earnings necessary to maintain decent standards of living, necessitates a resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public health and welfare, compels many individuals to live in dwellings which are substandard, unhealthy and overcrowded, resulting in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, hereby threatening the peace, health, safety and general welfare of the City and its inhabitants.

(b) It is hereby declared to be the public policy of this City to foster the employment of all individuals in accordance with their fullest capacities regardless of their race, color, religious creed, ancestry, age, familial status, sex, national origin, sexual orientation, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals, and to safeguard rights to obtain and hold employment without such discrimination, to assure equal opportunities to all individuals and to safeguard rights to public accommodation and to secure housing accommodation and commercial property regardless of race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, disability, use of guide or support animals because of the disability of the user or because the user is a handler or trainer of guide or support animals.

(c) This article shall be deemed an exercise of the powers granted to the City under applicable State and Federal laws for the protection of the public welfare, prosperity, health and peace of the people of the City of York. The provisions of this article shall be construed liberally for the accomplishment of the purposes therein.
(Ord. 9-98. Passed 9-15-98.)

185.03 GENERAL PURPOSE.

The opportunity for an individual to obtain employment for which he is qualified, and to obtain all the accommodations, advantages, facilities and privileges of any public accommodation and of any housing accommodation and commercial property without discrimination because of race, color, familial status, religious creed, ancestry, disability, age, sex, national origin, sexual orientation, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals is hereby recognized as and declared to be a civil right which shall be enforceable as set forth in this article.
(Ord. 9-98. Passed 9-15-98.)

185.04 DEFINITIONS.

As used in this article, unless a different meaning clearly appears from the context, certain terms are defined as follows. Words importing the masculine extend and shall be applied to the feminine and neuter genders.

(a) "Accessible" means being in compliance with the applicable standards set forth in the following:
  (1) The Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.);
  (2) The Americans with Disabilities Act of 1990 (Public Law 101-336, 42 U.S.C. § 12101 et seq.);
  (3) The act of September 1, 1965 (P.L. 459, No. 235, 71 P.S. § 1455.1 et seq.), entitled, as amended, "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical disabilities, and providing for enforcement;" and
  (4) Other applicable Federal, State or local laws or regulations covering accessibility or accommodations.

(b) "Age" includes any person eighteen (18) years of age or older.

(c) "Aggrieved person" means any person who claims to have been injured by a discriminatory practice or believes that a discriminatory practice is about to occur.

(d) "Commercial property" means:
  (1) Any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and
  (2) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

(e) "Commission" means the City of York Human Relations Commission.

(f) "Disability," with respect to a person, means:
  (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
  (2) A record of having such an impairment; or
  (3) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802).
  (4) As used in this paragraph, the phrase:
    A. "Physical or mental impairment" means a physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine or a mental or psychological disorder, such as mental illness, and specific learning disabilities.
    B. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

C. "Has a record of such an impairment" means has a physical or mental impairment that does not substantially limit major life activities but that is treated by an employer or owner, operator or provider of a public accommodation as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined in subsection(f)(4)A. hereof but is treated by an employer or owner, operator, or provider of a public accommodation as having such an impairment.

(g) "Discriminate" means any difference in treatment in hiring, referring for hire, promoting, training, membership in employee or labor organizations, the sale, lease, rental or financing of housing, rendering service in places of public accommodation, because of race, color, familial status, religious creed, ancestry, age, sex, national origin, sexual orientation, disability, or the use of guide or support animals because of the disability of the user or because the user is a handler or trainer of support or guide animals. The term "discrimination" includes segregation, and also includes any act which is unlawful under this article.

(h) "Employee" does not include:

(1) Any individual employed in agriculture or in the domestic service of any person;

(2) Any individuals who, as a part of their employment reside in the personal residence of the employer;

(3) Any individual employed by said individual's parents, spouse or child.

(i) "Employer" means any person who employs four or more employees within the City of York, including the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York, but excluding any religious group where selection is on the basis of membership in the religious group and not on the basis of race, color, familial status, ancestry, age, sex, national origin, sexual orientation, disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(j) "Employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(k) "Fair Housing Act" means Public Law 90-284, 42 U.S.C. § 3601 et seq.

(l) "Familial status" means one or more individuals who have not attained the age of eighteen years being domiciled with:

(1) A parent or other person having legal custody of such individual or individuals; or

(2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

NOTE: The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(m) "Housing accommodation" includes:

(1) Any building, structure, mobile home site or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and

(2) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility.

The term "housing accommodation" shall not include any personal residence, limited to the exceptions in §804 (except (c)) of the Fair Housing Amendments Act of 1988. (See "u" below).

(n) "Housing for older persons" means housing:

(1) Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program and subordinate to any determination made by the Secretary of Housing and Urban Development with respect to federally-assisted programs); or

(2) Intended for, and solely occupied by, persons sixty-two years of age or older; or

(3) Intended and operated for occupancy by persons fifty-five years of age or older, and:

A. At least eighty percent (80%) of the occupied units are occupied by at least one person who is fifty-five years of age or older;

B. The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subsection; and

C. The housing facility or community complies with rules issued by the Commission for verification of occupancy, which shall:

1. Provide for verification by reliable surveys and affidavits; and

2. Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of subsection (n)(3)C.1.hereof. Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

NOTE: Housing shall not fail to meet the requirements for housing for older persons by reason of persons residing in such housing as of September 13, 1988, who do not meet the age requirements of subsections (n)(1) or (3) hereof.

(o) "Independent contractor" includes any person who is subject to the provisions governing any of the professions and occupations regulated by State licensing laws enforced by the Bureau of Professional and Occupational Affairs in the Department of State, or is included in the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.).

(p) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in relation to employment.

(q) "Lending institution" means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, purchasing loans or providing other financial assistance which is either secured by residential real estate or is for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or engaged in the selling, brokering, or appraising of residential real property.

(r) "Non-job related disability" means any disability which does not substantially interfere with the ability to perform the essential functions of the employment which a disabled person applies for, is engaged in or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a disability job related.

(s) "Owner" includes lessee, sublessee, assignee, manager, agent or any other person having the right of ownership or possession or the authority to sell, rent or lease any housing accommodation, including the City and its departments, boards and commissions.

(t) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, independent contractor, lending institution, the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York.

(u) "Personal residence" means any single-family house sold or rented by an owner, provided:

(1) That such private individual owner does not own more than three such single-family houses at any one time;

(2) That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period;

(3) That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time.

(4) That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented:

A. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

B. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of this article but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

The term "personal residence"is limited to rooms or units containing living quarters occupied or intended to be occupied by no more than two (2) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

"Personal Residence"as defined is limited to the exceptions in §804 (except (c))of the Fair Housing Amendments Act of 1988.

(v) "Public accommodation, resort or amusement" means provision of service; or any place which is open to, accepts or solicits the patronage of the general public; or offers goods or services to the general public; the Commonwealth of Pennsylvania, and all political subdivisions, authorities, boards and commissions thereof, including the City of York. The term "public accommodation" shall not include any accommodations which are in their nature distinctly private, personal and confidential.

(w) "Real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property.

(2) The purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property.

(3) The selling, brokering or appraising of real property.

(x) "Real estate broker" means any natural person, partnership, association or corporation who, for a fee or other valuable consideration, or other purposes, sells, purchases, exchanges or rents, or negotiates or offers or attempts to negotiate, the sale, purchase, exchange or rental of the real property of another, or holds himself out as engaged in the business of selling, purchasing, exchanging or renting the real property of another, or collects rental for the use of the real property of another or attempts to secure the listing for sale or rental of a housing unit by representing that a change has occurred or will or may occur with respect to the age, racial, religious creed, ethnic, disability, the use of a guide or support animal, sexual orientation, or familial status composition of the street, block, neighborhood or area in which such housing accommodation is located.

(y) "Real estate sales person or agent" means any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker, or providing any services in connection therewith.

(z) "Sexual orientation" means male or female heterosexuality, homosexuality, bisexuality, or any other gender identity by practice or as perceived by others.

(Ord. 9-98. Passed 9-15-98.)

185.05 UNLAWFUL DISCRIMINATORY PRACTICES IN EMPLOYMENT.

(a) It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or in the case of a fraternal corporation or association, unless based upon membership in such association or corporation, or except where based upon applicable security regulations established by the United States, the Commonwealth of Pennsylvania, or the City of York; for any employer because of the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, or non-job related disability or the use of a guide or support animal because of the disability of any individual or independent contractor, to refuse to hire or employ or contract with, or to bar or to discharge from employment such individual or independent contractor, or to otherwise discriminate against such individual or independent contractor with respect to compensation, hire, tenure, terms, conditions or privileges of employment or contract, if the individual or independent contractor is the best able and most competent to perform the services required.

(b) For any employer, employment agency or labor organization, prior to the employment, contracting with an independent contractor or admission to membership, to:

(1) Make any inquiry, elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, disability or the use of guide or support animal because of the disability of an applicant for employment or membership. Prior to an offer of employment, an employee may not inquire as to whether an individual has a disability or as to the severity of such disability. An employer may inquire as to the individual's ability to perform the essential functions of the employment.

(2) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, non-job related disability or the use of a guide or support animal because of the disability of the user.

(3) Deny or limit, through a quota system or otherwise, employment or membership because of race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, non-job related disability, the use of a guide or support animal because of the disability of the user.

(4) Substantially confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school or training center or any other employee referring source.

(5) Deny employment because of, or a perception of, a prior disability.

(6) Nothing above shall prevent the Commission from requiring reports, information or answers to questions regarding race, color, religious creed, ancestry, age, sex, disability, the use of a guide or support animal, national origin or sexual orientation in connection with their compliance procedure or affirmative action or educational programs.

Nothing in subsection (b) hereof shall bar any institution or organization for disabled persons from limiting or giving preference in employment or membership to disabled persons.

(c) For any labor organization because of the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, non-job related disability or the use of a guide or support animal because of the disability of any individual to deny full and equal membership rights to any individual or otherwise discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment or any other matter, directly or indirectly, related to employment.

(d) For any person, employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this act, or because such individual has made a charge, testified or assisted, in any manner, in any investigation, proceeding or hearing under this article.

(e) For any person, employer, employment agency, labor organization or employee, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this article or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful discriminatory practice. (See also Section 185.06(b)).

(f) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of his race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, non-job related disability or the use of a guide or support animal because of the disability of the user.

(g) For any individual seeking employment to publish or cause to be published any advertisement which in any manner expresses a limitation or preference as to the race, color, religious creed, ancestry, age, sex, national origin, sexual orientation, non-job related disability or the use of a guide or support animal because of the disability of any prospective employee.

(h) For any employer to discriminate against an employee or a prospective employee because the employee only has a diploma based on passing a general educational development test as compared to a high school diploma. However, should vocational technical training or other special training be required with regard to a specific position, then such training or special training may be considered by the employer.

(i) To exclude or otherwise deny equal jobs or benefits to a person because of the disability of an individual with whom the person is known to have a relationship or association.

(j) It shall not be an unlawful employment practice for an employer to express a preference for a certain kind of applicant where the position to be filled requires special qualifications, skills or experience as long as such preference is not on the basis of race, color, religious creed, ancestry, age, sex, national origin or disability, the use of a guide or support animal, or sexual orientation. Likewise, this section of the article shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.
(Ord. 9-98. Passed 9-15-98.)

185.06 UNLAWFUL DISCRIMINATORY PRACTICES IN HOUSING.

(a) It shall be an unlawful discriminatory practice for any person to:

(1) Refuse to sell, lease, finance, or otherwise to deny, withhold, make unavailable, any housing accommodation or commercial property from any person, or establish, announce, or follow a policy of denying or limiting housing opportunities through a quota or otherwise, because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, or disability of any person, prospective owner, occupant or user of such housing accommodation or commercial property, or to refuse to lease any housing accommodation or commercial property to any person due to use of a guide animal because of the disability of the user, use of a support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association.

(1.1) Evict or attempt to evict an occupant of any housing accommodation before the end of the term of a lease because of pregnancy or the birth of a child.

(1.2) "Otherwise to deny" as stated above includes but is not limited to:

A. Representing to any person because of race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability, or who are guide or support animal dependent, that a dwelling is not available for sale, rental or inspection when such dwelling is in fact available.

B. Failing to negotiate for the sale or rental of a dwelling.

(2) Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property or otherwise withhold financing of any housing accommodation or commercial property from any person because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association. This prohibition includes money lent for any purpose, when the loan is secured by residential real estate.

(3) Discriminate against any person in the terms or conditions of selling or leasing any housing accommodation or commercial property or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals or because of the disability of an individual with whom the person is known to have a relationship or association.

(3.1) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, grant permission for a modification if the renter agrees to restore the interior of the premises to the condition that existed before the modification, with reasonable wear and tear excepted.

(3.2) Refuse to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a housing accommodation.

(4) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property because of the race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, or disability of any person, the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or because of the disability of an individual with whom the person is known to have a relationship or association.

(5) Print, publish, make, or circulate any statement, publication, notice, or advertisement:

A. Relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property which indicates any preference, limitation, specification, or discrimination based upon race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability or because of the disability of an individual with whom the person is known to have a relationship or association, or

B. Relating to the sale, lease or acquisition of any housing accommodation or commercial property which indicates any preference, limitation, specification or discrimination based upon use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(6) Make any inquiry, elicit any information, make or keep any record or use any form of application for the purchase, rental or lease of housing accommodations or to make real estate appraisals, containing questions or entries concerning race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability or because of the disability of an individual with whom the person is known to have a relationship or association in connection with the sale or lease of any housing accommodation or commercial property or loan of any money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property, or to make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries concerning the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, in connection with the lease of any housing accommodation or commercial property.

(7) Discriminate in the making or purchasing of loans or in the appraising or brokering of residential real estate. Discrimination in brokering includes, but is not limited to, denying access to or membership in any multiple listing service or facility relating to the sale or rental of dwellings based on race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability, or because of the disability of an individual with whom the person is known to have a relationship or association, or based upon use of a guide or support animal or because the person is a handler or trainer of guide or support animals.

(8) Construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible in accordance with federal law. This provision includes design and construction requirements as required under §804(f)(3)(C) of the Fair Housing Amendments Act of 1988.

(9) Discriminate in real estate-related transactions, as described by and subject to the following:

A. It shall be unlawful for any person or other entity whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religious creed, ancestry, national origin, sexual orientation, sex, age, disability, use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or familial status.

B. It shall be unlawful for any real estate broker or real estate sales person or agent, or any other person for business or economic or other purposes to induce, directly or indirectly, or to attempt to induce, directly or indirectly, the sale or rental or the listing for sale or rental, of a housing accommodation by representing that a change has occurred or will or may occur with respect to the racial, age, religious, ethnic, gender, disability, the use of a guide or support animal, familial status or sexual orientation, composition of the street, block, neighborhood or area in which such housing accommodation is located.

C. Nothing in this act prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religious creed, ancestry, national origin, sexual orientation, sex, age, disability, use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of guide or support animals or familial status.

(10) Discriminate by engaging in certain real estate practices, including:

A. Inducing, soliciting or attempting to induce or solicit for commercial profit any listing, sale or transaction involving any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or do not reside, persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability, or who are guide or support animal dependent.

B. Discouraging, or attempting to discourage, for commercial profit, the purchase or lease of any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or may in the future reside in increased or decreased numbers, persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability, or who are guide or support animal dependent.

C. Misrepresenting, creating or distorting a circumstance, condition or incident for the purpose of fostering the impression or belief, on the part of any owner, occupant or prospective owner or occupant of any housing accommodation or commercial property, that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area which would be adversely impacted by the residence, or future increased or decreased residence, of persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability, or who are guide or support animal dependent within such neighborhood, community or area.

D. In any way misrepresenting or otherwise misadvertising within a neighborhood or community, whether or not in writing, that any housing accommodation or commercial property within such neighborhood or community is available for inspection, sale, lease, sublease or other transfer, in any context where such misrepresentation or misadvertising would have the effect of fostering an impression or belief that there has been or will be an increase in real estate activity within such neighborhood or community due to the residence, or anticipated increased or decreased residence, of persons of a particular race, color, familial status, age, religious creed, ancestry, sex, national origin, sexual orientation, disability, or the use of a guide or support animal because of the disability of the user.

(11) For any person with the intention of defeating the purposes of this article to sell, lease or transfer or attempt to sell, lease, or transfer or offer, advertise, or make available for sale, lease, or transfer any housing accommodation which is the subject of a written verified complaint filed with the Commission until final determination of the complaint.

(11.1) For any person, after a complaint regarding a housing accommodation has been filed and prior to final determination by the Commission, to fail to include a notice of the complaint in any subsequent lease or agreement of sale involving that housing accommodation.

(12) Nothing in this clause, regarding age or familial status, shall apply with respect to housing for older persons.

(13) Nothing in this clause shall bar any religious or denominational institution or organization or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination or to members of such private or fraternal organization or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established, or maintained. This exemption requires that the dwelling be owned and operated for other than a commercial purpose.

(13.1) The religious organization exemption applies only when membership in the religion is not restricted on account of race, color, ancestry, national origin, sexual orientation, sex, age or disability.

(13.2) The exemption for a fraternal organization is only for a private club not in fact open to the public and applies only to lodgings provided as an incident to the club's primary purpose.

(14) Nothing in this clause shall apply:

A. With respect to discrimination based on sex, to the rental or leasing of housing accommodations in a single-sex dormitory.

B. To the rental of rooms in a landlord occupied rooming house with a common entrance. This exemption is limited to rooms or units containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence. NOTE: A "family" includes one person.

(15) Nothing above shall prevent the Commission from requiring reports, information or answers to questions regarding race, color, familial status, religion, creed, ancestry, age, sex, national origin, sexual orientation or disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, in connection with their compliance procedure of affirmative action or educational programs.

NOTE: Everything in this section is subject to Subtitle B at Title 24 of the Code of Federal Regulations (CFR) Part 100 - Discriminatory Conduct Under the Fair Housing Act. Specifically, the exemptions at §100.10 are not subject to §804 (except (c)) but are subject to §§805, 806 and 818 of the Fair Housing Amendments Act of 1988.

(b) Prohibited Interference, Coercion or Intimidation.

(1) It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this part, in accordance with the Fair Housing Act §818.

(2) Conduct made unlawful under this section includes, but is not limited to, the following:

A. Coercing a person, either orally, in writing, or by other means, to deny or limit the benefits provided that person in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation or national origin.

B. Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation or national origin of such persons, or of visitors or associates of such person.

C. Threatening an employee or agent with dismissal or an adverse employment action, or taking such adverse employment action, for any effort to assist a person seeking access to the sale or rental of a dwelling or seeking access to any residential real estate-related transaction, because of the race, ancestry, age, color, religion, sex, disability, familial status, sexual orientation or national origin of that person or any person associated with that person.

D. Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise, rights granted or protected by this article.

E. Retaliating against any person because that person has made a complaint, testified, assisted, or participated in any manner in a proceeding under this article or the Fair Housing Act.

(Ord. 9-98. Passed 9-15-98.)

185.07 UNLAWFUL DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATION.

(a) It shall be an unlawful discriminatory practice for any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation, resort or amusement to:

(1) Refuse, withhold from, or deny to any person because of his race, color, sex, religious creed, ancestry, national origin, sexual orientation, or disability, or to any person due to use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such public accommodation, resort or amusement.

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, color, religious creed, sex, ancestry, national origin, sexual orientation, disability, or to any person due to use of a guide or support animal because of the disability of the user, or because the user is a handler or trainer of support or guide animals, or that the patronage or custom thereat of any person, belonging to, or purporting to be of any particular age, race, color, religious creed, sex, ancestry, national origin, sexual orientation or disability, or to any person due to use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, is unwelcome, objectionable or not acceptable, desired or solicited.

(3) Exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations or other opportunities to a person because of the disability of an individual with whom the person is known to have a relationship or association.

(4) Construct, operate or otherwise make available such place of public accommodation, resort or amusement which is not accessible.

(5) Aid, abet, incite, compel or coerce the doing of any act declared by this subsection to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this subsection or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this subsection to be an unlawful discriminatory practice.

(b) For any person subject to this article to fail to post and exhibit prominently in his place of business any fair practices notice prepared and distributed by the Pennsylvania Human Relations Commission or the York Human Relations Commission.

(c) Nothing in this article shall bar any religious or denominational institution or organization, or any religious or denominational organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination with regard to the occupancy, leasing, sale or purchase of real estate, or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained, provided that such selection or preference is not on the basis of race, color, familial status, ancestry, age, sex, national origin, sexual orientation, disability, or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals.

(d) It shall be an unlawful discriminatory practice for any person to interfere with the exercise of one's rights under this article, harass, threaten, intimidate, harm, damage or otherwise penalize any person, group or business because he or they exercised his or their rights under this article, or because he or they have complied with the provisions of this article, or enjoyed the benefits of this article, or because he or they have made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder. (See also Section 185.06(b)).

(e) It shall be an unlawful discriminatory practice for any person to aid, abet, incite, induce, compel or coerce the doing of an unlawful employment, housing, or public accommodation practice prohibited by this article or to obstruct or prevent any person from complying with the provisions of this article or any order issued hereunder.
(Ord. 9-98. Passed 9-15-98.)

185.08 RELIGIOUS OBSERVANCE.

(a) It shall be an unlawful discriminatory practice for any employer to prohibit, prevent or disqualify any person from, or otherwise to discriminate against any person in, obtaining or holding employment because of such person's observance of any particular day or days or any portion thereof as a Sabbath or other holy day in accordance with the requirements of the person's religion.

(b) Except as may be required in an emergency or where personal presence is indispensable to the orderly transaction of public business, no employee shall be required to remain at the place of employment during any day or days or portion thereof that, as a religious requirement, the person observes as the Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between the place of employment and home, provided however, that any such absence from work shall, wherever practicable in the judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, provided further, however, that any such absence not so made up or charged, may be treated by the employer of such person as leave taken without pay.

(c) This section shall not be construed to apply to any position dealing with the public health or safety where the person holding such position must be available for duty whenever needed, or to any position or class of positions duties of which are such that the personal presence of the holder of such position is regularly essential on any particular day or days or portion thereof for the normal performance of such duties with respect to any applicant therefor or holder thereof who, as a religious requirement, observes such as the Sabbath or other holy day.
(Ord. 9-98. Passed 9-15-98.)

185.09 ABORTION AND STERILIZATION; IMMUNITY FROM REQUIREMENT TO PERFORM; UNLAWFUL DISCRIMINATORY PRACTICES.

(a) No hospital or other health care facility shall be required to, or held liable for refusal to, perform or permit the performance of abortion or sterilization contrary to its stated ethical policy. No physician, nurse, staff member or employee of a hospital or other health care facility, who shall state in writing to such hospital or health care facility an objection to performing, participating in, or cooperating in, abortion or sterilization on moral, religious or professional grounds, shall be required to, or held liable for refusal to, perform, participate in, or cooperate in such abortion or sterilization.

(b) It shall be an unlawful discriminatory practice:

(1) For any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to, any hospital or other health care facility, refusal of such hospital or health care facility to perform or permit to be performed, participate in, or cooperate in, abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such hospital or health care facility with respect to abortion or sterilization.

(2) For any person to impose penalties or take disciplinary action against, or to deny or limit public funds, licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse or staff member or employee of any hospital or health care facility, due to the willingness or refusal of such physician, nurse or staff member or employee to perform or participate in abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such physician, nurse or staff member or employee with respect to abortion or sterilization.

(3) For any public or private agency, institution or person, including a medical, nursing or other school, to deny admission to, impose any burdens in terms or conditions of employment upon, or otherwise discriminate against any applicant for admission thereto or any physician, nurse, staff member, student or employee thereof, on account of the willingness or refusal of such applicant, physician, nurse, staff member, student or employee to perform or participate in, abortion or sterilization by reason of objection thereto on moral, religious or professional grounds, or because of any statement or other manifestation of attitude by such person with respect to abortion or sterilization; provided, however, that this subsection shall not apply to any health care facility operated exclusively for the performance of abortion or sterilization or directly related procedures or to a separate clinic of a health care facility for the performance of abortion or sterilization or directly related procedures. (Ord. 9-98. Passed 9-15-98.)

185.10 HUMAN RELATIONS COMMISSION; POWERS AND DUTIES.

(a) There is hereby established the City Human Relations Commission. The Commission shall be composed of eleven members, ~~who~~ at least eight of whom shall be City residents, selected from a broadly representative ~~cross-sector~~ of the City's racial, ethnic and economic groups, sympathetic with the principles and purposes of this ~~article~~ ordinance, appointed by the Mayor subject to the approval and confirmation of Council ~~, and who shall serve without compensation~~. All appointments shall be for three-year terms, and members shall serve without compensation. ~~Of the eleven members, four shall be members in good standing of the York County Advisory Council and shall be chosen by the Mayor from a list of not less than eight names of members submitted by the Advisory Council. Original appointees to such Commission shall serve terms of four for three years, four for two years, and three for one year, respectively. Thereafter, all appointments shall be for three year terms. However, any vacancy shall be filled for the unexpired terms in the same manner as original appointments~~.

~~(1) All eleven Commissioners shall be appointed, approved and confirmed within sixty (60) days of the passage of this section.~~

(1) Any vacancy on the Commission arising from expiration of term or other cause shall be filled for the unexpired terms in the same manner as original appointments. All reasonable efforts will be made to fill any vacancy within sixty (60) days from the date of its occurrence with a duly appointed, approved, and confirmed Commissioner.

(2) A Commissioner whose term has expired shall continue to serve until replaced by a duly appointed, approved, and confirmed Commissioner.

(3) Six members of the Commission or a majority of those duly appointed and qualified shall constitute a quorum for transacting business, and a majority vote of those present at any meeting shall be sufficient for any official action taken by the Commission.

(b) The Commission is hereby vested with the authority to administer and enforce this article and in connection therewith it shall have the following powers and duties:

(1) To establish and maintain a central office in the City.

(2) To meet and function at any place within the City.

(3) To appoint attorneys to render legal advice to Commission members on matters appearing before it.

(4) To appoint employees and agents as it may deem necessary, fix their compensation subject to Article 165 (Employment Provisions) with the prior approval of the Mayor and Council; subject employees to Article 167 (Officers and Employees Retirement System), and prescribe their duties in accordance with practices and procedures adopted by the Commission, and also with annual or more frequent work plans adopted and regularly monitored by the Commission. Within these parameters set solely by the Commission, employees shall be city employees and subject to city administrative policies, procedures, rules and regulations, with administrative oversight of employees' activities to be carried out by the City's chief Human Resources official in consultation with the Commission's chair or designee.

(4.1) Staff duties include, but are not limited to: ~~are defined in the York City Human Relations Commission Practices and Procedures regulations and include in them:~~

A. The responsibility to initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices.

B. To assist the Commission to otherwise enforce the article.

(5) To adopt, promulgate, amend, and rescind rules and regulations to effectuate the policies and provisions of this article and to make recommendations to agencies of the City and Council to effectuate such policies.

(6) To study the problems of discrimination in all or specific fields of human relationships when based on race, color, familial status, religious creed, ancestry, age, sex, national origin, disability, sexual orientation or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, and foster, through community effort or otherwise, good will among the groups and elements of the population of the City, as well as seeking the creation of a joint City-County Commission on Human Relations.

(7) To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, familial status, religious creed, ancestry, age, sex, national origin, disability, sexual orientation or the use of a guide or support animal because of the disability of the user

or because the user is a handler or trainer of support or guide animals.

(8) To prepare and distribute fair practices notices.

(9) From time to time, but not less than once a year, a report to Council, describing in detail the investigations, proceedings, hearings and studies it has conducted and their outcome, the decisions it has rendered and the other work performed by it and make recommendations for such further legislation concerning abuses and discrimination because of race, color, familial status, religious creed, ancestry, age, sex, national origin, disability, sexual orientation or the use of a guide or support animal because of the disability of the user or because the user is a handler or trainer of support or guide animals, as may be desirable.

(10) To elect one of its members as chairperson and such other officers as it may deem necessary.

(11) To request other departments, boards and commissions of the City government to assist in the performance of its duties and such other departments, boards and commissions shall cooperate fully with the Commission.

(12) To inspect, upon request, such records of the Commonwealth or any other political subdivision, board, department, commission or school district thereof as it may deem necessary or advisable to carry into effect the provisions of this article.

(13) To investigate where no complaint has been filed, but with the consent of at least eight of the members of the Commission any problem of racial discrimination with the intention of avoiding and preventing the development of racial tension.

(14) On the request of Council, to investigate claims of excessive use of force by police in civil rights protest activities.

(15) To hold hearings, subpoena witnesses, compel attendance, administer oaths, take testimony of any person under oath or affirmation and, in connection therewith, to require the production for examination of any books and papers relating to any matter under investigation. The Commission may make rules as to the issuance of subpoenas by individual Commissioners. In case of contumacy or refusal to obey a subpoena issued to any person, any court of jurisdiction, upon application by the Commission, may issue to such person an order requiring such person to appear before the Commission, to produce documentary evidence, if so ordered, or to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the Commission or of any individual Commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

(16) To administer the Small and Disadvantaged Business Enterprise Program as set forth in Article 136.
(Ord. 9-98. Passed 9-15-98.)

185.11 PROCEDURE.

(a) Any person claiming to be aggrieved by an alleged unlawful discriminatory practice, may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the persons alleged to have committed the unlawful practice and the particulars thereof. The complaint shall also contain such other information as may be required by the Commission. The Commission, upon its own initiative, may in like manner sign and file a complaint. The complainant shall have the power to fairly and reasonably amend any complaint, and the respondent shall have the like power to amend an answer. The Commission's right to amend a complaint is hereby limited to those complaints initiated and filed by the Commission.

(b) After the filing of any complaint the Commission shall make a prompt investigation. In the conduct of such investigation the Commission may issue subpoenas to any person to furnish information, records and other documents. The Commission must commence proceedings within thirty (30) days of receipt of the complaint. The Commission shall complete its investigation of a complaint within 100 days of receipt of the complaint, unless otherwise impracticable and, then, upon written notification and explanation of such impracticability to all parties. Administrative disposition of a complaint shall be within one (1) year of its filing and, if otherwise impracticable, upon written notification to all parties of the reasons for such impracticability.

(c) At the time of filing a complaint, the Commission shall advise the complainant of the time limits and choice of forums and advise the respondent of procedural rights.

(d) Upon the filing of a complaint, the Commission shall send a copy of the complaint to the complainant and to the named respondent within ten (10) days from the date of docketing the complaint, unless otherwise required by the Fair Housing Act.

(e) A respondent shall file a written, verified answer to the complaint within thirty (30) days of service of the complaint, unless otherwise required by the Fair Housing Act. The Commission, upon request of the respondent, may grant an extension of not more than thirty additional days, unless otherwise required by the Fair Housing Act.

(f) If after thirty (30) days (in no case more than sixty (60) days with an extension granted by the Commission) a respondent fails to answer the complaint, the allegations contained within said complaint will be deemed admitted by respondent and the Commission will proceed as if respondent had filed an answer admitting the allegations contained within the complaint.

(g) After service of the complaint, the Commission shall encourage voluntary and informed predetermination settlements between parties.

(h) If it is determined after such investigation that there is no basis for the allegations of the complaint, the Commission shall, within ten (10) days from such determination, cause to be issued and served upon the complainant written notice of such determination. The notices shall also state that the complaint will be dismissed unless within ten (10) days after such service the complainant or his attorney file, with the Commission, a request for a review hearing. The Commission shall, upon request for such a hearing, provide the complainant and his attorney, if any, an opportunity to appear before the Commission, a member thereof or a staff representative of the Commission, at the election of the Commission to present such additional information as may be available to support the allegations of the complaint. If, after such a hearing, the Commission or its representative determines that there is no basis for the allegation the complaint shall be dismissed and there shall be no appeal from such a decision.

(i) If the Commission, after investigation, determines that probable cause exists, the Commission shall promptly issue a charge and immediately endeavor to eliminate the unlawful practice complained of by conference, conciliation, and persuasion. Any conciliation agreement arising out of conciliation efforts by the Commission shall be an agreement between the respondent and the complainant and shall be subject to the approval of the Commission. Each conciliation agreement shall be made public unless the complainant, respondent, and Commission all agree that disclosure is not required to further the purposes of this article.

(j) If the Commission, in its discretion, finds it is not possible to eliminate such unlawful practices by persuasion, the Commission shall cause to be issued and served a written notice, together with a copy of such complaint as originally filed or as the same may have been amended by the Commission, requiring the respondent to answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice. The Commission may designate one or more of its members to preside at such meeting, or it may at its election conduct such hearing en banc.

(1) Whenever notice of a hearing has been given under this subsection, either party may elect to have the claim asserted in the complaint decided in a civil action brought under the original jurisdiction of the Court of Common Pleas of York County. The written notice of the Commission shall inform the parties of this right. An election must be made within twenty (20) days after receipt of the notice of hearing. If an election for civil action is made by either party, the Commission shall, within thirty (30) days from the date of election, commence and maintain a civil action on behalf of the complainant.

(k) The case in support of the complaint shall be presented to the Commission by its attorney or by a member of its staff. The respondent may file a written verified answer to the complaint and appear at such hearing in person or with counsel. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and shall be recorded by a stenographer which shall be transcribed if necessary.

(l) If, upon all the evidence at the hearing, the Commission finds that the respondent has been engaged in or is engaged in any unlawful practice, the Commission shall state its findings of fact and shall issue and cause to be served on the respondent an order requiring the respondent to cease and desist from such unlawful practice or practices and to take such affirmative action, including, but not limited to hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodation, advantages, facilities and privileges to all persons, and/or such other equitable and civil remedies including but not limited to compensatory damages, attorney's fees, out-of-pocket expenses, costs, and the assessment of a civil penalty as available under the Pennsylvania Human Relations Act, Act of Oct. 27, 1955, (P.L. 744, No. 222), as amended, as, in the judgment of the Commission, will effectuate the purpose of this article, and including a requirement for report of the manner of compliance.

(m) If, upon all the evidence, the Commission finds that the respondent has not engaged in any unlawful practice, the Commission shall state its findings of fact and shall dismiss the complaint. Notice of such action shall be given to the complainant and respondent.

(n) Any complaint filed pursuant to this section must be so filed within 180 days after the alleged act of discrimination, unless otherwise required by the Fair Housing Act. Any complaint may be withdrawn at any time by the party filing the complaint.

(o) In all situations which may require prompt judicial relief, including those situations when it appears that a housing unit or units involved in a complaint may be sold, rented or otherwise disposed of before a determination of the case has been made, and the Commission shows probable cause for the complaint, the Court of Common Pleas of York County may issue an injunction restraining the complained of activity, including injunction of the sale, rental or other disposition of the unit or units except in compliance with the order of court. The court may attach to any such injunction granted such other conditions as it deems proper. Such injunction, if issued, shall be of no more than thirty (30) days duration. If an extension of time is required, this extension may be granted at the discretion of the court but a reasonable bond may be required by the court before granting such extension.

(p) In cases involving a claim of discrimination, if a complainant invokes the procedures set forth in this article, that individual's right of action in the courts of the Commonwealth shall not be foreclosed. If the court finds that the respondent has engaged in or is engaging in an unlawful discriminatory practice charged in the complaint, the court shall enjoin the respondent from engaging in such unlawful discriminatory practice and order affirmative action which may include, but is not limited to, reinstatement or hiring of employees, granting of back pay, compensatory or punitive damages, attorney's fees, or any other legal or equitable relief as the court deems appropriate.
(Ord. 9-98. Passed 9-15-98.)

185.12 ENFORCEMENT AND JUDICIAL REVIEW.

The complainant, the City or the Commission may secure enforcement of the order of the Commission or other appropriate relief by the Court of Common Pleas of York County. When the Commission has heard and decided any complaint before it, enforcement of its order shall be initiated by the filing of a petition in such court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of such petition as in proceedings in equity. When enforcement of a Commission order is sought, the court may make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. Any failure to obey an order of the court may be punished by such court as a contempt thereof. A final order entered by the Commission is an appealable order.
(Ord. 9-98. Passed 9-15-98.)

185.13 CONFLICT.

When a provision of this article is found to be in conflict with a provision of any other City ordinance, or any regulation issued under the authority of such ordinance, the provisions which establish the higher standard for the protection of health, safety and welfare shall prevail.
(Ord. 9-98. Passed 9-15-98.)

185.14 AUTHORIZATION TO RECEIVE DONATIONS.

The authorization and appropriation of public funds to the Human Relations Commission shall not preclude the Commission from accepting donations, to be used in administering this article, from any other sources, public or private.
(Ord. 9-98. Passed 9-15-98.)

185.15 ADDITIONAL COVERAGE.

County government or other governmental subdivisions of York County may elect to be affiliated with the Commission in accordance with the following procedures:

(a) A statement of intent and a record of the proceedings shall be certified to the City Solicitor by a representative of the governmental unit seeking affiliation.

(b) Amendments to this article shall be drafted by the representatives of Council, the Commission and the governmental unit electing to affiliate, in order to resolve problems of affiliation relating to financial support, representation, reporting changes in name and other relationships.

(c) The governmental unit electing to affiliate shall, after the conditions of participation have been agreed upon by their representatives as provided in subsection (b) hereof, transmit to the City Solicitor the resolutions and proceedings of the governmental subdivision, stating the conditions of affiliation.

(d) Upon acceptance of such affiliation by Council, by resolution duly adopted by it which includes the conditions of affiliation, the provisions of this article shall be applicable to such governmental unit, in accordance with the conditions of affiliation.

(Ord. 9-98. Passed 9-15-98.)

185.99 PENALTY.

Whoever violates any of the provisions of this article shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00) and costs in addition to any order or decree that may be issued by any court and any applicable penalties under the Fair Housing Act.
(Ord. 9-98. Passed 9-15-98.)

ARTICLE 187
Authorities

EDITOR'S NOTE: This article has been established to provide a synopsis of legislation by Council creating various authorities within the City of York.

Pursuant to Ordinance 72-1950, passed October 27, 1950, the Sewer Authority was formed under the Municipality Authorities Act of May 2, 1945 (P.L. 382) as amended (53 P.S. §301 et seq.). The term of existence of the Sewer Authority was extended fifty years by Resolution 15-1977, passed February 1, 1977.

Ordinance 26-1950, passed April 14, 1950, authorized formation of the Redevelopment Authority under the provisions of the Urban Redevelopment Law, Act of May 24, 1945 (P.L. 991) as amended (53 P.S. §1701 et seq.).

A resolution passed February 25, 1949, authorized formation of the Housing Authority under the Housing Authorities Law, Act of May 28, 1937 (P.L. 955) as amended (35 P.S. §1541 et seq.).

The City pursuant to Ordinance 9-1955, passed March 4, 1955, has organized a Parking Authority under the provisions of the Parking Authority Act of June 5, 1947 (P.L. 458) as amended (53 P.S. §344 et seq.). The first lease agreement was authorized by Ordinance 73-1956, passed August 24, 1956. The Parking Authority was placed on inactive status by Resolution 202-1989, passed October 17, 1989.

Pursuant to Ordinance 69-1989, passed June 1, 1989, the Downtown Improvement Authority was created under the Municipality Authorities Act of May 2, 1945, (P.L. 382), as amended (53 P.S. §301 et seq.).

Ordinance 2-1995, passed January 17, 1995, authorized formation of the City of York General Authority under the provisions of the Municipality Authorities Act of 1945 (P.L. 382) as amended.

Ordinance 7-1997, passed May 21, 1997, authorized the organization of the Susquehanna Area Regional Airport Authority with the City of Harrisburg and the Counties of Cumberland, Daughin and York.

Ordinance 13-98, passed October 6, 1998, as amended by Ordinance 50-2005, passed December 20, 2005, established the York Business Improvement District Authority for the purpose of making business improvements and providing administrative services.

CROSS REFERENCES

Municipal Authorities Act - see 53 P.S. §301 et seq.
Housing Authorities Law - see 35 P.S. §1541 et seq.
Urban Redevelopment Law - see 35 P.S. §1701 et seq.
Parking Authorities Law - see 53 P.S. §344 et seq.

ARTICLE 189
Planning Commission

189.01 Composition, term, vacancy and duty.

CROSS REFERENCES

Municipalities Planning Act - see Act 247 of 1-1-69 (53 P.S. §10101-11202)
Planning Commission - see Act 247 §202 et seq. (53 P. S. §10202 et seq.)
Powers and duties - see Act 247 §209 (53 P.S. §10209)
Attachment to Economic and Community Development Department - see ADM. 151.01(c)

189.01 COMPOSITION, TERM, VACANCY AND DUTY.

The City Planning Commission shall be composed of seven City residents, no more than two of whom may be officers or employees of the City. All members of the Commission shall be appointed by the Mayor with the advice and consent of Council. The term of each of the members of the Commission shall be for four years, or until his successor is appointed and qualified. The chairman of the Planning Commission shall promptly notify the Mayor concerning vacancies in the Commission which occur otherwise than by the expiration of a term, and such vacancy shall be filled for the unexpired term. The Commission shall be attached to and function within the Department of Economic and Community Development. (Ord. 33-1984 §2. Passed 11-7-84.)

ARTICLE 190
Construction Board of Adjustment and Appeals

190.01 Establishment.
190.02 Members appointed; qualifications; conflict of interest.
190.03 Quorum.
190.04 Secretary; records.
190.05 Board's powers.
190.06 Appeals.
190.07 Board's actions after appeal; variances.
190.08 Time limit for variances.
190.09 Notice of appeal.
190.10 Rules and regulations; meetings.
190.11 Decisions of Board.
190.12 Compensation.
190.13 Other appeals boards abolished.

190.01 ESTABLISHMENT.

There is hereby established a board to be known as the Construction Board of Adjustment and Appeals, hereinafter referred to as "the Board", which shall consist of five members and two alternates to be appointed by the Mayor with the advice and consent of Council. In addition to the appointed members, the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services shall both serve as ex-officio members of the Board, but shall have no vote on any matter before the Board. (Ord. 1-2000. Passed 1-18-00.)

190.02 MEMBERS APPOINTED; QUALIFICATIONS; CONFLICT OF INTEREST.

(a) Initial appointments to the Board shall be made as follows: Two members shall be appointed for terms of one year; two members shall be appointed for terms of two years; and one member shall be appointed for a term of three years. Subsequent appointments or reappointments shall be made for terms of three years. Alternate members shall serve one-year terms. A vacancy shall be filled for an expired term in the manner in which the original appointment was made. Continued absence of any member from the required meetings of the Board shall, at the discretion of the Mayor and with the advice and consent of the Council, render any such member subject to immediate removal from office.

(b) Members of the Board shall be chosen from individuals with knowledge and experience in the technical codes, such as design professionals, contractors, or building industry representatives. One alternate member shall be from the building industry at large and one alternate member shall be from the general public. No Board member shall act in any case in which they have a personal or financial interest.
(Ord. 1-2000. Passed 1-18-00.)

190.03 QUORUM.

A simple majority of the Board shall constitute a quorum. The affirmative vote of the majority present, but not less than three affirmative votes, shall be required to vary any provisions of the various technical codes. Not less than four affirmative votes shall be required to modify a decision of the code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services. In the event that regular members are unable to attend a meeting of the Board, the alternate members shall vote. Alternate members shall have the right to participate in all other aspects of a Board meeting.
(Ord. 1-2000. Passed 1-18-00.)

190.04 SECRETARY; RECORDS.

The City Clerk or his/her designee shall act as the Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of any member and the failure of any member to vote.
(Ord. 1-2000. Passed 1-18-00.)

190.05 BOARD'S POWERS.

The Board shall have the power to hear appeals from decisions and interpretations of the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services and to consider equivalencies to the requirements of the various technical codes as adopted by the City. For the purposes of this article, "technical codes" means the Building Code, Fire Prevention Code, Electrical Code, Mechanical Code, Plumbing Code, and Property Maintenance Code of the City, their associated reference standards and codes, and any rules and regulations promulgated thereunder.
(Ord. 1-2000. Passed 1-18-00.)

190.06 APPEALS.

The owner of a building, structure or service system, or his duly authorized agent, or a person who has been issued an order or directive pursuant to the technical codes may appeal a decision of the code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services to the Board whenever any one or more of the following conditions is claimed to exist:

(a) The code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services have rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(b) The provisions of the technical codes do not apply in the specific case.

(c) That an equally good or more desirable form of installation, also known as an equivalency, can be employed in any specific case.

(d) The true intent and meaning of the technical codes or regulations thereunder have been misconstrued or incorrectly interpreted.

(Ord. 1-2000. Passed 1-18-00.)

190.07 BOARD'S ACTIONS AFTER APPEAL; VARIANCES.

The Board when so appealed to and after a hearing, may alter the application or any provision of the technical codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice or would be contrary to the spirit and purpose of these or the technical codes or public interest, and also finds the following:

(a) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved which are not generally applicable to other buildings, structures, or service systems.

(b) That the special conditions and/or circumstances do not result from the willful action or inaction of the applicant.

(c) That granting a request will be based upon a decision that the true intent and scope of the codes in question is met, and that alternate materials, methods, or means of construction provide an equivalent level of protection.

(d) That the request granted is the minimum action that will make possible the reasonable use of the building, structure or service system.

(e) That the grant of the request will be in harmony with the general intent and purpose of the technical codes and will not be detrimental to the public health, safety and general welfare.

(Ord. 1-2000. Passed 1-18-00.)

190.08 TIME LIMIT FOR VARIANCES.

In granting a request, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both and such time limits may not be extended. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with the technical codes. Violation of the conditions and/or safeguards shall be deemed a violation of the technical codes.

(Ord. 1-2000. Passed 1-18-00.)

190.09 NOTICE OF APPEAL.

The notice of appeal shall be in writing and filed within thirty calendar days after the decision is rendered by the code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services. The notice of appeal shall be filed in a form acceptable to the Board and shall be accompanied by the appropriate fee as is otherwise set forth by resolution of the Council.

(Ord. 1-2000. Passed 1-18-00.)

190.10 RULES AND REGULATIONS; MEETINGS.

The Board shall establish such rules and regulations for its own procedure not inconsistent with the provisions of this article. The Board shall meet on the call of the chairman, or shall meet within thirty days after notice of an appeal has been received, or at such regularly scheduled periodic meetings as the Board shall annually set. Notice of the annual schedule of meetings or other meetings of the Board shall be published in a newspaper of general circulation one time.

(Ord. 1-2000. Passed 1-18-00.)

190.11 DECISIONS OF THE BOARD.

The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the code officials or designees of the Department of Economic Development and/or the Department of Fire/Rescue Services, the code official or designee shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing with the office of the City Clerk and the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise delivered to the appellant and a copy shall be kept publicly posted in the office of the code officials or designees of the Department of Economic Development and the Department of Fire/Rescue Services for two weeks after filing. Every decision of the Board shall be final; subject however, to such remedy as any party may have at law. (Ord. 1-2000. Passed 1-18-00.)

190.12 COMPENSATION.

The members of the Board may be compensated as otherwise provided for by resolution of Council. (Ord. 1-2000. Passed 1-18-00.)

190.13 OTHER APPEALS BOARDS ABOLISHED.

Any and all boards heretofore created by the City for the hearing of appeals of the technical codes are hereby abolished and replaced with the Construction Board of Adjustments and Appeals. (Ord. 1-2000. Passed 1-18-00.)

ARTICLE 191
Zoning Hearing Board

EDITOR'S NOTE: There are no sections in this article. It has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

Municipalities Planning Code - see Act 247 of 1-1-69 (53 P. S. §10101-11202)
Attachment to Community Development Department - see ADM. 151.01(c)
Planning Commission - see ADM. 189.01
Zoning Hearing Board - see P. & Z. Art. 1306
Plumbing Examiners Board - see BLDG. & HSG. 1705.03
Housing Appeals Board - see BLDG. & HSG. 1761.06

ARTICLE 193
Advisory Council on Recreation and Parks

193.01 Composition, term, vacancy and duties.

CROSS REFERENCES
State law provisions - see 3rd Class §3701 et seq. (53 P.S. §38701 et seq.)

193.01 COMPOSITION, TERM, VACANCY AND DUTIES.

(a) The City Advisory Council on Recreation and Parks shall be composed of nine persons appointed by the Mayor, with the advice and consent of Council, for a term of five years and until their successors are appointed and qualify. Two members of the Advisory Council shall be members of the School Board. All members shall serve without compensation. The Advisory Council shall be attached to and function within the Department of Economic and Community Development.

(b) Vacancies, occurring otherwise than by expiration of term, shall be filled for the unexpired term.

(c) The City shall report to the Advisory Council, on a monthly basis, on the operations and policies of the Bureau of Recreation and Parks.

(d) The City shall solicit and consider the advice and comments of the Advisory Council on all matters of recreation and parks policy, including, but not limited to, annual budget preparation and the hiring of supervisory personnel.
(Ord. 22-1986 §1. Passed 12-16-86.)

ARTICLE 194
Educational Service Agency

194.01 Creation.
194.02 Administration.
194.03 Powers and duties of employees.
194.04 Employment provisions.

194.01 CREATION.

There is hereby created an Educational Service Agency which shall be operated exclusively for the purpose of providing services to the York City School District in the nature of protection of students at intersections within the City of York and the York City School District.
(Ord. 2-1981 §1. Passed 1-20-81.)

194.02 ADMINISTRATION.

The Educational Service Agency shall be under and subject to the direction and control of the Mayor who may designate administrative duties to the Chief of Police or Police Commissioner of the City of York. Persons employed in the Educational Service Agency shall be known as school crossing guards and shall not, however, be considered to be regular employees of the Police Department of the City of York, and shall serve at the pleasure of the Mayor with the approval of City Council.
(Ord. 6-2002. Passed 2-19-02.)

194.03 POWERS AND DUTIES OF EMPLOYEES.

School crossing guards shall have the duty of controlling and directing traffic and pedestrians at or near schools and other areas identified by the City Police Department and the School District Superintendent and shall be in suitable and distinctive uniform.
(Ord. 6-2002. Passed 2-19-02.)

194.04 EMPLOYMENT PROVISIONS.

The school crossing guards shall not come within the Civil Service provisions of existing law and shall not be entitled to participate in any pension plan or plans now in effect or hereafter effective. Their compensation shall be fixed by City Council and shall be jointly paid by Council and the Board of School Directors in a ratio to be determined by Council and the Board. If Council and the Board are unable to determine the ratio of compensation of these employees, each shall pay one-half of the compensation of such employees. The Board of School Directors of the school district may assume the hiring and oversight of the school crossing guards as outlined by the Third Class City Code known as the Act of 1931, P.L. 932, No. 317 of the laws of the Commonwealth of Pennsylvania.
(Ord. 6-2002. Passed 2-19-02.)

ARTICLE 195
Tax Review Board

195.01 Composition, appointment and duties.

CROSS REFERENCES
Department of Administration - see ADM. Art. 133
Assessments - see BUS. REG. & TAX. Art. 301

195.01 COMPOSITION, APPOINTMENT AND DUTIES.

(a) The City Tax Review Board shall be composed of the City Solicitor, City Controller and a third member who shall not otherwise be employed by the City. The third member shall be appointed by the Mayor with the advice and consent of Council for a term of four years and until his successor is appointed and qualifies. A vacancy, occurring other than by expiration of a term, shall be filled for the unexpired term. The members shall serve without compensation for their service. The Board shall be attached to and shall function within the Department of Administration.

(b) The Board member who is not otherwise employed by the City shall be chosen with reference to his qualifications to review the questions raised before the Board and need not be the same person in all cases. In any event, when the question before the Board relates to the imposition, collection and refund of City taxes other than the tax upon the assessed valuation of real estate or the assessment itself of real estate, the third member shall be a qualified accountant. When the question before the Board relates to the assessment placed upon real estate or to the tax imposed thereon, the third member shall be a qualified real estate appraiser.

(c) The Board shall review, upon petition by taxpayers of the City, all questions relating to the imposition, collection and refund of City taxes, including interest and penalties thereon, and shall hear all appeals from the assessments of real property by the City, provided that, in the latter case, it shall adhere to the requirements of general law relating to notice and hearing. It shall, after any such review or hearing, decide the question presented to it and submit its decision to the Business Administrator, who shall be bound thereby unless the party petitioning for review or appealing shall further appeal to the Court of Common Pleas or be sued by the City therein for payment of the tax in question.

(d) In any case where the Board so wishes, it may request the property records clerk to appear before it and present such information as it desires, and it shall be the duty of such clerk to appear and assist the Board. (Ord. 2-1962 §346; Ord. 15-1969 §5.)

ARTICLE 197
Citizens Grievance Committee

EDITOR'S NOTE: Former Article 197 was repealed by Ordinance 7-2000, passed April 18, 2000.

ARTICLE 199
Citizens Advisory Committee

199.01 Composition, term, vacancy and duties.

CROSS REFERENCES

Housing and development assistance; discrimination - see 35 P.S. §1664
Rehabilitation program for low and moderate income housing - see ADM. 151.02
Fair housing - see ADM. Art. 183
Community Relations Commission - see ADM. Art. 185

199.01 COMPOSITION, TERM, VACANCY AND DUTIES.

(a) A public board consisting of a number of persons to be determined by Council, is hereby created which shall be known as the Citizens Advisory Committee. Members of the Committee shall be appointed by the Council.
(Ord. 14-1968 §1.)

(b) The number of persons appointed shall be a number divisible by three and their appointments shall be for a period of three years, and shall be so staggered that one-third of the number shall retire each year. Appointees shall be eligible for re-appointment. Council shall fix the initial terms of the first appointments. Absence of members for three consecutive meetings, shall render their appointments vacant. Vacancies on the Committee shall be filled for the unexpired term.
(Ord. 42-1968 §1.)

(c) The Committee shall review, counsel with and advise the local housing and redevelopment authorities and the City Planning Commission in regard to housing and redevelopment programs and activities under the housing and redevelopment acts of the Commonwealth.

(d) The members of the Committee shall serve without compensation, but the City is hereby authorized and empowered to reimburse them for all necessary expenses incurred in carrying out their functions and duties.
(Ord. 14-1968 §2, 3.)