HOME RULE CHARTER & REPORT

BETHEL PARK
GOVERNMENT STUDY COMMISSION

Ballot Date: November 2, 1976
Effective Date: January 2, 1978
Amended by Ballot: November, 1980
Amended by Ballot: November, 1982
Amended by Ballot: May, 1993
Amended by Ballot: November, 1998
Amended by Ballot: May 21, 2013
Amended by Ballot: November 3, 2015
Amended by Ballot: November 7, 2017
Amended by Ballot: November 6, 2018

CHARTER
OF THE
MUNICIPALITY OF BETHEL PARK
ALLEGHENY COUNTY, PENNSYLVANIA

BETHEL PARK GOVERNMENT STUDY COMMISSION

James H. McLean, Chairman
Reno Virgili, Vice Chairman
Michael P. Schaefer, Secretary
Roberta A. Trautman, Treasurer
Ronald G. Bugos (May, 1974 to September,1975)
Rita T. Fardella
Donald L. Harrison
Emma A. Jack
Miriam K. Manion (September, 1975 to November, 1975)
Fred A. McLaughlin

ACKNOWLEDGEMENTS

The members of the Commission extend their gratitude to all the witnesses who testified before the Commission and to all the public-spirited citizens who attended our public meetings. We wish also to thank all other persons who in some way contributed to our efforts.

BALLOT QUESTION

Pursuant to Sections 214 and 215 of Act 62, Home Rule Charter and Optional Plans Law, the Bethel Park Government Study Commission hereby submits the following question to be placed on the ballot:

"SHALL THE HOME RULE CHARTER CONTAINED IN THE REPORT, DATED NOVEMB4ER 18, 1975, OF THE GOVERNMENT STUDY COMMISSION, PREPARED IN ACCORDANCE WITH THE HOME RULE CHARTER AND OPTIONAL PLANS LAW, BE ADOPTED BY THE BOROUGH OF BETHEL PARK?"	YES
	NO

To The Citizens of Bethel Park:

Having entered the decade of the 70's, local government Home Rule is on the rise and is recognized as one of the most important tools available for identifying and solving the myriad of problems confronting municipalities, including our own Bethel Park.

The 1968 amendment to the Pennsylvania Constitution gave such municipalities the right to study their local government and to adopt Home Rule. Four years later, the Pennsylvania General Assembly implemented this part of the Pennsylvania Constitution by passing Act 62, known as "The Home Rule Charter and Optional Plans Law".

You, the voters of Bethel Park, had the unique opportunity on two separate occasions, to vote on the referendum question on whether to create a Study Commission for Bethel Park. Both times, you overwhelmingly approved the formation of a Government Study Commission and elected nine members to serve on each Commission. The first Commission was limited to optional plans only. However, that Commission rejected these plans and recommended a Study Commission with power to draft and submit a Home Rule Charter.

In accordance with that recommendation and pursuant to Act 62, the present Commission was selected by you on May 21, 1974 to study the form of government; compare it with other available forms; determine whether or not, in its judgment, the government of Bethel Park can be strengthened, made more clearly responsible and accountable to the people and determine whether its operation could become more economical and efficient.

This study culminated in the Home Rule Charter we now present to you for your study and review. While there are significant changes, for example, the collection of taxes will be performed by an appointed official, the basic structure of your government has not been altered. It is the opinion of the Study Commission that the Home Rule Charter provides a new dimension of jurisdiction and responsibility in local government affairs. This Commission unanimously recommends the adoption of this Home Rule Charter at the November 2, 1976 election so that Bethel Park can have all the benefits of local self-government.

James H. McLean Chairman	Reno Virgili Vice-Chairman	Michael P. Schaefer Secretary
Robert A. Trautman Treasurer	Rita T. Fardella Member	Donald L. Harrison Member
Emma A. Jack Member	Miriam K. Manion Member	Fred A. McLaughlin Member

STATEMENT OF EXPENSES

The following funds, included in the 1974 and 1975 General Fund budgets of the Borough of Bethel Park, have been expended by the Bethel Park Government Study Commission in the conduct of its affairs from May 21, 1974 through November 18, 1975, the date of the filing of its final report:

Stenographic Services		
Betty H. Scheirer	$2,483.69	
Betty Hayes	325.85	
		$2,809.54
Consultants		
Creative Counseling	$ 500.00	
Christine Altenberger	35.00	
		535.00
Stationery		
Bethel Park Printing		15.35
Postage		
Borough of Bethel Park		53.16
Publicity and Advertising		
Publix Publications		90.66
Publications		
TNT Printing		199.40
Legal Services		
Donald J. Lee, Esquire		300.00
Xerox Copying		
Borough of Bethel Park		353.55
Typewriter		
Hays Typewriting Company	$ 435.92	
Maintenance - Hays Typewriter	51.67	
Maintenance on Diskriter - Borough of Bethel Park	20.00	
		507.59
Payroll Taxes		
F.I.C.A. - Borough of Bethel Park		164.36
TOTAL		$5,028.61

In addition to the above expenditures, the Borough provided without charge the use of meeting rooms and mailing facilities. The individual Commission members provided without charge supplies and telephone usage from their personal funds and made available certain secretarial and clerical services from their business and professional offices. No attempt was made to value such unreimbursed expenses.

Anticipated expenditures after November 18, 1975

The Commission anticipates that expenditures of approximately $2,500.00 will be made after November 18, 1975 for the costs incurred and to be incurred in regard to the follow- ing.

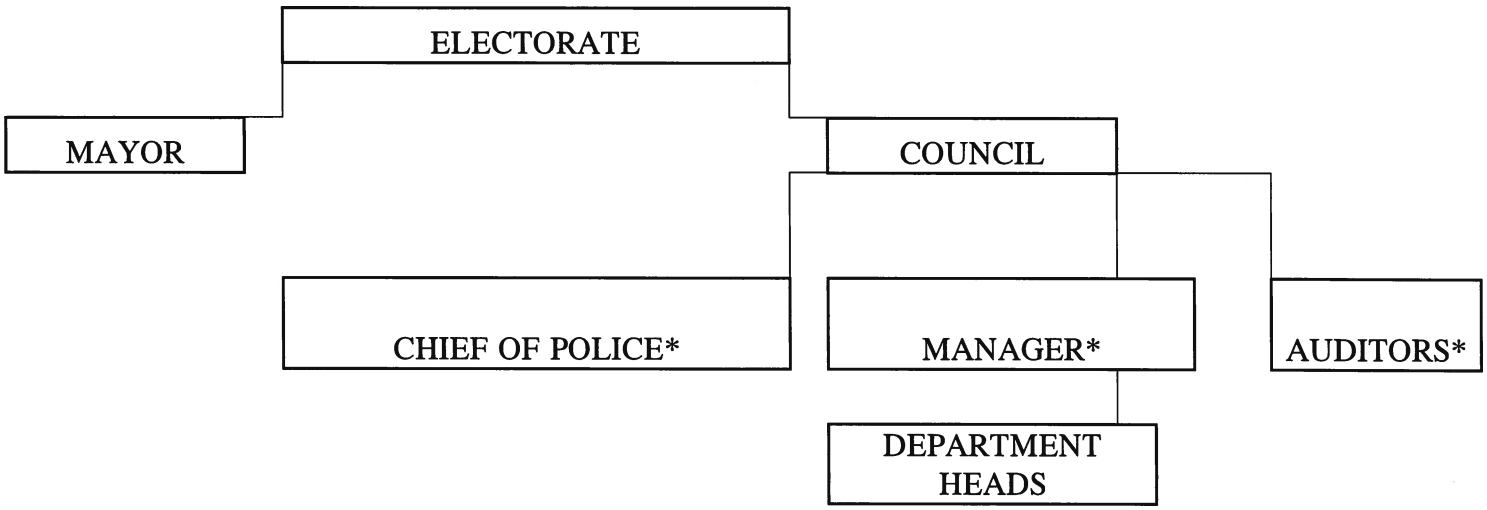
Legal and consultation fees in reviewing the Home Rule Charter and Final Report estimated at $200.00, costs of printing the recommended Home Rule Charter and Final Report (5,000 copies) at $2,130.00 and other miscellaneous expenditures.

James H. McLean Chairman	Reno Virgili Vice-Chairman	Michael P. Schaefer Secretary
Roberta A. Trautman Treasurer	Rita T. Fardella Member	Donald L. Harrison Member
Emma A. Jack Member	Miriam K. Manion Member	Fred A. McLaughlin Member

Sworn to and Subscribed
before me this 18th day
of November, 1975.

Betty H. Scheirer
Notary Public

PRESENT FORM OF GOVERNMENT



*Appointed by Municipal Council

HOME RULE CHARTER OF BETHEL PARK, PENNSYLVANIA

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HOME RULE CHARTER OF BETHEL PARK, PENNSYLVANIA

ARTICLE 1

NAME, BOUNDARIES AND POWERS OF THE MUNICIPALITY

Section 101. Name

Bethel Park shall hereafter be a HOME RULE CHARTER MUNICIPALITY under the name of "Bethel Park". As used in this Charter, the word "Municipality" shall mean the Municipality of Bethel Park in Allegheny County, Pennsylvania.

Section 102. Boundaries

The Municipality shall be divided into nine (9) wards, the boundaries of which shall be co-terminus with the boundaries existing in the Municipality of Bethel Park at the time this Charter is adopted and as lawfully changed thereafter.

Section 103. Powers

The Municipality has, and may exercise, any power and may perform any function not denied by the Constitution of the United States, the Constitution of Pennsylvania, the Pennsylvania General Assembly or by this Charter at any time.

ARTICLE 2

MAYOR

The Mayor shall be recognized as the spokesman of the Municipality. He shall be in attendance at all Council meetings, shall have a voice in all matters before Council and shall have authority and perform such duties as are assigned under this Charter.

Section 201. Term of Office

The Mayor shall be elected at large by the electors of the Municipality for a term of four (4) years at the municipal election to be held in the year 1977 and every four (4) years thereafter. He shall continue in office for the extent of his elected term unless his term is terminated for any reason including but not limited to death, resignation, legal removal or termination of residency in the Municipality. (For filling of vacancy, see Article 14, Section 1403).

Section 202. Eligibility

All candidates for the office of Mayor shall be registered electors of the Municipality. They shall be bonafide residents of the Municipality at the

time they file for nomination and shall continuously remain bonafide residents of the Municipality during the election year and throughout their term of office, if elected. The Mayor shall not be a member of Council nor shall the Mayor hold any other public, elected or appointed, office within the Municipality during his term.

Section 203 Oath of Office

The Mayor, prior to assuming office, shall take and sign an oath of office as prescribed by Pennsylvania law. Such oath may be taken and signed before any Judge or Magistrate of the Common- wealth. No person shall be permitted to assume such office until the oath, in written form, is filed with the Municipal Manager.

Section 204 Salary

The Mayor shall receive the same compensation as received by the Mayor of the Municipality on the day before the effective date of this Charter, or such other sum as set by Council by ordinance. Such compensation shall not be increased or decreased during the term of which the Mayor was elected or appointed. No such increase or decrease shall be effected by ordinance for the forthcoming term after the first day to file for the primary election for said office.

The Mayor shall receive no other compensation, direct or indirect, for the performance of duties and shall receive no pensions or other forms of fringe benefits. The Mayor shall, however, be entitled to actual, necessary, documented expenses incurred within the budget limitations in the performance of the duties of the office and presented to and approved by Council in public session. The budget shall include a reasonable appropriation for the Mayor's expenses which may be exceeded only with prior approval by Council at a regular meeting.

Section 205 Signing of Ordinances

Before any ordinance shall become effective, it must first be submitted to the Mayor for his approval. The Mayor shall sign the ordinance if he approves it, whereupon it shall become law as of its effective date.

Section 206 Veto

The Mayor shall have the power to veto any ordinance adopted by Council. If the Mayor vetoes an ordinance, he shall return it to Council with the reasons for such disapproval submitted in a formal letter at the first regular meeting thereof held not less than ten (10) days after the Mayor receives the ordinance. If Council at the regular meeting at which the veto letter is submitted shall adopt the ordinance by a veto of two-thirds (2/3) of all its members, it shall become law as of its effective date. If the Mayor does not return the ordinance within the time required, it shall become law as of the effective date without the Mayor's approval.

Section 207 Tie Breaking

The Mayor shall not vote on matters presented to Council except where, by reason of a tie vote, Council cannot effect an official action on a matter before it.

It such cases, the Mayor may cast a deciding vote or may request that the matter be tabled until a special meeting of Council is held not less than five (5) nor more than ten (10) days subsequent to the tie vote. If at this special meeting, Council is unable to effect an official action on the matter and a tie vote still exists, the Mayor shall cast the tie breaking vote. If the Mayor is not in attendance at the special meeting and Council is unable to effect an official action on the matter, the matter shall be considered defeated.

If the Mayor is not in attendance at a regular meeting which has a tie vote, the matter shall be tabled to a special meeting to be held not less than five (5) and not more than ten (10) days subsequent to the tie vote and the Mayor shall be given five (5) days' written notice of such meeting. If at this special meeting, Council is unable to effect an official action on the matter and a tie vote still exists, the Mayor shall cast the tie breaking vote. If the Mayor is not in attendance at the special meeting and Council is unable to effect an official action on the matter, the matter shall be considered defeated.

Section 208 General Powers and Duties

In addition to powers and duties otherwise provided for herein, the Mayor shall exercise the powers and perform the duties as follows:

A. Be recognized as the spokesman of the Municipality for all ceremonial purposes;

B. Execute or authenticate such instruments as required by this Charter, Council or other State or Federal law;

C. Study the operations of the municipal government and report to Council on the state of the Municipality with recommendations for measures deemed to improve municipal affairs. This report shall be given at least annually at the regular meeting in June;

D. Be recognized, by the Governor, as the head of government for purposes of martial law. Any powers that Council may establish by ordinance to resolve emergencies shall be enforced by the Mayor;

E. Have the authority to appoint and dissolve voluntary cmmittees of interested citizens to assist and advise the Mayor on issues and matters pertaining to the affairs of the Municipality;

F. Exercise such additional powers and perform such additional duties as shall be mutually agreed upon by the Mayor and Council, and which are not inconsistent with the provisions of this Charter;

G. Have the authority to negotiate intergovernmental co-operative agreements which shall be subject to final ratification of Council. The Mayor shall give prior notification to Council on any intent to negotiate such agreements and shall provide Council with periodic reports of the negotiations.

ARTICLE 3

COUNCIL

Section 301 General Powers and Duties

All powers of the Municipality shall be vested in Council, except as otherwise provided by this Charter.

Section 302 Composition

There shall be a municipal Council of nine (9) members. Each ward shall be represented by one (1) Council member to be elected by the registered electors of the ward the member is to represent.

Section 303 Term of Office

The term of Council members shall be for four (4) years commencing on the first Monday of January following the year in which elected, at an organizational meeting, the time of which is to be determined and advertised by Council. If the first Monday of January is a legal holiday, the organization meeting shall take place the following business day. They shall continue in office for the extent of their elected terms unless their term is terminated for any reason including but not limited to death, resignation, legal removal or termination of residency in their respective wards. (For filling of vacancy, see Article 14, Section 1403).

Section 304 Eligibility

All candidates for the office of Council member shall be registered electors of the Municipality. They shall be bonafide residents of their ward at the time they file for nomination and shall continuously remain bonafide residents of their respective wards during the election year and throughout their term of office, if elected. No member of Council shall hold any other public, elected or appointed, office within the Municipality during their term.

No incumbent member of Council shall be made ineligible to hold office by reason of redistricting during the term of office, but shall continue to represent the district from which originally elected for the remainder of the elected term.

Section 305 Oath of Office

Members of Council, prior to assuming office, shall take and sign an oath of office as prescribed by Pennsylvania law. Such oath may be taken and signed before the Mayor, any Judge or Magistrate of the Commonwealth. No person shall be permitted to assume such office until the oath, in written form, is filed with the Municipal Manager.

Section 306 Salary

Each member of Council shall receive the same compensation as received by Council members of the Municipality on the day before the effective date of this Charter, or such other sum as set by Council by ordinance. Such compensation shall not be increased or decreased during the term for which any member of Council was elected or appointed. No such increase or decrease shall be effected by ordinance for the forthcoming term after the first day to file for the primary election for said office.

Members of Council shall receive no other compensation, direct or indirect, for the performance of their duties and shall receive no pensions or other forms of fringe benefits. When, however, Council shall in a public meeting direct certain activities to be performed, members of Council shall be entitled to actual, necessary, documented expenses incurred in the performance of these functions and activities.

Section 307 Regular Meetings

Council shall meet in regular session at least monthly at such time and place as shall be fixed by Council for the following year at the regular meeting in December.

Section 308 Special Meetings

Council may have special meetings; however, the time, place and specific agenda items for such special meetings shall be published at least twenty-four (24) hours prior to the meeting in a general distribution publication circulating in the Municipality. Official action can be taken only on agenda items. All Council members must be notified at least twenty-four (24) hours prior to the special meeting. A special meeting may be called by Council President, but shall be called upon written request of three (3) Council members.

Section 309 Emergency Meetings

Council may have emergency meetings as required. An emergency meeting may be called by the Mayor or Council President.A reasonable effort must be made to notify all Council members of the time and place of the emergency meeting. Any action taken at an emergency meeting shall be ratified at the next regular meeting of Council.

Section 310 Quorum

Five (5) members of Council shall constitute a quorum at all Council meetings. All official action shall require at least four (4) affirmative votes.

Section 311 Minutes

Council shall make and preserve minutes of its meetings which shall be public records.

ARTICLE 4

AUDITORS

Section 401 Annual Audit

The Municipal Council shall provide for an independent annual audit of all municipal revenues, expenditures and accounts, including capital accounts, by a certified public accountant or a firm of certified public accountants. The Municipal Council may provide for more frequent audits, as well as special audits, as it deems necessary.

Section 402 Audit Results

The results of the annual audit financial statement of the fiscal affairs of the Municipality shall be presented to the Municipal Council and the Municipal Manager. A summary thereof, said summary to include the results of all special audits con- ducted during the fiscal year, shall be published in a newspaper circulating generally in the Municipality on or before April 15th following the fiscal year audited. Audit results must comply with the Pennsylvania Department of Community Affairs regulations for filing as well as all other legislative restrictions. Council may, by ordinance, provide for the immediate publication of the summary of special or additional audits as it deems necessary.

Section 403 Appointment

The Council may, without requiring competitive bids, designate a certified public accounting or firm of certified public accountants annually or for a period not to exceed three (3) years, provided that the designation for any particular fiscal year shall be made no later than July 30th of the fiscal year to be audited.

Section 404 Duties

The auditors shall audit, settle and adjust the accounts of all appointed Municipal officers and other officers and persons receiving and disbursing or

authorizing disbursement of the monies of the Municipality during the preceding fiscal year.

Auditors shall complete their audit settlement and adjustment and file copies thereof with Council, the Municipal Manager and with other agencies as required by law.

Auditors shall audit and report to Council on the accounts of all officers referred to in the first paragraph of this section following the death, resignation or removal of such officer. Such audit shall be completed within sixty (60) days of the vacancy.

Section 405 Appeals

It shall be lawful for the Municipality or any taxpayer thereof, on its behalf, or any officer whose account is settled or audited, to appeal from the settlement or audit, as shown on the auditor's report, to the Court of Common Pleas of Allegheny County in the time and manner provided for by the laws of the Commonwealth. Whenever an appeal has been taken, any taxpayer of the Municipality may intervene in the appeal to prosecute the same on behalf of the Municipality or defend it against the appeal of the person charged with any sum.

ARTICLE 5

MUNICIPAL MANAGER

The Municipal Manager shall be the chief administrative officer of the Municipality and shall be responsible to Council for the administration of all municipal affairs placed in the Municipal Manager's charge by reason of this Charter, ordinance or resolution of Council.

Section 501 Qualifications

Qualifications for the position of Municipal Manager shall be judged on the basis of his demonstrated knowledge and/or skills in the following fields: municipal law, auditing and accounting, personnel work, union-management negotiations, public works, general administration and federal grants and funding programs.

The Municipal Manager need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

Section 502 Appointment and Removal

The Municipal Manager shall be appointed by and report to Council. His appointment shall be for an indefinite period of time. He may be removed with or without cause from office by a majority vote of the entire Council according to the following procedure:

A. A resolution shall be adopted by Council which shall set the date for the Municipal Manager's removal from office;

B. A written copy of Council's resolutions and the reasons for its adoption shall be given to the Municipal Manager at least thirty (30) days before the effective date of removal;

C. Council may, during said thirty (30) day period, suspend the Municipal Manager.

D. Council shall continue to pay the Municipal Manager his salary until the effective date of the final resolution of removal.

The action of Council in removing and/or suspending the Municipal Manager shall not be subject to review by any Court or agency.

Section 503 Acting Municipal Manager

The Municipal Manager may designate, in writing, an employee of the Municipality to exercise the duties of Municipal Manager during the Municipal Manager's temporary absence. During such absence, Council may revoke such designation at any time and appoint another employee of the Municipality to serve until the Municipal Manager shall return. No member of Council or other elected official shall be eligible to serve as Acting Municipal Manager.

Section 504 Temporary Vacancy

Upon a vacancy in the office of Municipal Manager, Council shall appoint an Acting Municipal Manager to exercise the powers and perform the duties of the office. A vacancy may be declared by Council in the event the Municipal Manager fails to name an Acting Municipal Manager.

Section 505 Prohibitions

A. The Municipal Manager shall not participate in the conduct of any political or election campaign other than to exercise the Municipal Manager's own right of suffrage;

B. The Municipal Manager shall not hold any other employment for compensation, except as specifically authorized by Council.

Section 506 Powers and Duties

The Municipal Manager's powers and duties include, but are not limited to:

A. Recommending to Council the appointment, suspension or removal of any municipal employee, except as otherwise provided by this Charter or by law;

B. Causing appropriate records to be made, preserved and certified as required by this Charter, by law or action of Council;

C. Attesting to the execution of all instruments, recording all ordinances and retaining custody of the municipal corporate seal;

D. Directing and supervising all administrative units, offices and agencies, except as otherwise provided by this Charter or by law;

E. Being responsible for carrying out all policies established by Council and for the proper administration of all affairs of the Municipality.

ARTICLE 6

PUBLIC SAFETY

The Police Department shall be administered by a Chief of Police. The Chief of Police shall be appointed by Council and shall be directly responsible to the Municipal Manager. The Police Department shall have all powers and duties granted to it by Council under the applicable ordinances and the applicable provisions of law. The Chief of Police shall not be governed by the provisions of civil service. Amended by Referendum Vote, November,2015 and corresponding Ordinance of April 13, 2015.

Section 601 Police Department

Subject to this Charter and to the civil service provisions of the Municipality established before and after the effective date of this Charter, Council shall:

A. Appoint, establish the rank and compensation of the police and prescribe all necessary rules and regulations for the organization and operation of the Police Department.

B. Appoint and fix the compensation of the Chief of Police.

Setion 602 Chief of Police

A. Qualifications

The Chief of Police shall possess demonstrated knowledge and/or skills in the administration of public safety. The Chief of Police need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

B. Appointment and Removal

The Chief of Police shall be appointed for an indefinite period of time. He may be removed with or without cause from the office by a majority vote of the entire Council according to the following procedure:

1. A resolution shall be adopted by Council which shall set the date for removal from office of the Chief of Police;

2. A written copy of Council's resolutions and the reasons for its adoption shall be given to the Chief of Police at least thirty (30) days before the effective date of removal;

3. Council may, during said thirty (30) day period, suspend the Chief of Police;

4. Council shall continue to pay the Chief of Police his salary until the effective date of the final resolution of removal.

C. Prohibitions

1. The Chief of Police shall not participate in the conduct of any political or election campaign other than to exercise his own right of suffrage;

2. The Chief of Police shall not hold any other employment for compensation, except as specifically authorized by Council.

Section 603 Fire Official

Council shall designate a Fire Official whose duties will be to eforce the provisions of the Fire Code which shall be adopted by Council. The Municipality shall provide the training, if necessary.

ARTICLE 7

FINANCIAL OFFICER

There shall be a Financial Officer appointed by Council who shall report to the Municipal Manager. The Financial Officer shall devote full time to the office. He shall hold no elective or appointive public office nor hold any other municipal office or municipal employment in which he receives salary, compensation or emolument.

Section 701 Qualifications

The Financial Officer shall possess knowledge and/or skills in financial affairs. The Financial Officer need not be a resident of the Municipality at the time of appointment, but must become a resident of the Municipality within one (1) year of appointment.

Section 702 Appointment and Removal

The Financial Officer shall be appointed for an indefinite period of time and may be removed from office with or without cause by Council.

Section 703 Duties and Responsibilities

The Financial Officer shall:

A. Collect, or cause to be collected, all property taxes, wage tax and other general taxes which Council may levy. Receive all municipal monies from these tax sources, deposit accumulated amounts at least weekly in the General Fund of the Municipality and keep separate accounts of each category of tax source received. These accounts shall at all times be open to inspection of the members of Council and the Municipal Auditors;

B. Co-sign with an officer of Council all checks, drafts or other instruments which disburse municipal funds;

C. Require each department, office, agency, board or commission to certify that the materials, supplies or equipment have been duly received and accepted as specified and that services have been rendered;

D. Insure that no obligation is incurred against any appropriation except in accordance with the designated budget appropriations without proper authorization by Council;

E. Insure that all payments and obligations incurred by the Municipality are in accordance with the provisions of this Charter, law or municipal contract;

F. Temporarily invest available municipal funds to insure maximum return on monies;

G. Deposit the funds of the Municipality in various accounts as designated by the Municipal Manager. All such accounts shall be in the name of the Municipality;

H. Prepare an annual statement of the accounts and submit the same, together with all related records, to the Municipal Auditors for audit;

I. Perform such other related financial duties as shall be required or delegated to him by Council.

ARTICLE 8

PLANNING AND DEVELOPMENT

There shall be a Planner appointed by Council who shall report to the Municipal Manager.

Section 801 Planner

A. Qualifications

The Planner shall possess knowledge and/or skills in municipal

planning and development. The Planner need not be a resident, but must become a resident of the Municipality within one (1) year of appointment.

B. Appointment and Removal

The Planner shall be appointed for an indefinite period of time and may be removed from office with or without Cause by Council.

D. Duties and Responsibilities

The Planner shall study and make recommendations on the physical development of the Municipality; the adoption, revision or implementation of the comprehensive plan and the preparation and revision of the capital budget. He shall provide staff assistance and advice to the Municipal Planning Commission in carrying out its responsibilities.

Section 802 Comprehensive Plan

Council shall adopt and may modify a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the Municipality. The comprehensive plan shall serve as a guide to all future Planning Commissions and Council action concerning land use and development regulations and expenditures for capital improvements.This plan shall be reviewed and updated at intervals of no longer than ten (10) years.

Council shall refer a proposed comprehensive plan or modification of the existing plan, as prepared by the Planner, to the Municipal Planning Commission for its recommendations. Following receipt of the recommendations of the Planning Commission, the comprehensive plan shall be made available for inspection by the public and a public hearing or hearings held by Council. Council shall thereafter adopt, modify or reject the recommended plan.

Section 803 Implementation of the Comprehensive Plan

A. Land Use and Development Regulations

Council shall by ordinance adopt land use and development regulations, including but not limited to, an official map and zoning and subdivision regulations.

B. Council Action

Before acting on any proposed ordinance concerning land use and development regulations or expenditures for capital improvements, where such ordinance refers to a matter covered by the comprehensive plan, Council shall refer the matter to the Planning Commission which shall, within a time specified by Council and prior to the public hearing on the proposed ordinance, report its recommendations thereon.

Upon adopting such ordinance, Council shall report on the relationship between the ordinance and the comprehensive plan. In the event the ordinance does not

accord with the comprehensive plan, the plan shall be deemed to have been amended by the adoption of the ordinance.

ARTICLE 9

MUNICIPAL SOLICITOR

Section 901 Legal Counsel

Council shall appoint a Municipal Solicitor for an indefinite period of time and shall fix the salary. The Municipal Solicitor shall be an attorney at law admitted to practice in the courts of this Commonwealth.

Council may, by resolution, appoint an Assistant Municipal Solicitor who shall, in the absence of the Municipal Solicitor, perform the duties and exercise powers of the Municipal Solicitor.

Section 902 Removal

Council may remove the Municipal Solicitor at any time, with or without cause.

ARTICLE 10

BUDGET AND FINANCE

Section 1001 Fiscal Year

The fiscal year of the Municipality shall begin January 1st and end December 31st, unless changed by Council ordinance.

Section 1002 Submission of Budget

On or before September 30th, the Municipal Manager shall submit to Council a proposed budget for the ensuing year with an accompanying message.

Section 1003 Capital Program

At least one (1)month prior to the date for submission of the proposed budget, the Municipal Manager shall submit to Council a five (5) year capital program. The capital program shall include:

A. A concise, general summary of the program content;

B. A summary of pending and proposed projects for the five (5) year period and the estimated cost of each item and the means for financing the program.

C. An estimated cost of operating and maintaining any facilities to be constructed or acquired.

Section 1004 Appropriation to the Bethel Park Volunteer Fire Company

The Council of the Municipality of Bethel Park shall make an annual appropriation of revenue to the Bethel Park Volunteer Fire Company in an amount equal to 0.34 mils. The Council shall determine the manner in which the appropriation is made, amended by Referendum Vote, May 2013 and corresponding Ordinance 2-11-13 and Resolution 5-13-13A.

Section 1005 Action on the Budget

A. Publication

Council shall publish the preliminary capital program by September 1st. A general summary of the preliminary budget and capital program shall be published immediately upon their adoption of one (1) or more newspapers of general circulation in the Municipality; including a notice that the preliminary budget or capital program is available for public view.

B. Advertisement

Advertisement of the preliminary budget or capital program shall include times and places where copies of the preliminary budget and capital program are available for viewing by the public and when hearings shall be held.

Section 1006 Adoption

After adequate public hearing, Council shall adopt the final balanced budget by ordinance prior to the beginning of the fiscal year for which the budget has been prepared.

ARTICLE 11

ORDINANCES AND RESOLUTIONS

Section 1101 Preparation

All proposed ordinances shall be prepared or approved by the Municipal Solicitor. No ordinance shall be prepared for presentation to Council unless ordered by a majority vote of Council, or requested by the Municipal Manager or initiated by the Municipal Solicitor. An exception is the provision outlined in Article 12 providing for Initiative and Referendum.

Section 1102 Introduction

All ordinances shall, before presentation to Council, be approved as to form and legality by the Municipal Solicitor.

Section 1103 Advertisement

Notice summarizing the subject matter of all proposed ordinances shall be published at least once in a newspaper circulating generally within the Municipality and posted in a conspicuous area of the Municipal Building. Both the publication and the posting shall be accomplished at least five (5) days but not more than twenty-five (25) days prior to the meeting at which the ordinance will be introduced.

After adoption, all ordinances shall be published once in a newspaper circulating generally within the Municipality. The full text of the ordinance need not be published. The title and a general summary of the substance of the ordinance shall be sufficient. Such publication shall occur within thirty (30) days of the enactment of the ordinance. Additionally, posting of the general summary in a conspicuous area of the Municipal Building is required.

Section 1104 Action by Mayor

See Article 2, Section 205, Signing of ordinances and Section 206, Veto.

Section 1105 Recording of Ordinances and Resolutions

The full text of all ordinances and resolutions of the Municipality shall be entered in permanent, separate record books reserved for ordinances and for resolutions. No ordinance shall be effective until it is published in the newspaper as provided in this Charter and recorded in the proper book; no resolution shall be effective until it is recorded in the proper book.

The ordinance book and resolution book shall be in the custody and control of the Municipal Manager and all entries made therein shall be at his direction. These books shall be open and available for public inspection during normal business hours.

Section 1106 Ordinances Requiring Prior Public Hearing

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing and at least ten (10) days prior public notice published in a newspaper circulating generally in the Municipality:

A. Zoning ordinances and amendments thereto;

B. Adoption of the zoning map and amendments thereto;

C. Subdivision regulations;

D. Land development and land use regulations;

E. New taxes or increases in the rate of existing taxes.

Section 1107 Effective Date

The effective date of an ordinance shall be no sooner than thirty (30) days after its adoption of ten (10) days after its publication, whichever is later, unless a later date is specified in the ordinance or required by the laws of the Commonwealth of Pennsylvania.

Section 1108 Complaints

Complaints as to the legality of any ordinance shall be made to the Court of Common Pleas of Allegheny County by an aggrieved party within thirty (30) days after the adoption thereof. (As amended by Ballot November 1980 Paragraph 2 under A deleted and Paragraph 2 under B deleted)

ARTICLE 12

INITIATIVE AND REFERENDUM

Section 1201 General Authority

A. Initiative

The qualified electors of the Municipality shall have the power to propose ordinances to Council by an initiative petition. If Council fails to adopt the proposed ordinance without any change in substance, the ordinance shall be placed on the ballot at a regular election, as provided in Article 12, Section 1206B.

B. Referendum

The qualified electors of the Municipality shall have the power to require Council to reconsider any adopted ordinance. If Council fails to repeal an ordinance so reconsidered, the ordinance shall be placed on the ballot at a regular election, as provided in Article 12, Section 1206 B. "In the case of ordinances that increase or decrease a tax rate, the referendum process shall extend only to the extent of any increase or decrease in the tax rate. If referendum proceedings are commenced under this Article 12 with respect to any ordinance that sets a tax rate, and Council fails to repeal or amend the ordinance being challenged, the ordinance shall be deemed to be adopted and remain in effect for the tax rate in effect prior to the adoption of the ordinance and only the increase or decrease in the tax rate included in the original ordinance shall be placed on the ballot at a regular election, as provided in Article 12, Section 1206B."

Section 1202 Commencement of Proceedings; Petitioners' Committee; Affidavit

Any five (5) qualified electors of the Municipality may begin initiative or referendum proceedings by filing with the Municipal Manager an affidavit stating that they will constitute the petitioners' committee, stating their

names and addresses and the address to which all notices to the committee are to be sent. The affidavit shall also include the full text of the proposed ordinance or cite the ordinance sought to be reconsidered. The petitioners' committee shall be responsible for circulating the petition and filing it in proper form within sixty (60) days after filing of the committee's affidavit.

Section 1203 Petitions

A. Number of Signatures

Initiative and referendum petitions must be signed by qualified electors of the Municipality equal in number to twenty percent (20%) of those voting within the Municipality for the office of Governor in the last gubernatorial general election.

B. Form and Content

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the date of the signature and the address of the person signing. The full text of the ordinance proposed or sought to be reconsidered must be contained within or attached to each paper of the petition throughout its circulation. In addition, the proposed ballot question required to implement the vote provided for in Article 12, Section 1206 B shall be contained within or attached to each page of the petition throughout the circulation of the petition. The ballot question shall be framed so that a no vote on the question is a vote to repeal the ordinance. (As amended by ballot November 1998 - fourth and fifth sentences added.)

C. Affidavit of the Circulator

Each paper of the petition shall have attached to it when it is filed a notarized affidavit of the circulator which states that he personally circulated the paper; the number of signatures it contains; that all signatures were affixed in his presence; that he believes them to be the genuine signatures of the persons whose names they purport to be; that each signer is a qualified elector of the Municipality and that each signer had an opportunity to read the full text attached before signing the petition.

D. Time for Filing Referendum Affidavit

Referendum affidavit must be filed within thirty (30) days after adoption by Council of the ordinance sought to be reconsidered.

Section 1204 Procedure After Filing Petitions

A. Sufficiency of Petitions

Within twenty (20) days after the petition is filed, the Municipal

Manager shall certify its sufficiency, specifying in exactly which ways, if any, it is deficient and shall immediately send a copy of the certificate to the petitioners' committee by registered mail. .

B. Council Review

If a petition has been certified insufficient, the petitioners' committee may, within two (2) days after receiving a copy of the certificate, file a request that the certificate be reviewed by Council. Council shall review the certificate at its next meeting after the filing of the request and approve or disapprove it. A final determination as to the insufficiency of a petition shall be subject to court review upon petitioners' filing sufficient security to prosecute same and for the payment of costs.

Section 1205 Referendum Petitions; Suspension of Effective Date of Ordinance

When a referendum petition is filed with the Municipal Manager, the ordinance sought to be reconsidered shall be suspended from taking effect except that in the case of an ordinance setting a tax rate, only the increase or decrease in the tax rate shall be suspended from taking effect and the ordinance shall not be suspended as to the tax rate in effect prior to the adoption of the ordinance." Such suspension shall end when:

A. There is a final determination of the insufficiency of the petition; or

B. The petitioners' committee withdraws the petition; or

C. Council repeals the ordinance; or

D. After a vote of the Municipality to repeal the ordinance has failed and upon certification of the election results.

Section 1206 Action on Petitions

A. Action by Council

When an initiative or referendum petition has finally been determined sufficient, Council shall consider promptly the proposed initiative ordinance in the same manner as other ordinances or reconsider the ordinance cited in the referendum petition by voting its repeal. If Council fails to adopt the proposed initiative ordinance without change in substance within sixty (60) days or fails to repeal the ordinance cited in the referendum petition within

thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or cited ordinance to the electors of

the Municipality. In the case of a petition, the proposed ballot question contained within or attached to the petition, pursuant to Article 12, Section 1203 B, shall be the ballot question submitted to the Allegheny County Department of Elections. (As amended by ballot November 1998 - third sentence added).

B. Submission to Electors

The vote of the electors on a proposed or cited ordinance shall be held at the earliest available election but not sooner than thirty (30) days from the date of the final Council action, in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania. The proposed or cited ordinance shall be available to the public for viewing at the municipal offices at least ten (10) days before the scheduled election.

C. Withdrawal of Petition

An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote in the Municipality on the petition. No petition shall be withdrawn except by written request signed by four (4) members of the petitioners' committee. Upon filing of a withdrawal request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Section 1207 Results of Election

A. Initiative

If a majority of the qualified electors voting on the question vote in favor of the proposed initiative ordinance, the ordinance shall be considered adopted upon certification of the election results by the Election Bureau and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.

B. Referendum

If a majority of the qualified electors voting on the question vote no, the ordinance shall be considered repealed upon certification of the election results by the Election Bureau. (As amended by ballot November 1998 - B. Referendum rewritten). (As amended by Ballot November 1980 - Section 1208 added).

Section 1208 Referendum Amendments

A. Charter amendments created by referendum shall be amended or deleted only by subsequent referendum.

ARTICLE 13

CONTRACTS

Section 1301 Requirements

All contracts of the Municipality involving sums in excess of One Hundred ($100.00) Dollars shall be in writing.

Section 1302 Competitive Bidding

Except as otherwise provided in this Charter, no contract or supplies, material, labor, franchise or other valuable considerations, to be furnished to the Municipality, shall be authorized on behalf of the Municipality except with the best responsible bidder after competitive bidding.

Section 1303 Bidding Procedure

The Municipality shall, by ordinance, establish a system of competitive bidding including definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waivers and exceptions as it shall deem advisable.

All contracts or purchases in excess of Five Thousand ($5,000.00) Dollars, except those hereinafter mentioned, shall not be made except with and from the best responsible bidder. In awarding bids, Council may take into consideration such other factors as the availability, cost and quality of service.

The dollar limit may be changed by Council. Any action by Council which changes the bidding procedure or dollar limit requires six {6) affirmative votes of Council.

Section 1304 Exceptions to Competitive Bidding

Competitive bidding shall not be required under this Charter for:

A. Labor or services rendered by a municipal officer or employee in payment of services;

B. Contracts relating to the acquisition, sale or use of real property;

C. Contracts for professional or unique services;

D. Contracts for emergency repair of public works involving danger to the health and safety of the public or of municipal employees;

E. Contracts with other governmental entities, authorities, agencies or political subdivisions.

Section 1305 Real Property Appraisals

Real property cannot be acquired until two (2) appraisals by certified real estate appraisers have been received and approved by Council.

Section 1306 Maximum Term of Certain Contracts

The term of contracts for the purchase of supplies shall not exceed two (2) years.

Section 1307 Personal Interest

In all cases where a municipal official, either elected or appointed, who knows or who by the exercise of reasonable diligence could know of interest to any appreciable degree, either directly or indirectly, in any purchase made, or contract entered into or expenditure of money made by the Municipality, or relating to the business of the Municipality, involving the expenditure by the Municipality of more than One Thousand ($1,000.00) Dollars in any calendar year shall so inform Council. But in the case of the Mayor or a member of Council, if he knows that he is within the limitation just defined, he shall refrain from voting on the expenditure or any ordinance relating thereto and shall in no matter participate therein. But this limitation shall not apply to cases where such official or appointee of the Municipality is an employee of the person, firm or corporation to which the money is to be paid, in a capacity with no possible influence on the transaction and in which he cannot be possibly benefited thereby, either financially or otherwise.

Any official or appointee who shall knowingly violate the provisions of this section shall be subject to surcharge to the extent of damage shown to be thereby sustained by the Municipality and to forfeiture of office.

ARTICLE 14

GENERAL PROVISIONS

Section 1401 Effective Date

This Charter shall become effective on the first Monday of January, 1978.

Section 1402 Eminent Domain

The Municipality shall have no authority to grant to others by franchise, contract or otherwise, its power and right of eminent domain.

Section 1403 Vacancies, Forfeiture of Office and Filling of Vacancies

The Office of Mayor, member of Council or Auditor shall become vacant upon death, resignation, non-residency, removal from office in any manner authorized by this Charter or by law, or forfeiture of office, or for failure to assume such office for any reason after election thereto within forty-five

(45) days after the commencement of the term thereof. A member of Council, Mayor or Auditor shall forfeit office if he:

A. Lacks at any time the qualifications or eligibility for office as prescribed by this Charter;

B. Is convicted of a felony or a crime involving moral turpitude.

Within forty-five (45) days of a vacancy in any elected office, Council shall fill such vacancy by appointment until the office is filled at the earliest possible election. If Council shall refuse, fail or neglect or be unable, for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas of Allegheny County shall, upon petition of any Council member or any five (5) electors of the ward wherein the vacancy exists in the case of a vacancy on Council, or upon petition of any five (5) electors of the Municipality in the case of a vacancy in the office of Mayor or Auditors, fill the vacancy in such office by appointment until the office is filled at the earliest possible election. (As amended by Ballot May 1993 - Second paragraph rewritten).

Section 1404 Conflict of Interest

If the Mayor or any member of Council has a personal or financial interest, directly or indirectly, in any matter under consideration by Council, he shall publicly state his interest in such matter and remove himself from official action. Any official who shall knowingly violate the provisions of this section shall be subject to forfeiture of office.

Section 1405 Public Officials' Bond

Before entering upon the duties of their respective offices or positions, the Municipal Manager and the Financial Officer, as well as any other officer, agent or employee of the Municipality as Council may determine, shall execute and file with the Municipality a public official's bond in such amount as executed by a corporate surety authorized to do business in the Commonwealth of Pennsylvania conditioned for the honest and faithful performance of his respective duties. The agency placing such bond shall be determined by Council and the premium therefor shall be paid by the Municipality.

Section 1406 Administrative Code

Council shall within two (2) years after the effective date of this Charter adopt an ordinance to be known as the Administrative Code. The code shall define the responsibilities of municipal officers and department heads, offices and agencies as Council deems necessary for the proper and efficient conduct of municipal affairs, inconformity with this Charter and existing applicable laws.

Section 1407 Continuance of Existing Ordinances

All ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded or expired by their own terms and shall be construed as if enacted under this Charter, but as of the dates of their original enactment.

Section 1408 Severability

If this Charter cannot take effect in its entirety because of the judgment of any court or competent jurisdiction holding invalid any part or parts thereof, the remaining provisions of this Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein.

Section 1409 References to Gender

All references to the male gender within this Charter are deemed to refer to the male and female gender.