

ARTICLE 111
Council

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

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 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.

(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 building 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 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. 11-2012. Passed 4-3-12.)

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.)