

Council of the City of York, PA
Session 2014
Bill No. 19
Ordinance No. 17

INTRODUCED BY:  Henry Hay Nixon

DATE: August 19, 2014

AN ORDINANCE

Amending the York City Budget for the year 2014 by appropriating revenue for the Office of the Mayor in the amount of \$2,231.32 for travel.

WHEREAS, revenue was received from the Jewish Community Center for travel reimbursement for transportation to the International Mayors Conference in Israel; and

WHEREAS, the Office of the Mayor is increasing their Travel line item by the same amount; and

WHEREAS, the Finance Bureau has reviewed the budget and has determined that the budget must be amended.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the City of York 2014 Budget is hereby amended in accordance with the following schedule:

Account	Description	Revenue	Expense
10-140-39080-00000	Expense Reimbursements Other	\$2,231.32	
10-140-43010-00000	Travel		\$2,231.32

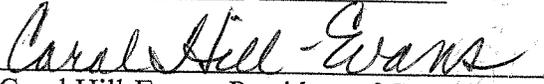
PASSED FINALLY: **September 2, 2014** BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None, _____, _____, _____, _____

ATTEST:


Diana L. Thompson-Mitchell, City Clerk


Carol Hill-Evans, President of Council

Presented to the Mayor for approval this 3rd day of September 2014.

Approved: C. Kim Bracey 9/3/14
Mayor Date

Vetoed: _____
Mayor Date



INTRODUCED BY: **Michael Ray Helfrich**

DATE: **August 19, 2014**

AN ORDINANCE

Amending Article 1731 "Historic York" of the York City Codified Ordinances to update duties of the Building Official; include Certificate of Appropriateness requirements and exemptions; and increase HARB's board meetings to twice per month.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 1731 "Historic York," of the York City Codified Ordinances be amended as follows:

1731.01 AUTHORITY AND CREATION.

In accordance with the provisions of an act adopted by the General Assembly of the Commonwealth on June 13, 1961, a historic district known as "Historic York" is created.
(Ord. 31-1970 §1.)

1731.02 HISTORIC YORK MAP; BOUNDARY CHANGES AND INTERPRETATION.

(a) Historic York is hereby designated into zones, or districts, as shown on the "Historic York Map" which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

(b) The Historic York Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Historic York Map referred to in Section 1731.02 of the Codified Ordinances of York, Pennsylvania," together with the date of the adoption of this article.

(c) If, in accordance with the provisions of this article changes are made in district boundaries or other matter portrayed on the official Historic York Map, such changes shall be entered on the Official Historic York Map promptly after the amendment has been approved by Council, with an entry on the Official Historic York Map as follows: "On (date), by official action of Council, the following (change) changes were made in the Official Historic York Map: (brief description of nature of change)", which entry shall be signed by the Mayor and attested by the City Clerk. No amendment of this article which involves matter portrayed on the Official Historic York Map shall become effective until after such change and entry has been made on such Map.

(d) No changes of any nature shall be made in the Official Historic York Map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized changes of whatever kind by any person shall be considered a violation of this article.

(e) Regardless of the existence of purported copies of the Official Historic York Map which may from time to time be made or published, the Official Historic York Map which shall be located in the office of the Building Inspector shall be the final authority as the current historic status of buildings and other structures in the City.

(f) Where uncertainty exists as to the boundaries of districts as shown on the Official Historic York Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as parallel to or extension of features indicated in the above, shall be so construed. Distances not specifically indicated on the Official Historic York Map shall be determined by the scale of the map.

- (4) Where physical or cultural features existing on the ground are at variance with those shown on the Official Historic York Map, or in other circumstances not covered by the above, Council shall interpret the district boundaries. (Ord. 31-1970 §2.)

EDITOR'S NOTE: The following changes to the Official Historic York Map have been enacted by Council:

<u>Ord. No.</u>	<u>Passed</u>	<u>Description</u>
10-1972	3-21-72	Area extending west from Penn St. along King St. north side and Philadelphia St. south side to Hartley St. east side.
20-1975	12-16-75	Adds Historic South York and St. John's Episcopal Church.
9-2001	10-2-01	EDITOR'S NOTE: See Ordinance 9-2001 for a geographic description of the amendment to the Official Historic York Map.

1731.03 CERTIFICATION BY STATE HISTORICAL COMMISSION.

The Mayor and City Clerk are hereby authorized and directed to request a certification by resolution of the Pennsylvania Historical and Museum Commission to the historic significance of the district within the limits defined in Section 1731.02. The Mayor and City Clerk are further directed to place such certification among City records. (Ord. 31-1970 §3.)

1731.04 BOARD OF HISTORICAL ARCHITECTURAL REVIEW; COMPOSITION AND TERM.

(a) A Board of Historical Architectural Review is hereby established which shall be composed of seven members appointed by Council, one of whom shall be a registered architect, one a licensed real estate broker, one a building inspector, one recommended by the Historical Society of York County, and three additional persons with a knowledge and interest in the preservation of the historic district. At least four members of the Board shall be residents of the City. The initial terms of the first seven members shall be as follows: three shall serve until the first Monday of January, 1972, two until the first Monday of January, 1973, and two until the first Monday of January, 1974. Their successors shall serve for a term of five years. Any other member of the Board who changes his their profession or position as above listed shall create a vacancy on the Board. Any member who fails to comply with the mandatory attendance provisions of Section 1731.08 shall create a vacancy on the Board. An appointment to fill any vacancy shall be only for the unexpired portion of the term so vacated. (Ord. 36-2003. Passed 9-2-03.)

(b) Council shall also appoint three alternate members to the Board of Historical Architectural Review. The term of office of each alternate member shall also be five years, except that the term of office of each initial alternate member shall be so fixed so that such terms shall expire in different years. An alternate member shall not hold elective office on the Board and shall serve only when requested because of the unavailability of a regular member. Alternate members of the Board shall be residents of the City and shall have a knowledge and interest in the preservation of the Historic District. (Ord. 1-1981 §1. Passed 1-20-81.)

1731.05 BOARD POWERS, DUTIES AND PROCEDURE.

(a) The Board shall be charged with the responsibility of review of the historic district limits as outlined in Section 1731.02. The Board is further charged with the responsibility of developing and continuing an effective program of landmark recognition and preservation. Within such district the Board shall survey and designate in a suitable manner: areas, places, buildings, structures, monuments, works of art and objects having special historical, architectural, community or aesthetic interest and value, and worth of preservation.

(b) The Board shall give counsel to the City Council regarding the advisability of issuing any certificates required to be issued pursuant to the Act of June 13, 1961, and this article. Such counsel shall at all times be consistent with the provisions of all ordinances of the City. For this purpose the Board may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of four members of the Board. The members of the Board shall serve without compensation, and shall make an annual report of the transactions to Council. The Board may, pursuant to appropriations by Council, employ secretarial assistance. (Ord. 31-1970 §5, 6.)

1731.06 DUTIES OF BUILDING OFFICIAL.

Upon receipt of an application for a building permit for work to be done in the historic district, or application for work to be done in the historic district that may not require a building permit but does require a Certificate of Appropriateness (see 1731.07(a)), the Building Official shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

- (a) **HeThey** shall forward to the office of the Board of Historical Architectural Review a copy of the application for a building permit and/or Certificate of Appropriateness for any work which is regulated by the provisions of this article together with a copy of the plot plan for the building plans and specifications filed by the applicant.
- (b) **HeThey** shall maintain in **his their** office a record of all such applications and of **his their** handling and final disposition of the same, which shall be in addition to an appropriately cross-referenced to **his their** other records.
- (c) **HeThey** shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit or Certificate of Appropriateness to permit compliance with the foregoing.

1731.07 PRIOR COUNCIL APPROVAL OF PERMIT ISSUANCE.

The Building Official shall not issue a permit for any erection, reconstruction, alteration, restoration, demolition or razing of a building in this historic district which will affect the exterior historic or architectural features or nature of the building, until Council has issued a certificate of appropriateness.

(A) Any exterior work that can be seen from the public way must be approved by HARB prior to the start of work whether a building permit is required or not.

(1) The following projects, but not limited to the list below, shall require a Certificate of

Appropriateness:

- (a) All new construction and additions**
- (b) Siding**
- (c) Replacement windows or modifications**
- (d) More than 32 sq. ft. of exterior cumulative patching**
- (e) All exterior work done by a contractor not specifically exempted**
- (f) Any and all roofing that is more than an ordinary repair with like materials**
- (g) Door replacement or modifications**
- (h) Removal of any facade fixtures or trim that is not an in-kind repair/replacement**
- (i) Fences**
- (j) Detached accessory structures**
- (k) Water tanks supported directly upon grade if the capacity exceeds 100 gallons**
- (l) Window awnings**
- (m) Replacement of existing gutters/gutter system**
- (n) Painting**

1731.08 BOARD MEETING.

The Board of Historical Architectural Review shall meet regularly and publicly at least **once twice** each month at regularly scheduled intervals **(unless there are zero applications for review five days prior to the time of the scheduled meeting)**, and may hold special meetings for cause at the call of the Chairman of the Board or upon request of any four members. Attendance at regularly scheduled meetings shall be mandatory and any member failing to attend six consecutive regularly scheduled meetings shall be deemed to no longer be a member of the Board. Any application for a building permit regulated by this article shall be considered by the Board at its next regularly scheduled meeting, or at any special meeting of the Board called for such purpose. The person applying for the permit shall be advised of the time and place of such meeting and invited to appear to explain **his their** reasons therefor.

1731.09 CONSIDERATIONS REGARDING ISSUANCE OF PERMITS.

In determining the counsel to be presented to City Council concerning the issuing of a certificate of appropriateness of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, the Board shall consider the following matters:

- (a) The effect of the proposed change upon the general historic and architectural nature of the district.
- (b) The appropriateness of exterior architectural features which can be seen from a public street or way only.
- (c) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.

1731.10 NOTICE TO APPLICANT.

Immediately following the meeting of the Board at which an application is considered, the Board shall submit its counsel in writing to Council, however, if the Board, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel against the granting of a certificate of appropriateness, it shall indicate to the applicant for a building permit the changes in plans and specifications, if any, which in the opinion of the Board would protect the distinctive historical character of the historic district. The Board shall withhold its report to Council for a period of five days following its decision to allow the applicant to decide whether or not to make the suggested changes in ~~his~~ **their** plans and specifications. If the applicant determines that he will make the suggested changes, he shall so advise the Board which shall counsel the City Council accordingly. (Ord. 31-1970 §11.)

1731.11 WRITTEN REPORT OF BOARD.

The Board, in submitting to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness shall set out the following matters:

The Board, after the hearing provided for in Section 1731.08 and after the making of any changes in the plans and specifications as provided in Section 1731.10 shall submit to Council, in writing, its counsel concerning the issuance of a certificate of appropriateness, of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or part of any building within the historic district. The written report shall set out the following matters:

- (a) The exact location of the area in which the work is to be done.
- (b) The exterior changes to be made or the exterior character of the structure to be erected.
- (c) A list of the surrounding structures with their general exterior characteristics.
- (d) The effect of the proposed change upon the general historic and architectural nature of the district.
- (e) The appropriateness of exterior architectural features which can be seen from a public street or way.
- (f) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.
- (g) The opinion of the Board (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district.
- (h) The specific counsel of the Board as to the issuance by Council or its refusal to issue a certificate of appropriateness.

(Ord. 31-1970 §12.)

1731.12 CERTIFICATE OF APPROPRIATENESS.

(a) Upon receipt of the written counsel of the Board as provided in Section 1731.11, Council shall consider at a regular or special meeting the question of issuing to the Building Official a certificate of appropriateness authorizing a permit for the work covered by the application. The applicant shall be advised by the City Clerk of the time and place of the meeting at which ~~his~~ **their** application will be considered and shall have the right to attend and be heard as to ~~his~~ **their** reasons for filing same. In determining whether or not to certify to the appropriateness of the proposed erection, reconstruction, alteration, restoration, demolition or razing of all or a part of any building within the historic district, Council shall consider the same factors as the Board which are set forth in Section 1731.09 and the report of the Board.

If Council approves the application, it shall issue a certificate of appropriateness authorizing the Building Official to issue a permit for the work covered. If Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district. Council shall not consider any matter not pertinent to the historical aspect and nature of the district. (Ord. 31-1970 §13.)

(b) In any event, Council shall render its decision no later than thirty days after the receipt of the written recommendations of the Board of Historical Architectural Review. (Ord. 15-1976 §1. Passed 7-6-76.)

1731.13 DISAPPROVAL AND APPEAL.

Upon receipt of the written disapproval of Council, the Building Official shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law and City ordinances.

1731.14 INSTALLATION OF ANTENNA, SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES IN THE HISTORIC DISTRICT.

No satellite dishes, antenna, air conditioners, heat pumps, outdoor grills or other similar modern devices shall be installed or placed in the front yards, front of buildings or along their facades within the historic district. All air conditioners, heat pumps, outdoor grills or other similar modern devices shall be located to the rear of the main dwelling unit. Antenna and satellite dishes may be installed in the rear or on the roof of the main dwelling unit. A roof-mounted satellite dish or antenna shall not be visible from public right-of-ways. For double frontage lots, the antenna or satellite dish must not be visible from the street frontage for which the property is addressed.

- (a) Purpose. The City established the historic district in part to protect the beauty of the architecture within the district. The installation of satellite dishes and other modern accessories, devices or fixtures without proper oversight can specifically damage properties and buildings if done without care for the integrity of the structure and can harm the integrity of the district satellite dishes are installed without respect for the historic aspect of the district. The purpose of this ordinance is to allow the use of such devices in the historic area, while protecting the beauty and physical structure of buildings in the area.
- (b) Exceptions.
 - (1) Satellite dishes may be installed in the front of buildings in the historic district only if no other means of reception can be provided. In such cases, the owner or tenant of the property shall notify the building official in writing signed by a professional installer of the need to install the satellite dish in the front of a building. Such satellite dishes shall be installed to be as unobtrusive as reasonably possible and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The building officials shall approve the installation to ensure the user can receive proper signals, while protecting the historic nature of the district.
 - (2) Portable window air conditioners, outdoor grills and similar devices that are to be used for a temporary period shall be exempt from the requirements of this ordinance as long as those devices are not stored in front yards or the front of buildings when they are not to be in use.
- (c) Removal of Existing Satellite Dishes. Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.
- (d) Appeals. Any decision by the Building Official may be appealed so that the decision would have to follow the process of review of the Historic Architecture Review Board.
- (e) Penalty. Any person who violates the provisions of this subsection shall be guilty of a summary offense punishable by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and the costs of prosecution. (Ord. 22-2006. Passed 4-18-06.)

1731.15 ENFORCEMENT.

The Building Official shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same manner as in ~~his~~ their enforcement of the City Building Code as presently enacted and as may be amended. (Ord. 31-1970 §15.)

PASSED FINALLY: **September 2, 2014**

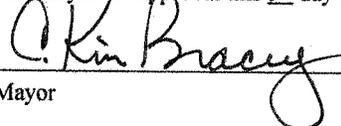
BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None.

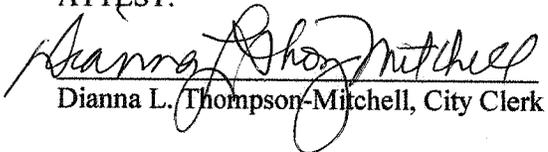

Carol Hill-Evans, President of Council

Presented to the Mayor for approval this 3rd day of September 2014.

Approved:  9/3/14
Mayor Date

Vetoed: _____
Mayor Date

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of the City of York, PA
Session 2014
Resolution No. 81

INTRODUCED BY: Michael Ray Helfrich

DATE: September 2, 2014


A Resolution

Amending Bill No. 20 of Session 2014, Section 1731.06 "Duties of Building Official," to remove duty of the Building Code Official to review all applications for in-kind repairs or replacements and applications for exterior painting.

NOW, THEREFORE, BE IT RESOLVE, by the Council of the City of York, PA, that Bill No. 20 of Session 2014, Section 1731.06 "Duties of Building Code Official," Subsections 1731.06(d) and 1731.06(e) be deleted as follows:

1731.06 DUTIES OF BUILDING OFFICIAL.

Upon receipt of an application for a building permit for work to be done in the historic district, or application for work to be done in the historic district that may not require a building permit but does require a Certificate of Appropriateness (see 1731.07(a)), the Building Official shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

(a) He shall forward to the office of the Board of Historical Architectural Review a copy of the application for a building permit and/or Certificate of Appropriateness for any work which is regulated by the provisions of this article together with a copy of the plot plan for the building plans and specifications filed by the applicant.

(b) He shall maintain in his office a record of all such applications and of his handling and final disposition of the same, which shall be in addition to an appropriately cross-referenced to his other records.

(c) He shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit or Certificate of Appropriateness to permit compliance with the foregoing.

~~(d) He shall review all applications for in-kind repairs or replacements, and upon satisfaction that the repair or replacement is in fact in-kind, shall waive HARB review.~~

~~(1) "In-kind" is defined as the replacement of a building component through matching the original component's material, size, profile, texture, and color.~~

~~(e) He shall review all applications for exterior painting, and shall waive HARB review if the selected color is appropriate considering the general historic nature of the district and the surrounding structures.~~

PASSED FINALLY: September 2, 2014

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Council of the City of York, PA
Session 2014
Bill No. 21
Ordinance No. 19

INTRODUCED BY:


Henry Hay Nixon

DATE: August 19, 2014

AN ORDINANCE

OF THE CITY COUNCIL OF THE CITY OF YORK PROVIDING FOR THE ESTABLISHMENT OF A CIVIL SERVICE BOARD IN ACCORDANCE WITH ACT 22 OF 2014 AND PROVIDING FOR THE WINDING UP OF AFFAIRS OF THE EXISTING YORK CITY POLICE CIVIL SERVICE COMMISSION AND YORK CITY FIRE CIVIL SERVICE COMMISSION; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, pursuant to Act 22 of 2014, the Commonwealth of Pennsylvania made revisions to the Third Class City Code, the Act of June 23rd, 1931 (P.L.932, No. 317), as reenacted and amended June 28, 1951 (P.L.662, No. 164) as amended (Act 22 of 2014 shall be referred to in this Ordinance as the "Amendments"); and

WHEREAS, the Amendments provide that there will be one civil service board operative for both police officers and firefighters in Third Class Cities; and

WHEREAS, as of the effective date of Act 22 of 2014 and the date hereof, the City of York, in accordance with previous Pennsylvania Law, including the Third Class City Code and Act 272 of 1933 (the provisions of which relating to fire civil service commissions are being repealed by the Amendments), has separate civil service commissions for both police and fire, each of which have adopted its own rules and regulations and procedures; and

WHEREAS, City Council of the City of York is adopting this Ordinance to provide for the creation of a new single civil service board for both fire and police and for the winding up of affairs of both the existing Police Civil Service Commission and the existing Fire Civil Service Commission.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of York, York County, Pennsylvania, as follows:

SECTION 1. In accordance with Section 417 of the Amendments and codified at 53 P.S. 39402 et seq., City Council of the City of York hereby creates the City of York Civil Service Board to provide for and oversee the examination of applicants for appointment to and promotion to any position in the police or fire departments, which City of York Civil Service Board (the "Board") shall consist of three citizens who shall be appointed by City Council. The terms of such board members shall be four (4) years, or until their successors are appointed and qualified. The terms of those initially appointed to the Board, shall, however, be staggered with one person to serve for two years, one person to serve for three years and one person to serve for four years. All successive appointments shall be in accordance with Section 420 of the Amendments, codified at 53 P.S. 39403. If any vacancies occur, they shall be filled by the City Council for the unexpired term. Alternates may also be appointed by City Council in accordance with the Amendments.

SECTION 2. The appointments to and operation and authority of the Board shall be in conformity with and pursuant to Article XLIV of the Amendments.

Bill No. 21, Ordinance No. 19, Session 2014

SECTION 3. In accordance with Section 440 of the Amendments, any proceedings that have been initiated or are pending before the existing Police Civil Service Commission or Fire Civil Service Commission will continue before such applicable commissions until concluded.

SECTION 4. Until such time as the newly created Board shall adopt its own rules and regulations, it shall follow the existing rules and regulations adopted by the City Police Civil Service Commission and the City Fire Civil Service Commission with respect to appointments, hires, and promotion for police and fire personnel, respectively.

SECTION 5. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of York that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 7. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

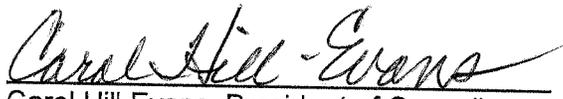
DULY ORDAINED AND ENACTED this 2nd day of September, 2014, by the Council of the City of York, York County, Pennsylvania, in lawful session duly assembled.

PASSED FINALLY: **September 2, 2014**

BY THE FOLLOWING VOTE:

YEAS: Helfrich, Nixon, Satterlee, Nelson, Hill-Evans - 5

NAYS: None


Carol Hill-Evans, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 3rd day of September 2014

Approved: C. Kim Bracy 9/3/14
Mayor Date

Vetoed: _____
Mayor Date

Article – XLIII – Pensions

There are no significant changes to this article other than editorial. However, Section 4323 has been amended to by removing current language that would cause the forfeiture of a firefighter's pension and ties such a loss of pension to the "Public Employee Pension Forfeiture Act.

Article XLIV – Civil Service

There are several notable and substantive amendments are made to this article. They are:

1. Upon the effective date of this article, there will be one civil service board operative for both police officers and firefighters. The current firefighters' civil service statute, Act 272 of 1933, which is not part of the Third Class City Code, will be repealed (Section 4401).
2. Civil service will apply to police officers and firefighters other than the chief of police and the fire chief, and existing *non-uniformed* civil service employees will be grandfathered and protected by civil service provisions and procedures. This is to alleviate concerns over potential property rights that existing employees may possess in their current employment status (Section 4402.1). Nonuniformed employees who are not grandfathered will be considered employees at-will unless they are covered by collective bargaining agreements.
3. Alternate civil service commission members may be appointed by the governing body. This language, derived from Section 628 of the First Class Township Code, would permit alternate members to serve a four year term and be seated for purposes of a quorum. When seated, the alternate would participate in all proceedings and discussions including the right to vote. The alternate member of the board would continue to be involved in any proceeding involving the matter or case for which he or she was designated to serve or hear (Section 4403.1).
4. A new Section 4403.2, derived from Section 2 of Act 272, is added to permit the civil service board to make investigations and issue subpoenas concerning enforcement of civil service rules and regulations.
5. Section 4404.1(f) defines medical examination for purposes of conforming civil service provisions to federal and state anti-discrimination laws. It also defines physician and qualified medical professional. Section 4406 clarifies that physical fitness or agility examinations that are job related and consistent with business necessity are still permitted to be administered prior to a conditional offer of employment. If a person is conditionally appointed to be a member of the police force or as a firefighter, a physical examination conducted by a physician or other medical professional, and a psychological examination conducted by a psychiatrist or psychologist, may be given. Ultimate recommendation for hiring is to be done by the head of the relevant department after conducting one or more interactive discussions which focus on the issue of whether the conditional appointee can, with or without, reasonable accommodation, perform the essential functions of the position. If the person is deemed not to be qualified by the department head, then a written notice must be submitted to the conditional appointee and the civil service

board. If council does not approve the nomination, the department director shall then submit another nomination. The process then would be repeated.

6. Section 4406.1(a) is modified to omit language authorizing promotions by methods other than competitive examination.

As provided by Act 99 of 2011, Section 4406.1(b) clarifies that mayors or department heads in cities operating under the Optional Third Class City Charter Law of 1957, those who are governed under optional plans of government pursuant to Chapters 30 and 31 of Title 53 Pa.C.S., as well as those subject to any other law that would vest the mayor with the power to promote, may continue to make promotions pursuant to those laws.

Section 4406.1(c) emphasizes that this section does not affect the mayor's power to appoint police chiefs and fire chiefs outside of civil service as provided in Sections 2002 and 2101.1.

7. Veterans' preference provisions relating to appointment to a civil service position are updated to comply with 51 Pa.C.S. Pt. V, Ch. 71 (relating to veterans preference) in the Military and Veterans Code. A veteran who meets the qualifications for and conditions of a position will receive an additional 10 points on an examination. (See 51 Pa.C.S. § 7103(a) applicable to civil service positions, not only in the Commonwealth, but also to political subdivisions). If after the additional 10 points are given, a veteran is on the list of three eligible applicants, the veteran will receive preference in hiring (Section 4405.1).
8. In relation to suspension or discharge for disciplinary reasons, civil service employees who are suspended for more for more than three days without pay may request a hearing before city council or the civil service board if designated by ordinance. A right of appeal from council or the board is to be conducted pursuant to the Local Agency Law, 2 Pa.C.S. Ch. 5, Subch. B, which review shall be exclusive. In a case where a police officer or firefighter who is a member of a collective bargaining unit chooses the above method to appeal, grievance arbitration will not be available. If grievance arbitration is utilized, the above provisions will be foreclosed (Section 4408).

Continuation language is added in Section 440, a technical section at the end of the bill, to clarify that although one civil service board will exist in cities after enactment of the bill, any civil service proceeding that has been initiated or is pending as of the effective date of the section will continue before the applicable boards. Any civil service proceeding initiated after the effective date will be heard before the new board created by this Article.

Article XLIV-A – Veterans' Affairs (New)

This is a new article that consolidates relevant portions of provisions in paragraphs 34, 35, 36, 37, 38, 39, 40, 41, and 42 in section 2403 of Article XXIV (Corporate Powers) and old Sections 3820 and 3821 in old Article XXXVIII (relating to shade trees and forests) as it relates to support of veterans, appropriations to support the Pennsylvania National Guard and armories, appropriations for cemeteries

Council of the City of York, PA
Session 2014
Bill No. 22
Ordinance No. 20

INTRODUCED BY: **Michael Ray Helfrich**

DATE: **August 19, 2014**



AN ORDINANCE

Amending Article 513 "Vehicle Operation and Parking," Subsection 513.14(r) "Parking Prohibited in Specified Places" to extend parking restrictions on Linden, Florida, and Texas Avenues to West St. during the York Interstate Fair.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 513 "Vehicle Operation and Parking," Subsection 513.14(r) "Parking Prohibited in Specified Places " be amended as follows:

SECTION ONE: Article 513.14(r) is hereby amended as follows:

513.14 PARKING PROHIBITED IN SPECIFIED PLACES

(r) During the York Interstate Fair on:

- Linden Avenue from Richland Avenue to ~~Belvidere Avenue~~ **West St**;
- Madison Avenue from Carlisle Avenue to West Street;
- Maryland Avenue from Carlisle Avenue to West Street;
- Pennsylvania Avenue from Carlisle Avenue to West Street;
- Florida Avenue from Carlisle Avenue to ~~Belvidere Avenue~~ **West St**;
- Hawthorne Street from Linden Avenue to the City line north;
- Texas Avenue from Carlisle Avenue to Hawthorne **West Street**;
- Carlisle Avenue from Linden Avenue to the City line north;
- 800 block of Fern Place;
- 700 block of West Philadelphia Street;
- Richland Avenue from Linden Avenue to Madison Avenue;
- Smyser Alley from Linden Avenue to Madison Avenue;
- Belvidere Avenue from Linden Avenue to Texas Avenue;
- Delaware Avenue; and
- Clayton Avenue;

when such streets are marked by official signs restricting parking and unless vehicles so parked display a residential parking sticker issued by the City. Vehicles parked in violation of the restricted parking area shall be subject to towing and liable to the City for the cost of any towing and storage charges incurred by the City. (Ord. 8-1985 §1. Passed 8-6-85.)

SECTION TWO: This ordinance shall become effective immediately after passage by City Council and approval by the Mayor.

PASSED FINALLY: **September 20, 2014**

BY THE FOLLOWING VOTE:

YEAS: **Helfrich**, **Nixon**, **Satterlee**, **Nelson**, **Hill-Evans** - 5

NAYS: **None**.

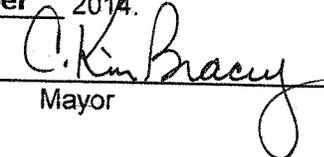

Carol Hill-Evans, President of Council

ATTEST:

Presented to the Mayor for approval this **3rd** day of **September** 2014.


Dianna L. Thompson-Mitchell, City Clerk

Approved:


Mayor

9/3/14
Date

Vetoed:

Mayor Date