

Council of the City of York, PA

Session 2019

Bill No. 32

Ordinance No.



INTRODUCED BY: H. Michael Buckingham

DATE: November 19, 2019

**AN ORDINANCE**

Amending Article 165.07 "Residency Requirements" of the Codified Ordinances to expand residency area to include York County, or any County contiguous to York County (Adams, Cumberland, Dauphin, Lancaster, Harford, Baltimore, Carroll Counties).

**WHEREAS**, the City of York has struggled with filling positions since instituting a residency requirement in 1994; and

**WHEREAS**, of the City's 366 employees, the Residency requirement found in Article 165.07 only applies to 97 non-affiliated employees; and

**WHEREAS**, all employees represented by a Union already have either no residency requirement, or a path to the waiver of the residency requirement; and

**WHEREAS**, the City of York has a hiring preference for City residents under Article 165.06(b) and will continue to do so without the residency requirement;

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of York, PA, that Council hereby amends Article 165.07 as follows:

**SECTION ONE:** That Article 165.07 "Residency Requirements" of the Codified Ordinances be amended as follows:

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~~ **York County, or any County contiguous to York County (Adams, Cumberland, Dauphin, Lancaster, Harford, Baltimore, Carroll Counties)**, within six months from the first date the employee achieves permanent employment status.

**(d) Individuals already employed by the City at the time of the effective date of this ordinance will no longer be required to live in the City, so long as they live in York County, or any County contiguous to York County.**

~~(e)~~ All new employees, ~~once their residence in the City is established,~~ shall be required to maintain residence within ~~the City~~ **York County or any County contiguous to York County** during their employment. Failure to do so shall be determined to be a forfeiture of employment.

~~(e) Effective February 1, 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.

**(g) This Ordinance is effective January 1, 2020.**

**SECTION TWO:** This ordinance shall become effective in accordance with the law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Henry Hay Nixon, President of Council

\_\_\_\_\_  
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

APPROVED: \_\_\_\_\_  
Mayor Date

VETOED: \_\_\_\_\_  
Mayor Date