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ARTICLE 161 ESTABLISHMENT

161 ESTABLISHMENT

A. City Council shall encourage the participation of citizens in their government through the establishment of authorities, boards and commissions to carry out City business. Such authorities, boards and commission shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City ordinance or state or federal code.

B. City Council may not change the powers or authority of any authority, board or commission except by ordinance.

C. City Council may, by ordinance, abolish any authority, board or commission not established by state or federal mandate or by this Charter.

D. All authorities created by Council have the responsibility to provide an annual report to Council of their finances and their programs. (Art. IX, §901)

ARTICLE 162 MEMBERSHIP

A. Appointments. City Council shall approve all appointments for each authority, board and commission, except as otherwise required by State Law. Broad citizen participation shall be encouraged in recruiting appointees and making appointments. No appointee of any authority, board or commission shall hold any other elected public office or any compensated position for the City.

B. Vacancies. Any vacancy caused by death or resignation shall be filled promptly pursuant to the procedure set forth in Section 309(b). The person so appointed shall serve for the unexpired term of the person vacating such position.

C. Qualifications. As a general rule, members of authorities, boards and commission shall be residents of the City. At the discretion of Council, persons not residents of the City, but who have a significant property or business interest in the City, may be selected to serve. (Art. IX, §902)

ARTICLE 163
ALLENTOWN COMMERCIAL AND INDUSTRIAL DEVELOPMENT AUTHORITY

- 163.01 Declaration of Policy
- 163.02 Intention to Organize
- 163.03 Powers

163.01 DECLARATION OF POLICY

It is hereby declared to be the policy of the City of Allentown to promote the health, safety, morals, employment, business opportunities and general welfare of the people of the City of Allentown by providing for the creation of an Industrial and Commercial Development Authority for the specific purpose of alleviating unemployment, maintaining employment at a high level, eliminating and preventing blight and eliminating or reducing air and water pollution, as well as creating and developing business opportunities by the construction, improvement, rehabilitation, revitalization and financing of industrial, commercial, manufacturing and research and development enterprises. (12539 §1 1/12/83)

163.02 INTENTION TO ORGANIZE

The Council of the City of Allentown does hereby signify its intention and desire to organize and form an industrial and commercial development authority under and by virtue of the Industrial and Commercial Development Authority Act of 1967, approved the 23rd day of August, 1967, P.L. 251, as amended. (12539 §1 1/12/83)

163.03 POWERS

The Authority shall have all the powers granted to an industrial and commercial development authority pursuant to the Industrial and Commercial Development Law of 1967, P.L. 251, as amended, which shall include but shall not be limited to acquiring, holding, constructing, improving, maintaining, owning, financing and leasing, either in the capacity of lessor or lessee, industrial, specialized or commercial development projects. (12539 §1 1/12/83)

ARTICLE 164 BOARD OF RECREATION

- 164.01 Establishment; Composition
- 164.02 Chairman and Secretary; Compensation
- 164.03 Rules and Regulations
- 164.04 Powers and Duties
- 164.05 Reports

164.01 ESTABLISHMENT; COMPOSITION

A. There is constituted for the City, a body to be known as the Board of Recreation. (1271 §1 12/12/21)

B. That said Board of Recreation shall consist of twelve (12) residents of the City (see also Section 121.02 Appointments to Authorities, Boards and Commissions) and shall be appointed by the Mayor subject to the approval and confirmation of the Council, who shall serve for terms of five (5) years or until their successors are duly appointed. Two (2) of said members shall be appointed from among the members of the Board of School Directors of the School District of the City of Allentown upon the recommendation of said Board of School Directors, and they shall be members of the Board of Recreation only so long as they continue to be members of said Board of School Directors; nine (9) of said members shall be appointed by the Mayor of the City of Allentown; one (1) of whom shall be a representative of the Allentown Youth Organizations United To Help (A-Youth), said member shall be recommended from among the Board of the A-Youth Organizations United To Help (A-Youth) and shall serve only so long as he/she continues to be a member of said organization; one (1) of said members shall be appointed from the Council of said City of Allentown, whose term of office shall not continue beyond the term of his/her office as Councilperson and the Mayor of the City of Allentown shall act as an ex-officio member. (12673 §1 10/2/85)

164.02 CHAIRMAN AND SECRETARY; COMPENSATION

The Board of Recreation shall elect a Chairman and Secretary who shall serve for a period of one (1) year. All members and officers shall serve without pay. (1271 §3 12/12/21)

164.03 RULES AND REGULATIONS

The Board of Recreation shall adopt reasonable rules and regulations for the conduct of all business within its jurisdiction, which rules and regulations shall be subject to the approval of Council and the School Directors. (1271 §4 12/12/21)

164.04 POWERS AND DUTIES

The Board of Recreation shall, with the approval of Council and the Board of School Directors, supervise and maintain the playgrounds, playfields and other recreation centers which have been or hereafter may be established by the City of the School District. It shall recommend from time to time to Council and to the Board of School Directors the amounts deemed advisable to be appropriated for the supervision and maintenance of such playgrounds, playfields and other recreation centers. It shall advise with and recommend to the superintendents of schools the appointment of competent playground instructors and generally act in an advisory capacity to Council and the Board of School Directors in all matters pertaining to recreation. The Board of Recreation shall have no power or authority to enter into any contracts, engagements or create any indebtedness for or on behalf of the City or the School District. (1271 §5 12/12/21)

164.05 ANNUAL REPORTS

The Board of Recreation shall annually prepare a written report of the year's activities, a one (1) year plan and long term goals and scenarios to enhance the City's recreational programs and facilities using a template provided by City Council. The report shall be provided to the Mayor and Allentown School District, and shall be presented to Allentown City Council at a public meeting (1271 §6 12/12/21; 1271 §6 12/12/21; 14800 §1 06/02/10)

ARTICLE 165 ALLENTOWN ARTS COMMISSION

- 165.01 Creation and Composition
- 165.02 Powers and Duties
- 165.03 Qualifications of Members
- 165.04 Terms
- 165.05 Removal and Vacancy
- 165.06 Rules and Regulations
- 165.07 Annual Report

165.01 CREATION AND COMPOSITION

There is created, to be appointed by the Mayor, with the advice and consent of Council, an Allentown Arts Commission to consist of fifteen (15) members. (12531 §1 12/15/82)

165.02 POWERS AND DUTIES

The Allentown Arts Commission shall promote and encourage public artistic programs; further the development and public awareness of and interest in the fine and performing arts; provide for the assessment of the artistic needs of the community; provide the means for the development of a comprehensive city-wide plan to encourage and strengthen artistic and cultural resources; develop programs in the arts which shall seek to introduce the visual and performing arts to City residents who have previously not participated in such activities and encourage existing organizations to develop new ways of reaching the community; provide a forum of communications between representatives of the community and the City; act as an advisory board to the City in all matters pertaining to the arts and the cultural development of the City and give approval to specific locations of all art objects given to the City placed in the Allentown Park System or on other City property. (12531 §1 12/15/82; 13138 §1 7/1/92)

165.03 QUALIFICATIONS OF MEMBERS

Said members shall be representatives of business, education, artistic, governmental and civic communities of the City of Allentown, and shall include one (1) employee of the Mayor's Office and one (1) employee of the Allentown Community Development Department. (12531 §1 12/15/82)

165.04 TERMS

The initial terms of the first fifteen (15) members shall be as follows: Five (5) members shall serve until the first Monday of January 1984; five (5) members shall serve until the first Monday of January 1985; and five (5) members shall serve until the first Monday of January 1986. Their successors shall be appointed on the expiration of their expected terms to serve five (5) years. (12531 §1 12/15/82)

165.05 REMOVAL AND VACANCY

The Mayor may remove any or all members of the Commission for official misconduct or neglect of duty and may fill any vacancy for any expired term with the approval and consent of Council. (12531 §1 12/15/82)

165.06 RULES AND REGULATIONS

Subject to the approval of the Mayor and Council, the Allentown Arts Commission may enact its own rules and regulations pertaining to the carrying out of its duties. (12531 §1 12/15/82)

165.07 ANNUAL REPORT

The Allentown Arts Commission shall annually prepare a written report of the year's activities, a one (1) year plan and long term goals and scenarios to enhance the City's art programs and facilities using a template provided by City Council. The report shall be given to the Mayor and Allentown School Board, and shall be presented to Allentown City Council at a public meeting. (12531 §1 12/15/82; 14800 §2 06/02/10)

ARTICLE 166 ALLENTOWN AUTHORITY

EDITOR'S NOTE: The Allentown Authority was created under provisions of Act of June 28, 1935 (P.L. 463), as amended by Act of 1937 (P.L. 739), by Ordinance 4016, passed August 23, 1938, and as amended by Ordinances 5864, 5908, 9059, 9144, 9175 and 9633. The Authority owns the Municipal Water System, which is operated by the City under lease from the Authority. The Authority also owns the property upon which City Hall is located.

CROSS REFERENCES

Municipal Authorities Act - See 53 P.S. §301 et seq.
Water System Regulations - See S.U. & P.S. Article 921 et seq.
Sewer System Regulations - See S.U. & P.S. Article 941 et seq.

ARTICLE 167 ALLENTOWN AREA HOSPITAL AUTHORITY

EDITOR'S NOTE: Under provisions of the Municipality Authorities Act of May 2, 1945 (P.L. 382), Council by Ordinance 12077, passed June 19, 1974, created the Allentown Area Hospital Authority.

ARTICLE 168
ALLENTOWN PARKING AUTHORITY

- 168.01 Purpose
- 168.02 Membership
- 168.03 Powers
- 168.04 Limitation of Powers
- 168.05 Community Input
- 168.06 Annual Reports

EDITOR'S NOTE: The Allentown Parking Authority was created under the provisions of Act of June 5, 1947 (P.L. 458), organized under Ordinance No. 6591, passed by City Council April 17, 1951, terminated under Resolution No. 19779, passed by City Council September 17, 1963; organized under Ordinance No. 11944, passed by City Council June 21, 1972, terminated under Resolution No. 25315, passed by City Council March 7, 1984; organized under Ordinance No. 12628, passed by City Council October 17, 1984.

168.01 PURPOSE

That the said Parking Authority shall provide efficient and equitable parking services to the public to meet the needs of the growing and changing City of Allentown and promote economic growth particularly in the downtown business area. That the purpose and powers of the said Parking Authority shall be as determined in the Parking Authority Law 1947, June 5, P.L. 458, as amended. (12628 §5 10/17/84)

168.02 MEMBERSHIP

That prior to the incorporation, the Mayor of the City of Allentown, shall appoint five (5) members, all of whom shall be residents of the City, who shall serve on the Board of the Parking Authority of the City of Allentown. The members who are first appointed shall serve for terms of one, two, three, four and five years, respectively. Thereafter, the term of office shall be five (5) years. The members of the Board shall include a member of the Council of the City of Allentown, the Director of Administration and Finance or his designee and a representative of the Allentown Economic Development Corporation. The position of any member of the Board appointed because of his capacity as Councilperson, Director of Administration and Finance or his designee or Allentown Economic Development corporation representative who ceases to be so engaged shall automatically be considered vacant. The member of the Council of the City of Allentown and the Director of Administration and Finance or his designee shall not serve as the Chairperson of the Allentown Parking Authority. (12713 §1 5/21/86)

168.03 POWERS

A. The Allentown Parking Authority is hereby empowered, subject to the provisions of this article, to exercise all powers necessary or convenient for the administration and enforcement of an efficient system of off-street and on-street parking regulations within the City of Allentown. (12628 §8 10/17/84)

B. In accordance with the general grant of authority contained in the "Parking Authority Law", Act of June 5, 1947, P.L. 458, as amended, and Section 167.03(a) of this article, and pursuant to the limitation of the "Parking Authority Law" that Authorities may not engage in the performance of municipal functions except such functions as are delegated to it by municipal ordinance. The Allentown Parking Authority is hereby delegated, subject to the provisions of Section 167.04 of this article, the power and right to exercise those municipal functions necessary or convenient for the administration, supervision and enforcement of an efficient system of off-street and on-street parking, including the power and right:

1. To conduct research and maintain data related to off-street and on-street parking programs; (12628 §9 10/17/84)
2. To distribute, issue and process parking tickets; (12628 §9 10/17/84)
3. To enforce parking regulations by the issuance of parking tickets and by booting, towing and impounding vehicles as provided by law, including the providing for and the establishment of procedures governing the removal and impounding of any vehicle parked on the highways or City property in violation of law; (12628 §9 10/17/84)
4. To collect on behalf of the City of Allentown, all revenue derived from on-street parking programs except fines and penalties from contested on-street parking violations and to pay to the City of Allentown said revenue in excess of:

a. Costs incurred by the Authority for on-street parking programs including the costs of administration, operation, (including a reasonable allowance for repair and replacement of equipment), and enforcement. (12628 §9 10/17/84)

b. Costs incurred by the Authority for off-street parking programs in excess of revenues derived therefrom; off-street costs shall include administration, operation (including a reasonable allowance for maintenance of facilities and debt service), and enforcement. (12628 §9 10/17/84)

5. To acquire parking meters and related supplies, and to locate, install and maintain such parking meters; (12628 §9 10/17/84)

6. To administer a program of residential permit parking as provided by law; and (12628 §9 10/17/84)

7. To make, from time to time, such regulations as are necessary and convenient for the administration, supervision and enforcement of an efficient system of on-street parking, including the regulation or prohibition of stopping, standing or parking. (12628 §9 10/17/84)

168.04 LIMITATION OF POWERS

The delegation of authority provided for it in Section 167.03(b) of this article shall not be construed as an authorization to the Authority to undertake any municipal function of the City government unless and until the Mayor, or such other officers of the executive and administrative branch of City government as he shall designate, or as required by law, has reviewed, or caused to be reviewed, and has approved the transfer of any executive or administrative municipal function to the Authority; nor shall said delegation to construed in contravention, limitation or enlargement of any other article of the City of Allentown, relating to the regulation of off-street or on-street parking, unless specifically authorized herein or by Ordinances of City Council. (12628 §10 10/17/84)

168.05 COMMUNITY INPUT

The Authority shall actively consult with residents, civic and business organizations, and institutions on the installation of parking meters and implementation of regulations and residential permit parking within areas where these groups, individuals or institutions would be affected by the contemplating action. (12628 §12 10/17/84)

168.06 ANNUAL REPORTS

The Allentown Parking Authority shall prepare a written report of the year's activities, a one (1) year plan and long term goals and scenarios, to enhance the City's on and off-street parking resources using a template provided by City Council. The report shall be given to the Mayor and shall be presented to Allentown City Council at a public meeting. (14800 §3 06/02/10)

ARTICLE 171 CODE OF ETHICS

- 171.01 Declaration of Policy
- 171.02 Conflict of Interest
- 171.03 Use of Public Employees for Personal Benefit
- 171.04 Use of Position or Prestige for Personal Benefit
- 171.05 Intervening of Behalf of Constituents and Friends
- 171.06 Disclosure of City Interests
- 171.07 Political Activity
- 171.08 Criminal Convictions
- 171.09 Activities Prohibited Under the Charter
- 171.10 Board of Ethics
- 171.11 Initiative of Violator for Remedial Action
- 171.12 Rules and Regulations
- 171.13 Reports
- 171.14 Filing and Posting of Campaign Finance Reports
- 171.98 Severability
- 171.99 Penalties

171.01 DECLARATION OF POLICY

Public office demands the highest respect of the public and consequently there is an incumbent duty upon all public officials and employees to fulfill that trust.

The operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics for all officials and employees whether elected or appointed, paid or unpaid, and a Board of Ethics to administer the Code and further its objectives. The purpose of this Code is to establish ethical standards of conduct for all such officials and employees of the City, its agencies and authorities, whether elected or appointed, by setting forth those acts or actions which are incompatible with the best interests of the City and by directing disclosure by officials and employees of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations and opinions as may be promulgated by the Board pursuant hereto are hereby declared to be in the best interest of the City. (11821 9/1/70)

For purposes of this Code of Ethics, the following definitions shall apply:

1. **Official** means any elected or appointed member of the City government, its authorities, boards or commissions.
2. **Employee** means any other personnel in the City government.
3. **Associate**, where used to indicate a relationship with any person, means any relative or spouse of such person, or any relative of such spouse, who has the same home as such person.
4. **Agency** means any department, bureau, authority, commission, board or other governmental unit of or established by the City. (11821 §1 9/1/70)

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number. The masculine gender shall include the feminine, and the feminine gender shall include the masculine. Wherever the word "he" appears read "he or she". (13137 7/1/92)

171.02 CONFLICT OF INTEREST

No official or employee, whether paid or unpaid, shall engage in any business or transaction or shall have any financial or other private interest, direct or indirect, which is incompatible with the proper discharge of his official duties in the public interest or which would impair his independence of judgment or action in the performance of his official duties unless full disclosure is made in writing to the Board of Ethics. Such disclosure shall be a public record. (11821 9/1/70)

The following conflicts of interest are expressly prohibited whether or not disclosed:

A. Business or Professional Conflict

No official or employee shall participate in any decision-making process affecting himself or any entity in which such official or employee or associate of either of them is a director, official, or partner or in which such official or employee has a financial interest in excess of five (5%) percent, but such official or employee shall not be precluded from participating in any decision-making process where the matter involved affects the general populace or a large segment of the community. (11821 9/1/70)

No City official or employee shall discuss, vote on, decide or take part in, formally or informally, any matter proposed or pending before any agency or other City official or employee in which he has a pecuniary interest. This provision shall not apply to any City official or employee whose interest in the proposed or pending matter is minimal, provided that these procedures are followed strictly: (13137 7/1/92)

1. The City official or employee shall identify his interest, that is, the benefit or advantage that would be gained or lost if the City acts on the matter in various ways, and the underlying basis of it, such as ownership, an investment, a contract or claim, employment, or a relationship, if any. (13137 7/1/92)

2. The City official or employee shall completely and specifically describe and disclose his interest and its underlying basis, if any, in writing to his immediate superior and the chairperson of the Board of Ethics, in advance of his participation in the matter. (13137 7/1/92)

3. If either the City official or employee, or his immediate superior, or the chairperson of the Board of Ethics thinks that the disclosure reasonably raises a question whether the interest is minimal, the question shall be submitted to the Board of Ethics for an opinion, prior to which the official or employee shall not participate in the matter. (13137 7/1/92)

Failure to disclose properly, or abide by the opinion of the Board of Ethics, shall make any participation of the official or employee in the matter null and void and may also subject the official or employee to appropriate disciplinary action. (13137 7/1/92)

No City official or employee shall own in person or through an agent or broker, or be a principal in any corporation, partnership or other business entity which owns, any real property within the City of Allentown that is in violation of City or state laws or regulations. Property shall be deemed to be in violation when a reasonable and proper notice and order to correct violations duly issued has not been obeyed in a timely manner. (13137 7/1/92)

No City official or employee privy to non-public information regarding the allocation of City funds, or having direct influence or control over the allocation of City funds, shall be a director, official or trustee of any organization which receives from or through the City funds that constitute ten (10%) percent or more of the organization's annual operating and capital budget, except where appointment to such position is required by law and except where that interest is construed as being in the best interest of the City. (13137 7/1/92)

No City official or employee shall have or enter into any contract with the City which would result in personal gain unless:

1. The contract between the person and the City is awarded pursuant to the competitive bidding procedures of the General Municipal Law; or (13137 7/1/92)

2. The contract between the person and the City is one with respect to which the City official or employee (a) has no interest, (b) has no duties or responsibilities, or, if the contract with the person is one which the City official or employee entered into prior to becoming a City official or employee, he abstains from any performance of duties or responsibilities, and (c) exercises or attempts to exercise no influence. (13137 7/1/92)

B. Confidential Information

No official or employee shall without proper authorization disclose confidential information concerning the property, government or affairs of the City, including confidential information gained in the discharge of his official duties relating to any private person, firm, corporation or association. Nor shall he use such information to advance the financial or other private interest of himself or others. (11821 9/1/70)

C. Gifts and Favors

No official or employee or associate of either of them shall accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, corporation or association which to his knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the City; nor shall such official or employee or associate of either of them accept any gift, regardless of value, favor or thing of value that may tend to influence him in the discharge of his duties or grant in the discharge of his duties any improper favor, service or things. (11821 9/1/70)

D. Use of Public Property

No official or employee shall request or permit the use of City-owned vehicles, equipment, materials, services or property for the convenience or profit of himself or any associate except when such are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business. (11821 9/1/70)

E. Representing Private Interests

No official or employee whose salary is paid in full or in part by the City shall appear on behalf of private interests before any agency of the City. He shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party. An elected official or employee may appear before agencies on behalf of constituents in the course of his duties as a representative of the electorate or in performance of public or civic obligations. However, no compensation, remuneration or gift of any kind whatsoever shall be accepted for such activity. (11821 9/1/70)

No City official or employee who serves the City without compensation shall represent any person before the agency he serves, or before any other City official or employee who regularly serves the agency he serves, or before any other agency on matters directly involving the agency he serves. (13137 7/1/92)

No former City official or employee shall at any time after he leaves the agency he served represent a person before any agency on a specific matter with which he was directly involved or of which he has special knowledge, if the representation would be adverse to the position of the City on the matter. (13137 7/1/92)

F. Favoritism

No City official or employee, acting in the performance of his official duties, shall treat, whether by action or omission to act, any person more favorably than it is the custom and practice to treat any member of the general public. (13137 7/1/92)

171.03 USE OF PUBLIC EMPLOYEES FOR PERSONAL BENEFIT

No official or employer shall use public employees on government time for private benefit. Public employees should refuse to perform improper personal tasks on government time. (13137 7/1/92)

171.04 USE OF POSITION OR PRESTIGE FOR PERSONAL BENEFIT

No official or employee shall use, nor allow others to use, the authority, title or prestige of public office for the attainment of private financial, social or political benefits in any manner that is inconsistent with public interests. (13137 7/1/92)

A. Use for Commercial Purposes

No official or employee shall permit their names or official titles to be used by a non-public enterprise in any manner which would lead reasonable observers to believe that those who deal with the enterprise may receive special treatment or advantages as a result of a formal association with the official or employee. (13137 7/1/92)

B. Use for Public Advantage

No official or employee shall use official letterhead or refer to their public position as a means of inducing or intimidating persons to resolve disputes more favorably, provide preferential treatment, or give free tickets, discounts, favors or other advantages. (13137 7/1/92)

171.05 INTERVENING ON BEHALF OF CONSTITUENTS AND FRIENDS

Public officials shall be cautious about directly or indirectly intervening with normal decision making, investigatory or adjudicative processes of governmental bodies on behalf of constituents or friends because such intervention can threaten the ability of government administrators to exercise independent objective judgment on the merits. (13137 7/1/92)

A. General Rule

Intervention on behalf of constituents or friends is proper only if it is strictly limited to assuring fairness and equity of treatment of the procedures and the intervener consciously avoids seeking to unduly influence the decision-making process. Those who intervene should firmly, explicitly and unambiguously convey their limited purposes to reduce the possibility of direct or indirect pressure on administrators which could reasonably appear to influence the substantive decision. (13137 7/1/92)

B. Sharing of Compensation

No person rendering professional services to the City shall, in any form or guise, share or agree to share the compensation received by him for such services with any City employee. Nor shall any City employee share or agree to share in the compensation received from the City by any other person for rendering professional services to the City. (12180 4/7/76)

A "person" for purposes of this section shall be a natural person, partnership, or a corporation. (12180 4/7/76)

Notwithstanding anything contained herein to the contrary, this section shall not prohibit a general partner in a professional partnership from sharing or agreeing to share his compensation with other general partners in the partnership; nor shall the other general partners in the partnership be prohibited from sharing in any such compensation. (12180 4/7/76; (12180 4/7/76; 13137 7/1/92; 13742 §1 3/18/99)

171.06 DISCLOSURE OF CITY INTERESTS

The Department of Administration and Finance shall annually publish a list of all persons, firms, corporations, associations or other business entities doing in excess of Five Hundred (\$500.00) Dollars in business with the City during the past year. All officials, department directors, bureau heads and such other employees of the City as the Board of Ethics, Mayor or City Clerk may enumerate shall indicate any offices or employment in such businesses or any financial interest in such businesses which he or any associate of his may have and the amount of such interest. (11821 9/1/70; 13137 7/1/92)

Such enumerations shall be returned to the Board of Ethics and become public record. (11821 9/1/70)

171.07 POLITICAL ACTIVITY

No appointed official or employee of the City shall use the prestige, power or influence of his position on behalf of any political party. (11821 9/1/70)

No appointed official or employee, other than temporary summer employees, shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party. Such appointed officials and employees, or those seeking office on their own behalf, excluding temporary summer employees and elected officials, shall not take an active part in political campaigns for candidates for City office. No official or employee, whether elected or appointed, shall promise an appointment to any municipal position as a reward for any political activity nor remove or threaten the removal of another official or employee for failure to participate in political activity. (11821 9/1/70; 12192 7/7/76; 13137 7/1/92)

171.08 CRIMINAL CONVICTIONS

A conviction for a felony which constitutes a knowing and deliberate breach of the law shall be considered a breach of the public trust and a knowing and deliberate violation of this Code of Ethics. (13137 7/1/92)

171.09 ACTIVITIES PROHIBITED UNDER THE CHARTER

A. Activities Prohibited

1. *No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial executive of such provisions, rules and regulations. (Art. XI, 1102)*

2. *No person who seeks appointment or promotion to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion. (Art. XI, 1102)*

3. *No elected City official shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any City election from any City employee. (Art. XI, 1102)*

B. Penalties. Any person found in violation of this section, by the Board of Ethics, and confirmed by Council, shall immediately forfeit his or her office or position. City Council shall establish, by ordinances, such further penalties as it may deem appropriate. (Art. XI, §1102)

171.10 BOARD OF ETHICS

A. Board of Ethics. The Mayor, with the approval of City Council, shall establish an independent Board of Ethics consisting of five (5) City residents holding terms of three (3) years, to administer and enforce the conflict of interest provisions of this Charter (Section 1101) and the prohibition sections of this Charter. No member of the Board may hold elective or City office in the City or any other government or hold any political party office. Insofar as possible under state law, the Mayor shall authorize the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to consult with independent counsel. City Council shall appropriate reasonably sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it. Members of the Board of Ethics may be removed by the Mayor with the consent of City Council. (Art. XI, §1101) At least one of the members shall be an attorney. No more than three of the members shall be members of the same political party. The initial members of the Board shall have staggered terms and any member of the Board shall be eligible to succeed himself. The members of the Board shall serve without compensation, but shall be entitled to reimbursement of expenses incurred by them in the performance of their duties. The Office of the City Clerk shall provide administrative support services to the Board. (11821 9/1/70; Art. XI, 1102)

B. Each member shall serve until his successor has been appointed and qualified. The Board shall annually select a chairperson. (11821 9/1/70)

C. The Board shall adopt the necessary rules which will enable it to carry out its powers, duties and functions. Meetings of the Board shall be held at the call of the chairman, and the affirmative vote of a majority of the entire membership shall be necessary to take any action. The Board shall have the power to administer oaths. (11821 9/1/70)

D. The Board shall render written advisory opinions at any time at the request of any official or an employee of the City involving possible conflicts of interest on the part of such official or employee. Requests shall be filed with the City Clerk who shall forward a copy to each Board member by the following working day. (11821 9/1/70; 13137 7/1/92 § 14999 6/20/12)

E. The Board shall also render written advisory opinions in circumstances where there is alleged to be a conflict of interest or unethical conduct on the part of any official or employee of the City within the scope of the Code of Ethics. Requests shall be filed with the City Clerk who shall forward a copy to each Board member by the following working day. Such request for an advisory opinion shall state the provision or provisions of the Code of Ethics which the complainant alleges have been violated. (11821 9/1/70; 13137 7/1/92 § 14999 6/20/12)

F. The Board may for good cause refuse to entertain a request for an advisory opinion. Without limiting the generality of the foregoing, the Board may refuse to entertain a request where the request is speculative or purely hypothetical and does not involve an actual situation or where the request is frivolous. In no case shall the Board entertain a request that is not in writing and not signed by the person making the request. Such request may be filed by fax or email with the signed request attached. Such request shall contain a telephone number and street address of the person making the request. (11821 9/1/70 § 14999 6/20/12)

G. The Board shall acknowledge the receipt of a request in writing to the person submitting the request. If the request involves an employee or official and the request is made by a person other than such employee or official, a copy of the request shall be sent to the employee or official so involved, with the name of the person making the request deleted so that his name will not be disclosed. (11821 9/1/70, 14999 6/20/12)

H. Every City employee or official shall provide such information to the Board as it may deem necessary for the Board to perform its responsibilities under this Code. The employee or official involved in the request shall have the opportunity within fifteen (15) days after receipt of the request to respond in writing, to make a written request for a hearing or to do both. (11821 9/1/70; 14999 6/20/12)

I. The Board shall upon receipt of a request for a hearing within the period above referred to by the official or employee involved set a time and place for the hearing for the purpose of determining the facts. The person making the allegations and the employee or official involved shall have the opportunity to appear at the hearing by himself or by counsel and to present any and all evidence including testimony and exhibits which are relevant to the issue involved. No testimony shall be excluded except for irrelevancy. (11821 9/1/70)

J. All hearings before the Board involving an alleged conflict of interest of an employee or official shall be held in executive session; provided, however, that a public hearing may be held where such official or employee alleged to have conflict of interest consents thereto. (11821 9/1/70)

K. The Board shall render its opinion in writing (a) within thirty (30) days after a request for an opinion is filed with the City Clerk or within forty-five (45) days after a hearing on any request shall have been concluded, whichever is later unless otherwise extended to a specified date upon the written consent of the official, employee or complainant. All opinions rendered by the Board shall be in such form and with such deletions as would prevent the disclosure of the identity of the official or employee involved. (11821 9/1/70 § 14999 6/20/12)

L. If the request for an opinion involves an employee or official and the request is made by a person other than such employee or official, then after an opinion has been reached, the Board shall in the case of an appointed official or employee notify the Mayor and the appointing authority of the official or employee involved of its decision. The appointing authority shall take whatever action is deemed necessary and shall report the action to the Board within fifteen (15) days after receiving the decision of the Board. If it is the majority decision of the Board that the action taken is not satisfactory then the Board shall so notify the Mayor and all members of Council. In the case of an elected official, the Board shall notify the Mayor and all members of Council. A copy of the written opinion with identifying names deleted shall be filed with the City Clerk. (11821 9/1/70; 13137 7/1/92 § 14999 6/20/12)

171.11 INITIATIVE OF VIOLATOR FOR REMEDIAL ACTION

Violation of any provision of this Code of Ethics should raise conscientious questions for a councilperson or other official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City. (13137 7/1/92)

171.12 RULES AND REGULATIONS

The Mayor may issue rules and regulations governing officials and employees subject to his jurisdiction consistent with and in furtherance of the requirements set forth in this Code, and may require such disclosure, financial and otherwise, as he deems appropriate or necessary. Any rules and regulations or amendments thereto shall be filed with the City Clerk and formally communicated to the City Council, appropriate officials and City employees and the Board of Ethics. (13137 7/1/92)

171.13 REPORTS

When appropriate, the Ethics Board shall annually prepare a written report for Council and the Mayor, and shall present in a meeting with City Council, recommendations concerning policies and procedures that ensure that city officials and employees maintain the highest degree of trust with the public using a template provided by City Council. (14800 §4 06/02/10)

ARTICLE 171.14 FILING AND POSTING OF CAMPAIGN FINANCE REPORTS

On or before the due dates for the campaign finance reporting schedule as mandated by Pennsylvania law requires such reports to be filed with the County of Lehigh, candidates for the offices of Mayor, Controller and Council shall file a copy of their campaign finance report with the City Clerk's Office and receive a receipt for such deposit. The Clerk's Office shall have the campaign reports forwarded to the Information and Technology Bureau which shall post such reports on the City Website. The Campaign Finance Reports shall be posted no later than five (5) days after the reporting deadlines mandated by state law and as required by this ordinance. (14826 §1 12/3/2010)

171.98 SEVERABILITY

Any ordinance or part of any ordinance which conflicts with the provisions of this ordinance is hereby repealed insofar as the same affects this ordinance or is inconsistent with this ordinance. (13137 7/1/92)

171.99 PENALTIES

The doing of any act prohibited, or the failure to do any act required, by the Code of Ethics or rules and regulations issued pursuant thereto shall constitute grounds for disciplinary action, and any City official or employee subject to the Mayor's jurisdiction who violates the Code of Ethics shall be disciplined in the manner provided by law and administrative policy. Any elected City official or employee or one subject to the City Council's jurisdiction who violates a material provision of the Code of Ethics shall be subject to disciplinary action up to and including removal from office in the manner provided by law. (13137 §1 12/3/92)

ARTICLE 173 VACANT PROPERTY REVIEW COMMITTEE

- 173.01 Creation and Composition
- 173.02 Powers and Duties
- 173.03 Qualifications of Members
- 173.04 Terms
- 173.05 Removal and Vacancy
- 173.06 Rules and Regulations

CROSS REFERENCES

Blighted Property Removal - See 35 P.S. §1712.1

173.01 CREATION AND COMPOSITION

There is created, to be appointed by the Mayor, with the advice and consent of Council, the Vacant Property Review Committee to consist of five (5) permanent members and three (3) alternate members. (12323 §1 10/18/78)

173.02 POWERS AND DUTIES

The Vacant Property Review Committee shall have all powers and duties granted unto it by the provisions of Act 94 of 1978 and any related or successor legislation. (12323 §2 10/18/78)

173.03 QUALIFICATIONS OF MEMBERS

At least one of the committee members shall be a member of Council, one shall be a representative of the Allentown Planning Commission, one shall be a representative of the Allentown Redevelopment Authority with the remaining members to be designated by the Mayor. Alternate members appointed shall comply with the provision of this section. (12323 §3 10/18/78)

173.04 TERMS

The initial terms of the first five (5) members shall be as follows: Two (2) shall serve until the first Monday of January, 1980; two (2) shall serve until the first Monday of January, 1981; and one shall serve until the first Monday of January, 1982. Alternate members terms shall run concurrently with those of the permanent members. Their successors shall be appointed on the expiration of their expected terms to serve three (3) years. (12323 §4 10/18/78)

173.05 REMOVAL AND VACANCY

The Mayor may remove any or all members of the board for official misconduct or neglect of duty and may fill any vacancy for any expired term with the approval and consent of Council. (12323 §5 10/18/78)

173.06 RULES AND REGULATIONS

Subject to the approval of the Mayor and Council, the Vacant Property Review Committee may enact its own rules and regulations pertaining to the carrying out of its duties. (12323 §6 10/18/78)

ARTICLE 175 SPECIAL FIRE POLICE

- 175.01 Appointments
- 175.03 Organization
- 175.05 Powers
- 175.07 Identification
- 175.09 Volunteer Service; Donations

175.01 APPOINTMENTS

All members must belong to the Fire Police Organization. All Special Fire Police so nominated shall be confirmed and sworn in by the City Clerk before they enter upon their duties. (13047 §1 5/1/91; 14411 §1 8/4/06)

175.03 ORGANIZATION OF THE SPECIAL FIRE POLICE

The members of the Special Fire Police may organize as a body known as the Special Fire Police of the City of Allentown. The by-laws of the organization shall be approved by City Council by ordinance (13047 §1 5/1/91; 14411 §1 8/4/06; 15139 § 7/16/14)

175.05 POWERS

A. Special Fire Police shall be authorized to exercise the following powers under the control of the Chief of Police.

1. Regulate traffic and keep crowds under control at or in the vicinity of any fire.
2. Exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires.
3. Exercise such police powers necessary to perform duties when functioning as Special Fire Police at any function, event or parade conducted by or under the auspices of the City provided the request for these services is made by the governing body of the City.
4. Exercise such police powers necessary to perform traffic or crowd control required as a result of accidents, floods or other emergencies until the arrival of proper state or city police authority. After the arrival of proper police authority, Special Fire Police may perform duties subject to the direction of such police authority until the emergency no longer exists.

B. Under no circumstances shall the Special Fire Police possess firearms or other weapons in the exercise of Special Fire Police powers. (13047 §1 5/1/91)

175.07 IDENTIFICATION OF SPECIAL FIRE POLICE

Special Fire Police shall, in the performance of their duties, be identified by, at minimum, the displaying of a badge of authority and the wearing of a distinctive uniform consisting of a hat/hard hat, shirt, and/or jacket/vest with the official City of Allentown Special Fire Police insignia. (13047 §1 5/1/91; 14411 §1 8/4/06)

175.09 VOLUNTEER SERVICE; DONATIONS

Persons serving as Special Fire Police shall receive no pay for their services, but they shall receive identifying insignia. A person functioning as Special Fire Police and performing a duty under any of the above conditions, shall be deemed to be performing the duties of their employment. The Special Fire Police may receive an annual donation in an amount to be set forth by the City of Allentown. (13047 §1 5/1/91)

Article 175.10 CONSTITUTION AND BY-LAWS of the Special Fire Police Article 175.10 CONSTITUTION AND BY-LAWS OF THE SPECIAL FIRE POLICE

ARTICLE I

This organization shall be known by the name, style, and title of Special Fire Police of the City of Allentown, PA.

ARTICLE II

The seal of the Special Fire Police shall be the words "Incorporated 1902", encircled with the words, "Special Fire Police of Allentown". The motto is "Always be on Duty".

ARTICLE III

Section 1: The Executive Committee of the Allentown Special Fire Police shall consist of the President, Vice President Secretary, Treasurer, Captain, First Lieutenant and Lieutenants. The offices of the Secretary and Treasurer may be combined into the office of Secretary-Treasurer if necessary, but should be avoided if at all possible.

ARTICLE IV

Section 1: The following are to be nominated by the membership and elected- a President, Vice President, Secretary, Treasurer, Captain, Lieutenants, and Sergeant.

- a. Any member that re-locates outside of this requirement will be required to resign from the Allentown Fire Police. If any member that did live outside this requirement at the time of approval, relocates, this second relocation must be with the zip codes specified above or they will be required to resign.
 1. Submit to and pass a Police background check.
 2. Consent to and undergo a drug test with a drug-free result.
 3. Submit a fee for drug testing which coincides with the rate at the time of application.
 4. Possess a valid Pennsylvania Driver's License.
 5. Receive a majority vote of the members for approval.

Section 2. A nomination committee consisting of two (2) members shall be appointed by the President at the September meeting.

- A. A nomination committee consisting of two (2) members shall be appointed by the President at the September meeting.
- B. No current officer holding an elected position shall be a member of the nomination committee.
- C. Nomination committee shall contact all active members soliciting nominations for office.
- D. Members of the nomination committee are not eligible for nomination while conducting these solicitations.

- E. No member may nominate themselves.
- F. No nominations will be accepted on the day of elections unless no nominations were made for an office.

Section 3. All of these officers shall be elected by ballot at the December regular stated meeting according to the City Digest, each and every year.

Section 4. The election of officers shall be conducted in the following manner, to wit: the President shall appoint a judge, two (2) tellers, and a clerk

Section 5. The judge shall have the power as the President to preserve order during the election.

Section 6. The clerk shall make a true statement of the vote given and shall give the same to the judge, who shall declare aloud the result of the ballot.

Section 7. The tellers shall receive and count the votes in a fair and impartial manner.

ARTICLE V Membership

Section 1: The following are to be nominated by the membership and elected- a President, Vice President, Secretary, Treasurer, Captain, Lieutenants, and Sergeant.

Section 2.

- A. A nomination committee consisting of two (2) members shall be appointed by the President at the September meeting.
- B. No current officer holding an elected position shall be a member of the nomination committee.
- C. Nomination committee shall contact all active members soliciting nominations for office.
- D. Members of the nomination committee are not eligible for nomination while conducting these solicitations.
- E. No member may nominate themselves.
- F. No nominations will be accepted on the day of elections unless no nominations were made for an office.

Section 1. Qualifications of Application of Membership

All applicants shall meet the following guidelines as a minimum for membership:

1. Be a current US citizen.
2. Be a minimum of 18 years old.
3. Be of good moral character.
4. Fill out an application
5. Reside within 18101, 18102, 18103, 18104, 18109, 18018 (North of the Lehigh River, West of Monocacy Creek) and 18052 (South of Mechanicsville Road). zip codes.
6. Any current member at the time of these by-laws are approved that does not meet this requirement shall be
 - i. allowed to continue being a member of the Allentown Fire Police.
7. Any member that re-locates outside of this requirement will be required to resign from the Allentown Fire Police. If any member that did live outside this requirement at the time of approval, relocated, this second relocation must be with the zip codes specified above or they will be required to resign.

8. Submit to and pass a Police background check.
9. Consent to and undergo a drug test with a drug-free result.
10. Submit a fee for drug testing which coincides with the rate at the time of application.
11. Possess a valid Pennsylvania driver's license.
12. Receive a majority vote of the members for approval.

13. Be a current US citizen.
14. Be a minimum of 18 years old.
15. Be of good moral character.
16. Fill out an application
17. Reside at an Allentown street address within the 18101, 18102, 18103, 18104, 18106, and 18109 zip codes.
18. Any current member at the time of these by-laws are approved that does not meet this requirement shall be allowed to continue being a member of the Allentown Fire Police.

Section 2. Probationary Membership

1. There will be a six (6) month minimum probation period during which the member:
 - A. Must maintain a 75% minimum attendance of all meetings.
 - B. Must complete Pennsylvania State Fire Academy Basic Fire Police Course and provide one (1) copy of the Certificate of Completion to the Captain or designated Training Officer of the Special Fire Police.
 - C. Successfully complete NIMS 100 & 700 courses.
2. The Probation period may be extended, at the discretion of the Executive Committee of the Special Fire Police of the City of Allentown, until all of the requirements have been met.
3. May vote on any issues except the election of officers.
4. Can not nominate officers.

Section 3. Active Member

1. Complete the probationary period.
2. Attend 50% of all regularly stated monthly meetings.
3. Respond to calls for a minimum of forty (40) hours per year including fifteen (15) emergency calls per year.
4. Accept assignment to work at a number of major events listed in the Standard Operation Procedures of the Allentown Fire Police:
 - a. St. Patrick's Day Parade
 - b. LVRR Half Marathon
 - c. July 4th Fireworks
 - d. VIA Marathon
 - e. Halloween Parade
5. Must keep the following certifications current:
 - a. Basic First-Aid
 - b. CPR
 - c. Hazardous Materials Awareness
6. Failure to keep the above listed certifications current is cause for the member to be placed on the inactive status, until all certification are current.

Section 4. Inactive Member

1. Former Active Member that can no longer respond to calls due to work, health reasons, or medical condition.

2. Former Active Member that did not meet the requirements of an Active Member the preceding year.
3. Person(s) to serve only as a dispatcher. Dispatcher does not need to possess a valid Pennsylvania Driver's License.
4. Can not nominate officers
5. Can not vote on the election of officers.
6. Shall be present for February and September Meetings.

Section 5. Liaison Officer.

1. Allentown Police Department's Traffic Control or Special Events Officer or designee as determined by the Chief of Police.
2. The Liaison Officer, or designee, is not eligible to vote on Allentown Special Fire Police business.
3. The Liaison Officer shall serve as the communication conduit between the Allentown Police Department and the Allentown Special Fire Police.
4. The Liaison Officer shall provide training assistance to the Captain of the Allentown Special Fire Police.
5. Serve as the chairman of any disciplinary hearing of a fire police officer.

**ARTICLE VI
Office of the President**

Section 1. The President shall preside at all meetings, preserve order, put motions to vote when seconded, draw all orders on Treasurer when sanctioned by the membership, and at the written request of five (5) members shall convene special meetings.

Section 2. He shall, previous to convening meetings, require a written statement of the object of said meeting, which shall be read at the opening of the meeting.

Section 3. He shall appoint all committees except when balloting is required. He shall be a member of all committees but shall have no vote, except on the By-law committee or any administrative committee where he must be the chairperson.

Section 4. It shall be his duty to authorize the sending of flowers to deceased members and spouse and members in the hospital.

Section 5. Be an Active Member of the Allentown Special Fire Police for a minimum of four (4) years.

Section 6. Cannot simultaneously hold any other elected office, (Vice President, Secretary, Treasurer), or the ranks of Captain or First Lieutenant.

Section 7. May authorize an expenditure not to exceed one hundred dollars (\$100.00) for equipment, repairs, and/or supplies without membership approval that is deemed immediately necessary and may pose a safety hazard if delayed for membership approval.

- a. This amount can not be combined with the Captain's authorized expenditure amount to purchase the same.
- b. A receipt for such expenditure is required.
- c. Expenditures of this type shall not exceed a total of three hundred dollars (\$300.00) per calendar year.

Section 8. The President must belong to the Lehigh County Fire Police and attend their meetings.

**ARTICLE VII
Office of the Vice President**

Section 1. The Vice President in the absence of the President shall perform all the duties appertaining to the office.

Section 2. Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.

Section 3. Cannot simultaneously hold any other elected office, (President, Secretary, Treasurer), or the ranks of Captain or First Lieutenant.

Section 4. Is not authorized to approve any expenditures without membership approval.

**ARTICLE VIII
Office of the Secretary**

Section 1. The Secretary shall keep justly, truly, and impartially the minutes of the proceedings of the Board of Special Fire Police at all their meetings.

Section 2. It shall be his duty to call the roll of Officers members of the Special Fire Police at all stated and special meetings and mark the absentees. He shall also read the Captain's report at appointed meetings. He shall call no special meeting except by order of the President. In case of special meetings all members shall be notified. He shall preserve all papers, books, etc., in his care.

Section 3. He shall on leaving his office transmit all property of the Special Fire Police entrusted to his care to his successor.

Section 4. Cannot simultaneously hold any other elected office (Vice President, Secretary, Treasurer), or the rank of Captain or First Lieutenant.

Section 5. Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years, however, the minimum (3) years can be waived if no one at that time is qualified. (Requirement waiver)

**ARTICLE IX
Office of the Treasurer**

Section 1. It shall be his duty of the Treasurer to pay all orders directed to him by the ~~Board~~ of Special Fire Police, if there are any funds from which to make such payments. Said orders shall be signed by the President and attested by the Secretary and by others. The Treasurer shall receive all monies belonging to the Special Fire Police and hold the same until the expiration of the term of his office unless otherwise ordered by the Board of Special Fire Police.

Section 2. He shall keep a full and correct account of all monies received and expended by him.

Section 3. He shall on leaving his office transmit all monies and papers and whatever else is in his care belonging to the Special Fire Police to be turned over to his successor.

Section 4. Can not simultaneously hold any other elected office or the rank of First Lieutenant or Captain.

Section 5. Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.

ARTICLE X

Office of the Captain

Section 1. Must reside within five (5) miles of the City of Allentown city limits.

Section 2. Except in the sudden and unexpected vacation of this position, must have been a Lieutenant in the Allentown Special Fire Police for at least three (3) years.

- a. If a sudden and unexpected vacation of this position does occur, the First Lieutenant assumes this position as Acting Captain for the remainder of the term.
- b. The Acting Captain then appoints one of the Lieutenants to the position of First Lieutenant for the remainder of the term.

Section 3. It is the duty of the Captain to see that all officers are at their assigned position during the emergency or event, record the names of officers that are at the fire, emergency, or event, and report at the next regular stated meeting.

Section 4.

- A. Determine qualified nominees; three (3) Lieutenants, two (2) Sergeants.
- B. Selects the First Lieutenant from the elected Lieutenants.
- C. The Captain shall appoint one (1) Corporal.
- D. The Captain is not required to completely fill these positions, except the First Lieutenant position.

Section 5. Can not simultaneously hold any other elected office.

Section 6. Be responsible for the creation and maintenance of all Standard Operating Procedures (SOP).

Section 7. Be responsible for the maintenance of all Fire Police equipment and the training of all Fire Police personnel. The captain may designate these responsibilities to members of his command staff, which consists of the First Lieutenant, Lieutenants, ~~and Sergeants~~, and Corporal.

Section 8. May authorize an expenditure not to exceed one hundred dollars (\$100.00) for equipment, repairs, and/or supplies without membership approval that is deemed immediately necessary and may pose a safety hazard if delayed for membership approval.

- a. This amount can not be combined with the President's authorized expenditure amount to purchase the same.
- b. A receipt for such expenditure is required.
- c. Expenditures of this type shall not exceed a total of three hundred dollars (\$300.00) per calendar year.

Section 9. The captain must belong to the Lehigh County Fire Police and attend their meetings.

Section 10. The Captain cannot be a member of any other volunteer emergency response organization.

ARTICLE XI
Office of the First Lieutenant

Section 1. Must have been a Lieutenant in the Allentown Special Fire Police for a minimum of (2) years.

Section 2. The First Lieutenant shall take the Captain's place, in case the Captain is not there present, and perform all duties of the captain and report at the next regular stated meeting.

Section 3. Perform all duties assigned by the Captain.

Section 4. Can not simultaneously hold any other elected office.

Section 5. The First Lieutenant shall be appointed by the Captain from the three elected (3) Lieutenants.

Section 6. The First Lieutenant cannot be a member of any other volunteer emergency response organization.

ARTICLE XII
Office of Lieutenant

Section 1. Three (3) lieutenants will be elected from qualified nominees of the Captain.

Section 2. Must have been a Sergeant for a minimum of two (2) years or previously have been a lieutenant in the Allentown Special Fire Police.

Section 3. Must have completed NIMS 200 & 800 course in addition to the Pennsylvania State Fire Academy Legal Concepts Course prior to being appointed.

Section 4. It is the duty of all Lieutenants to assist the captain at all fires, emergencies, or assigned events.

Section 5. Perform all duties assigned by the Captain or First Lieutenant.

Section 6. May simultaneously hold any administrative elected office.

Section 7. Before a Lieutenant can install red light and siren on their personal vehicle they must complete and pass the Pennsylvania State Fire Academy Emergency Vehicle Operators Course.

Section 8. Lieutenants cannot be a member of any other volunteer emergency response organization.

ARTICLE XIII
Office of Sergeant

Section 1. The two (2) sergeant positions will be an elected position for a two (2) year term. The two (2) sergeant positions will alternate for yearly elections from qualified nominees of the Captain. One (1) new sergeant will be elected every year while one (1) sergeant will remain in office until the following yearly election.

Section 2. Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.

Section 3. Must have completed the Pennsylvania State Fire Academy Advanced Fire Police Course prior to being appointed.

Section 4. Perform all duties assigned by the Captain, First Lieutenant, or Lieutenant.

Section 5. May simultaneously hold any administrative elected office.

ARTICLE XIV Office of Corporal

Section 1. Appointed by the Captain

Section 2. Be a Member of the Allentown Special Fire Police for a minimum of two (2) years.

Section 3. Must have completed the Pennsylvania State Fire Academy Basic and Advanced Fire Police courses prior to being appointed.

Section 4. Perform all duties assigned by the Captain, First Lieutenant, or a Lieutenant.

Section 5. May simultaneously hold any administrative elected office.

ARTICLE XV General Duties of Fire Police Officers

Duties of the Special Fire Police shall include, but not be limited to, provide any assistance as requested by the City of Allentown at any fire or emergency that should arise and/or any city sponsored function at which Special Fire Police services are requested by the City of Allentown. Personnel shall not leave their assigned post until they are notified to do so by the Allentown Police Officer or Fire Department Officer in charge of the scene. In the absence of an Allentown Police or Fire Department Officer, personnel shall not leave their assigned post until they are notified to do so by an officer of the Allentown Special Fire Police, with an officer being defined as Captain, First Lieutenant, Lieutenant, Sergeant, or designated Special Fire Police member.

ARTICLE XIV Amendments

No Articles of the Constitution shall be altered or amended unless a proposition in writing, signed by three (3) members, be made at a stated meeting, when it shall be read and a vote taken thereon. It shall then require a two-thirds vote of the members present to adopt it.

ARTICLE XV Meetings

Section 1. The stated meetings of the Special Fire Police shall be held at a consistent location, day, and time, decided upon by a majority vote of the body of the members.

Section 2. Six (6) members shall constitute quorum if assembled at the time and place of meeting. In case of a quorum not being present within a half-hour after the calling of the roll, those present may adjourn.

Section 3. At the hour appointed for the meeting, if a quorum be present, the following order of business shall be followed, unless when a special meeting is called, when the business for which the Special Fire Police is convened shall be transacted:

1. Call meeting to order.
2. Pledge of Allegiance to the Flag
3. Calling roll of Officers.
4. Reading the minutes of the last stated and special meeting (Secretary report).
5. Report from the Treasurer.
6. Report of Special Committee.
7. Report of Standing Committee.
8. Membership status
 - a. New Members
 - b. Resignations
 - c. Change of Status
9. Report of Officers.
10. Captain's report.
11. Collection of fines
12. Nomination of Officers.
13. Election of Officers.
14. Unfinished business
15. New business
16. Verbal communications and bills.
17. Announcement of location of the next month's meeting.
18. Anything for the good of the organization.
19. Roll call of members.
20. Adjournment.

ARTICLE XVI General Rules

Rule 1. No member shall be interrupted while speaking except by the President, when he shall think it proper to call him to order, or admonish him to a closer adherence to the subject under consideration, or for a violation of the rules of decorum, including censoring him. Any member refusing obedience when called to order shall be fined two dollars (\$2.00).

Rule 2. When any member is addressing the President or any business of the Special Fire Police is transacted, the others shall preserve silence.

Rule 3. When two or more members rise at the same time, the President shall determine who shall speak by calling him by name.

Rule 4. The President shall repeat any motion made by a member and duly seconded by another member and the said motion shall then and not otherwise become a subject for debate.

Rule 5. When a question, resolution, or motion is under debate, no other motion shall be entertained unless it is a privileged question.

Rule 6. No personal reflection shall be allowed in the meetings of the Special Fire Police. Any member doing so shall be fined two dollars (\$2.00).

Rule 7. The majority of the members present may change the order of business but motions to that effect must be decided without debate.

Rule 8. Resignations

a. All resignations shall be handed to the Secretary in writing, signed by the member who offers the same during the Membership Status portion of the regular stated meeting.

b. Due to the possibility of conflict of interest within the organization, upon submission of resignation, the member offering the resignation shall immediately become an inactive member until their effective date of official resignation is reached.

Rule 9. Questions of order shall be decided by the President, but in case of an appeal from his decision by any member, seconded by another, the Special Fire Police shall determine without debate.

Rule 10. When an alarm of fire or other emergency is given, it shall be the duty of all officers to be there and do their duty until relieved.

Rule 11. No member shall contact any municipal bureau or department requesting equipment or information for Fire Police use unless authorized to by the President or Captain of the Fire Police.

Rule 12. All members are required to report any warning, citation they receive, contact with any law enforcement agency where they may be a suspect, or if they are arrested by any law enforcement agency to the Vice-President within seven (7) days of the incident. Failure to do so, depending on the seriousness of the offense may result in the immediate expulsion of the member. The Vice President shall confer with the First Lieutenant to recommend disciplinary measures to the President. Any disciplinary actions for these circumstances must be approved by the Allentown Police Department.

Rule 13. No alteration shall be made to these by-laws unless due notice be given one month previous to making of such alteration and only then by two-thirds of the members present.

Rule 14. The Special Fire Police for the City of Allentown shall not discriminate against individuals on the basis of race, religion, color, sex, age, disability, national origin, sexual orientation, income, or political affiliation when approving membership.

Rule 15. Should any man presently holding the position as a Special Fire Police and having attained the age of 75 years or older, may continue in that capacity, however, new appointees or newly elected members to the Special Fire Police shall not exceed the age of seventy (70) years.

Rule 16. The badge, patches, and by-laws are the property of the City of Allentown and any member receiving a badge and book of by-laws shall, at the expiration of his term, turn over the same to the Secretary of the Special Fire Police. Should such member fail to do so the amount of the badge and book shall be charged against him and shall be deducted from any amount due him for his services as a member of the Special Fire Police at the time of his retirement. Should nothing be due to him, the amount shall be collected by law. Any member who loses their badge shall pay the Secretary the amount of the badge.

Rule 17. All equipment is the property of the City of Allentown and issued to any member of the Special Fire Police shall be returned to the Captain at the time of retirement, resignation, suspension, or expulsion. Should such member fail to do so the President shall direct the Secretary to send such member a certified letter requesting the return of all equipment within a fourteen (14) day period of date of receipt of letter. Failure of such member to continue to refuse to return equipment shall be collected by the city using any and all legal means at its disposal.

Rule 18. No badge shall be transferable.

Rule 19. All Special Fire Police members and officers will give the Secretary their names, address, and telephone number. Any change in the above information must be conveyed to the Secretary within two (2) weeks of any such change. Noncompliance with this rule shall constitute grounds for expulsion from the Special Fire Police.

Rule 20. The Captain may recommend that a command officer (First Lieutenant, Sergeant, or Corporal) be removed from his position due to non-performance or ineffective performance of duty or conduct. This recommendation shall be written and presented to the Secretary to be forwarded to the President. Upon receipt of such recommendation the President shall convene a meeting of the Executive Committee. A quorum of five (5) Executive Committee members is required. A majority vote of attending members is needed for accused officer to be removed from his position.

ARTICLE XVII **Charges and Expulsions**

Section 1. Charges

1. Any member accused of conduct unbecoming a members or conduct prejudicial to the best interests or violating any of the Standard Operating Procedures of the Special Fire Police of the City of Allentown may face disciplinary actions.
2. Any disciplinary actions against a member must be filed within fourteen (14) days of the incident by the Captain or the President as determined by the nature of the offense unless a Board of Inquiry is convened. If a Board of Inquiry is convened, the disciplinary charges must be filed within seven (7) days of the Boards of Inquiry.
3. The President shall have the authority to convene a Board of Inquiry to determine if the facts warrant any disciplinary action. The composition of the Board of Inquiry shall normally consist of the Executive Committee. However the President shall have the authority to revise the composition of the Board of Inquiry.
4. Notice to attend a Board of Inquiry shall be given within fourteen (14) days of the event being investigated.
5. All disciplinary actions shall be in accordance of the following procedure unless the seriousness of the offense is determined to warrant superseding the normal procedure.
 - a. First offense shall be a verbal warning by the Captain or the President as determined by the nature of the offense.
 - b. Second offense of the same violation shall be a written warning that becomes a part of the officer's file.
 - c. Third offense of the same violation shall result in a hearing.

6. The hearing will be scheduled within fourteen (14) days of the accused being notified. The Police Liaison Officer shall serve as the judge for the hearing.
7. At the hearing the Executive Committee shall be present and shall be represented by the accusing authority. The Secretary shall record the minutes of the hearing.
8. At the hearing both the Executive Committee and the accused shall have the opportunity to present evidence and/or witnesses. They shall also both have the opportunity to question each other's witnesses.
9. After hearing all testimony and considering the same, Police Liaison Officer may either dismiss the charges, or may assign the accused to a probationary period where the accused must be with another officer, may have the accused repeat a portion of their training, may suspend, may expel the member against whom the charges were brought.
10. Any person feeling himself or herself aggrieved by the action hearing may appeal to the Special Fire Police as a whole, in which event, the hearing shall be reviewed at the next general meeting and shall be affirmed, reversed, or modified by a majority vote of all Active Members present at said general meeting. The accused and the accuser shall not be permitted to vote, but will have the right to be present and be heard at said general meeting.
3. The President shall report the final action to the members of the Special Fire Police and the Allentown Police Department at the next general meeting if no appeal occurs.

Section 2. Suspensions and Expulsions

4. Suspended members can return to active duty when their suspension has been completed.
2. Any member summoned to be present at a Board of Inquiry or a hearing who refuses to appear and testify in obeying to such summons may automatically be suspended or expelled from the Special Fire Police of the City of Allentown.
3. Any member found guilty of any felony crime in any Criminal Court in the United States shall be expelled from the Special Fire Police of the City of Allentown.
4. Any member found guilty of possession of any controlled substance other than doctor prescribed, shall be expelled from the Special Fire Police of the City of Allentown.
5. Any member that is arrested and found guilty of Driving Under the Influence shall be suspended for the same period of time his/her driver's license is suspended. A second offense of Driving Under the Influence shall result in an immediate expulsion from the Special Fire Police of the City of Allentown.
6. Upon suspension or expulsion, all property of the Special Fire Police of the City of Allentown must be turned into the President immediately following notification of the Disciplinary Action.

Section 3. Re-application

Any member expelled from the Special Fire Police of the City of Allentown shall not be able to re-apply for membership for a minimum of one (1) year. (15139 7/21/2-14)

Kenneth Laudenslager, President
 Shoukat Mughal, Captain
 Barry Pope, First Lieutenant
 Candy Dannenhower, Secretary
 Committee Members: Raymond Jack, Keith DeAngelis

ARTICLE 176 FIRE CIVIL SERVICE RULES

**CITY OF ALLENTOWN
FIRE CIVIL SERVICE BOARD RULES AND REGULATIONS FOR FIRE FIGHTERS**

Amended February 12, 2009

RULE I - APPLICATIONS

- Section 1. The Fire Civil Service Board encourages all qualified candidates to apply to be placed on the Fire Fighter Eligibility List, which will expire no later than two (2) years after the date it is established. To give as many candidates as possible the opportunity to apply and to assure that all candidates receive equal treatment in the application process, the Civil Service Board has established these Rules and Regulations.
- Section 2. Every applicant must secure an application issued by the Human Resources Department. The applicant must complete and sign the application. It is the applicant's responsibility to assure that the Human Resources Department receives the application and required attachments by the deadline. An application that does not include the required attachments will not be accepted. Public notice of the final date for receiving Fire Fighter eligibility list applications will be given at least thirty (30) days in advance and will be conspicuously posted in City Hall and other public agencies and institutions and announced through the media.
- The application forms are included as Appendix A and Appendix B of in these Rules and Regulations. In addition to providing all of the information required in the application, the applicant must also submit, at the time of applying:
- (a) The proper non-refundable application fee in the form of a certified check or money order payable to the City of Allentown.
 - (b) Photocopies of the following:
 - (1) High school diploma or its equivalent certified by a State Department of Education.
 - (2) A complete Form DD-214 from any branch of the military, if you have military service.
 - (3) Certificate of Naturalization, if applicable.
 - (4) Validated driver's license.
- Section 3. No questions in the application or at any pre-offer examination shall require information concerning the race, color, creed, religion, sex, sexual preference, disability, national origin, ancestry, marital status, income, or political opinions or affiliations of the applicant. Such disclosures are forbidden except for information regarding disabilities and requested reasonable accommodations. Information may be requested, provided it is kept apart from other records, in order to satisfy equal employment opportunity reporting requirements.
- Section 4. An applicant must be a citizen of the United States.
- Section 5. Applicants must be 18 years of age or older.
- Section 6. The Civil Service Board may refuse to examine an applicant or, after examination, to place upon the eligibility list anyone who:
- (a) Lacks any of the established requirements for the position(s) for which he/she applies; or
 - (b) Has recently or is currently using illegal drugs or is illegally using prescription drugs that are controlled substances or whose background check indicates a pattern of abuse of alcoholic beverages, illegal drugs, or other controlled substances; or
 - (c) Has been found guilty of any crime or of immoral or disgraceful conduct which has been determined to be job related; or
 - (d) Has been dismissed from the public service for delinquency or misconduct; or

- (e) Has made a false statement of any material fact or practice or attempted to practice any deception or fraud in his/her application, in his/her examination, or in securing his/her eligibility; or
- (f) Does not possess a high school diploma or its equivalent certified by a State Department of Education; or
- (g) Does not have a validated driver's license.

Section 7. If any applicant feels aggrieved by the action of the Board in refusing to examine him or her or, after an examination, in refusing to certify him or her as eligible, the Board shall at the request of the applicant appoint a time and place for a public appeal hearing, at which time such applicant may appear alone or with counsel. The applicant's request for a hearing must be in writing and must be received by the Human Resources Department within fourteen (14) calendar days of the date of the written notification of the Board's decision. The Board shall then review its refusal to make such examination or certification, and testimony shall be taken. The Board shall subpoena, at the expense of the applicant, any competent witnesses requested by him/her. After such review, the Board shall file in its records the testimony taken and shall again make a decision which shall be final.

RULE II - CALLING OF EXAMINATIONS

Prior to the expiration of the current eligibility list, the Board will schedule the appropriate examinations and procedures. Eligible applicants will be notified of the examination schedule by letter postmarked at least fourteen (14) days prior to the test and sent by regular mail to the most current address provided by the applicant.

RULE III - SELECTION PROCESS (Listed in chronological order)

Section 1. Written Examination

- (a) Applicants will be given a written examination to determine their position on the Eligibility List. The passing score for this examination is 70%.
- (b) Before proceeding to answer questions on the written examination, each applicant shall complete and sign a declaration sheet, giving his/her full name and address and such other information as may be required by the Board, and to place this sheet, after it has been marked with an identification number, in the official envelope. Each applicant shall seal said envelope. The exterior of the envelope shall bear only the identification number of the applicant. At the close of the examination, all the envelopes containing the declaration sheets shall be retained by the person conducting the examination and shall not be opened by anyone until the examinations have been scored. Each applicant shall mark his/her identification number on the answer sheet of his/her examination.

Section 2. Completion of Scores and Formation of Eligibility List

- (a) The written test score will be compiled to determine the final score. Final scores will be grouped mathematically (by the testing company) and a single sliding band of statistically proximate results will be developed for submission to and approval by this Board.

There is no order of selection in a sliding band. A candidate from any position in the band may be selected without regard to numerical, chronological order. Whenever the top score whole number or whole number and fraction thereof in the band is reduced to the next lowest whole number, the bottom of the band will expand proportionately to include those candidates having statistically proximate results to those candidates remaining in the band.

Criteria for selection from the top band will include but not be limited to consideration of the following:

- *Veteran's preference must be given to all candidates within a band
- *A college degree, college credits, or seminar hours in a fire related field
- *A valid CDL Class A or B driver's license
- *Prior firefighting, emergency medical and/or emergency communication dispatching experience
- *Certified in one or more of the National Fire Protection Association's Standard for Professional Qualifications, such as Fire I, II, Fire Officer I, etc.
- *Other specialized pertinent training

(b) Any applicant (defined as a "soldier" or a spouse of a deceased or disabled "soldier") who 1/ served since July 27, 1953, in the Armed Forces of the United States or in any women's organization connected with the Armed Forces; 2/ completed his/her initial military service commitment; 3/ received an Honorable Discharge from active duty; and 4/ passed the written examination to qualify for the Fire Fighter Eligibility List shall have his/her written test score increased by 10 points. Veterans' Preference is computed as: (passing test score) + (10 points) = Veterans' Total Score.

Section 3. Physical Agility Test

Each candidate whose name appears on the Eligibility list, as he/she approaches nomination, will be given a physical agility test, which will be graded on a pass-fail basis. Each candidate will be required to sign a Release before taking the physical agility test and to have a signed release from his/her physician stating he/she is medically fit to perform the physical agility test.

Section 4. Character Background Investigation

Each candidate whose name appears on the Preliminary Eligibility List shall, if he/she approaches nomination, be the subject of a character background investigation prior to being offered employment. Should this investigation reveal misrepresentation by the candidate of any item(s) listed in Rule I, Section 6, or misrepresentation in any other area of the selection process, he/she shall be declared ineligible by the Civil Service Board.

Section 5. Conditional Offer of Employment

If the candidate passes the background investigation, he/she may be offered employment as a Fire Fighter contingent upon the successful completion of a drug/alcohol screening, physical examination, psychiatric/psychological examination, and a driver record check examination as stipulated in these Rules and Regulations.

If the candidate during the drug and alcohol screening is found to test positive for any of the following levels, the applicant would be disqualified.

Alcohol level is 0.02 or greater

Initial urine drug screening is performed at the following detection sensitivities;

Amphetamines.	1,000 ng/ml
Barbiturates.	300 ng/ml
Benzodiazepines (Valium).	300 ng/ml
THC (marijuana metabolite).	100 ng/ml
Cocaine metabole.	300 ng/ml
Methadone.	300 ng/ml
Opiates.	300 ng/ml
Phencyclidine.75 ng/ml
Propoxyphene (Darvon).	300 ng/ml
Confirmation by GC/MS is detected at the following levels (minimum reporting concentration);	
Amphetamines.	500 ng/ml
Methamphetamine.	500 ng/ml
Barbiturates.	300 ng/ml

Benzodiazepines300 ng/ml
THC (marijuana metabolite)20 ng/ml
Cocaine or cocaine metabolite100 ng/ml
Methadone	100 ng/ml
Methaqualone	100 ng/ml
Opiates - Total300 ng/ml
Codeine150 ng/ml
Morphine	150 ng/ml
Phencyclidine25 ng/ml
Phopoxyphene	300 ng/ml

Section 6. Physical Examination

After an offer of employment has been made, each candidate shall undergo a physical examination by a licensed, practicing physician of the Civil Service Board's choice and on a form furnished by the Board.

- (a) Candidate must be certified as physically able to perform the essential job functions of a Fire Fighter.
- (b) Applicant is required to have 20/20 vision corrected, with or without a reasonable accommodation, to perform the essential functions of the job. Each candidate must not be color blind.
- (c) Candidate must disclose fully any record of mental disturbance or illness.
- (d) Any cause for rejection as the result of the physical examination must be related to the essential functions of the position.

The Board reserves the right to withdraw an offer of employment based on the results of the physical examination.

Section 7. Psychiatric/Psychological Examination

After an offer of employment has been made, each candidate shall be evaluated by a board-certified psychiatrist and/or psychologist selected by the Civil Service Board. If the psychiatrist's and/or psychologist's report identifies a candidate as unstable or limited in perception or judgment, the Civil Service Board, Fire Chief, and Human Resources Director or designee, will review that candidate's report. The Board reserves the right to withdraw an offer of employment based on the results of the psychiatric/psychological evaluation.

RULE IV - REJECTION OF NAMES ON THE ELIGIBILITY LIST

If any name is rejected three (3) times for the same or another position, such name shall be stricken from the list.

RULE V - TEMPORARY APPOINTMENTS

Temporary appointments may be made under the following circumstances:

- (a) When there are urgent reasons for filling a vacancy and there is no list of persons eligible for appointment after competitive examination, a temporary appointment may be made without examination. Such appointment may continue not longer than ten (10) days after the establishment of a suitable eligibility list and in no case shall it continue longer than three (3) months.
- (b) In case of riot or other public emergency, temporary appointments of Fire Fighters may be made without examination. Such appointments shall terminate as soon as the public emergency which led to the appointments is at an end.

RULE VI - PROBATION

All appointees shall serve a probationary period. At any time during the probationary period, the appointee may be dismissed for just cause in the manner provided in Section 10 of the Fire Civil Service Act applicable to Third

Class Cities in Pennsylvania. If at the close of such probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, in writing, that he/she will not receive permanent appointment, whereupon his/her employment shall cease.

Probationary Fire Fighters, to be accepted as permanent employees, must meet the requirements of the driving certification program established by the City of Allentown Fire Department and must maintain their Pennsylvania driving privileges during their employment.

RULE VII - AMENDMENTS

These Rules and Regulations may be amended, pending the approval of City Council, at any meeting of the Civil Service Board at which a quorum is present.

RULE VIII - APPLICABILITY TO PRESENT ELIGIBILITY LIST

These Rules and Regulations shall not be applicable to the Fire Fighter Eligibility List in effect at the time these Rules and Regulations are adopted.

ADOPTED:	June 1, 1981
AMENDED:	March 1, 1982
AMENDED:	June 12, 1984
AMENDED:	September 4, 1984
AMENDED:	May 16, 1990
AMENDED:	January 9, 1991*
AMENDED:	March 22, 1993**
AMENDED:	April 9, 1996***
AMENDED:	January 7, 1998
AMENDED:	January 26, 2000
AMENDED:	January 10, 2001
AMENDED:	March 2, 2004
AMENDED:	February 18, 2009

FIRE CIVIL SERVICE BOARD

CHRISTINE A. RUTH, SECRETARY

* Approved by City Council on March 6, 1991
** Approved by City Council on April 21, 1993
*** Approved by City Council on July 17, 1996
**** Approved by City Council on February 7, 2001
***** Approved by City Council on February 15, 2006
***** Approved by City Council on May 17, 2006
***** Approved by City Council on June 21, 2006
***** Approved by City Council on February 18, 2009

DUE DATE:

**FIRE CIVIL SERVICE BOARD APPLICATION
CITY OF ALLENTOWN, PENNSYLVANIA
-AN EQUAL OPPORTUNITY EMPLOYER-
NON-REFUNDABLE FEE: \$50
APPLICATION FOR FIREFIGHTER EMPLOYMENT**

INSTRUCTIONS:

- Answer all the questions as completely as possible including those on the Equal Employment Opportunity Data form.
- Sign and date the application.

- Attach non-refundable \$50.00 money order or certified check to your application made payable to the City of Allentown.

- Attach photocopies of the following to the application:

- (1) High school diploma or its equivalent from a state Department of Education.
- (2) A complete DD-214 Form from any branch of the military service, if applicable.
- (3) Certificate of Naturalization, if applicable.
- (4) Valid driver's license.

- Return all of the above papers to the Human Resources Office, Room 233, City Hall, 435 W. Hamilton Street, Allentown, PA 18101-1699 between our business hours of 8 a.m. through 4:30 p.m.

IN ORDER TO CONSIDER YOU FOR THE CITY'S NEXT ELIGIBILITY LIST, THE HUMAN RESOURCES OFFICE MUST RECEIVE YOUR APPLICATION AND ALL NECESSARY PAPERS BY THE ANNOUNCED DEADLINE. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

PLEASE PRINT OR TYPE

1. Name _____
Last First

2. Present Address _____
Number Street City State Zip Code

a. Previous addresses if your residence has changed within the last 10 years.

Address	From	To

APPLICATION FOR FIREFIGHTER EMPLOYMENT

3. Telephone Number _____

Mobile Telephone Number _____

		Your last job title	
List the jobs you held, duties performed, skills used or learned, advancements or promotions while you worked at this company.			
Name of employer Address City, State, Zip Code Phone Number	Name of last supervisor	Employment dates	Pay or salary
		From To	Start Final
	Your last job title		
List the jobs you held, duties performed, skills used or learned, advancements or promotions while you worked at this company.			

APPLICATION FOR FIREFIGHTER EMPLOYMENT

Please list your work experience for the **past five years** beginning with your most recent job held. If you were self-employed, give firm name. **Attach additional sheets if necessary.**

Name of employer Address City, State, Zip Code Phone Number	Name of last supervisor	Employment dates	Pay or salary
		From To	Start Final
	Your last job title		
List the jobs you held, duties performed, skills used or learned, advancements or promotions while you worked at this company.			

Military

13. Have you ever been in the Armed Forces? Yes No
- Are you now a member of the National Guard? Yes No
- Specialty _____ Date entered _____ Discharge Date _____
- Did you receive an Honorable Discharge? Yes No

References

14. Give names and addresses of three references other than relatives, previous employers, or current/former City employees.

Name _____

Name _____

Position _____

Position _____

Company _____

Company _____

Address _____

Address _____

Telephone (____) _____

Telephone (____) _____

Name _____

Position _____

Company _____

Address _____

Telephone (____) _____

PLEASE READ CAREFULLY

APPLICATION FORM WAIVER

In exchange for the consideration of my job application by the City of Allentown, (hereinafter called "the City"), except where collective bargaining agreements exist, I agree that:

Neither the acceptance of this application nor the subsequent entry into any type of employment relationship, either in the position applied for or any other position, and regardless of the contents of employee handbooks, personnel manuals, benefit plans, policy statements, and the like as they may exist from time to time, or other City practices, shall serve to create an actual or implied contract of employment, or to confer any right to remain an employee of the City of

Allentown, or otherwise to change in any respect the employment-at-will relationship between it and the undersigned. Both the undersigned and the City of Allentown may end the employment relationship at any time, without specified notice or reason. If employed, I understand that the City may unilaterally change or revise their benefits, policies and procedures and such changes may include reduction in benefits.

I authorize investigation of all statements contained in this application. I understand that the misrepresentation or omission of facts called for is cause for dismissal at any time without any previous notice. I hereby give the City permission to contact schools, previous employers (unless otherwise indicated), references, and others, and hereby release the City from any liability as a result of such contract.

I also understand that (1) the City has a drug and alcohol policy that provides for pre-employment testing as well as testing after employment; (2) consent to and compliance with such policy is a condition of my employment; and (3) continued employment is based on the successful passing of testing under such policy. I further understand that continued employment may be based on the successful passing of job-related physical examinations.

I understand that, in connection with the routine processing of your employment application, the City may request from a consumer reporting agency an investigative consumer report including information as to my credit records, character, general reputation, personal characteristics, and mode of living. Upon written request from me, the City will provide me with additional information concerning the nature and scope of any such report requested by it, as required by the Fair Credit Reporting Act.

I further understand that my employment with the City shall be probationary for a period of one hundred -eighty (180) days, and further that at any time during the probationary period, or thereafter, my employment relation with the City is terminable at will for any reason by either party.

Signature of applicant _____ **Date:** _____

The City of Allentown is an equal employment opportunity employer. We adhere to a policy of making employment decisions without regard to race, color, religion, sex, sexual orientation, national origin, citizenship, age or disability. We assure you that your opportunity for employment with the City of Allentown depends solely on your qualifications.

Thank you for completing this application form and for your interest in employment opportunities.

ARTICLE 177 ENVIRONMENTAL ADVISORY COUNCIL

- 177.01 Purpose**
- 177.02 Establishment; Composition**
- 177.03 Chairman; Compensation**
- 177.04 Powers and Duties**
- 177.05 Annual Report**

Created by Ordinance 14566 on February 8, 2008, 14802 §1 6/25/2010 allowed the Council to elect their chair; 14907 7/22/2011 provided for a report to be submitted to Council no later than the second meeting in March.)

177.01 PURPOSE

Allentown City Council and the Administration of the City of Allentown deem it to be in the best interest and the general welfare of the citizens and residents of the City of Allentown to be advised as to environmental issues within the City of Allentown; to encourage sustainable design and the use of renewable energies, the protection and preservation of natural resources within the City of Allentown and maintaining possible uses of open land in the City of Allentown; and creating inventories of natural areas with unique features within the City of Allentown. (14566 2/8/2008)

177.02 ESTABLISHMENT; COMPOSITION

The Environmental Advisory Council shall be composed of seven (7) residents of this City, two (2) of whom shall be appointed by Council.

- 1) Five (5) Council members shall be appointed by the Mayor, with the approval of City Council;
- 2) Council members' terms of office shall expire on the first Monday in January following the last year of their term in office;
- 3) Duly appointed Council members shall serve a term of three (3) years, except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year;
- 4) A member of the Allentown Planning Commission is to be a liaison to the Environmental Advisory Council. The Planning Commission member, as liaison, is to be in a non-voting capacity with the Environmental Advisory Council, and the liaison to the Environmental Advisory Council is to be selected by the Chairperson of the Allentown Planning Commission. (14566 2/8/2008)

177.03 CHAIRMAN; COMPENSATION

The Chairperson of the Council shall be elected by the Environmental Advisory Council at their first meeting held in each calendar year. Environmental Advisory Council members shall receive no compensation for their services.

The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials, Planning Commission and other such local governmental agencies. (14566 2/8/2008; 14802 §1 6/25/2010)

177.04 POWERS AND DUTIES

- 1) Identify environmental problems, research solutions, and make recommendations to Allentown City Council and City of Allentown Departments and Administration;
- 2) Recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the City of Allentown and its surrounding areas;
- 3) Make recommendations as to the possible use of open land areas and/or environmentally sensitive lands within the City of Allentown and its surrounding areas;
- 4) Promote community environmental programs;
- 5) Keep an index of all open areas, publicly or privately owned, including, but not limited to, flood prone areas, swamps, and other unique natural areas;
- 6) Advise the appropriate local governmental agencies in the acquisition of property, both real and personal;
- 7) Review subdivision and land development plans as appropriate;
- 8) To assist in the creation of and maintain an environmental map of the City Of Allentown and its surrounding areas;
- 9) Advise Allentown City Council and City of Allentown Departments and Administration upon issues of energy conservation;
- 10) To undertake such environmental tasks as requested by Allentown City Council and City of Allentown Departments and Administration. (14566 2/8/2008)

177.05 ANNUAL REPORT

The Environmental Advisory Council shall keep records of its meetings and activities, and shall make an annual report which shall be printed in the annual municipal report (if applicable) or otherwise made known and available. Minutes of each

meeting shall be forwarded to Allentown City Council and the City of Allentown Administration. The annual report shall be presented to City Council at a public meeting, no later than the second meeting in March. (14566 2/8/2008; §14907 07/20/11)

The Environmental Advisory Board shall prepare a written report of the year's activities, a (1) one year plan and long term goals and scenarios using a template provided by City Council. The report shall be given to the Mayor and shall be presented to Allentown City Council at a public meeting. (The annual report shall be presented to City Council at a public meeting, no later than the second meeting in March. (14566 2/8/2008; 14907 7/22/2011)

ARTICLE 178

ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE DEVELOPMENT AUTHORITY

178.01 DECLARATION OF POLICY

It is hereby declared to be the policy of the City of Allentown to promote the health, safety, morals, employment, business opportunities and general welfare of the people of the City of Allentown by providing for the creation of an industrial and commercial development authority for the specific purposes of alleviating unemployment, maintaining employment at a high level, eliminating and preventing blight, promoting public and private infrastructure, promoting and encouraging retail establishments and the use of urban and commercial centers, and the acquisition, construction and improvement of public facilities, as well as creating and developing business opportunities by the construction, improvement, rehabilitation, revitalization and financing of industrial, commercial, manufacturing, and research and development enterprises.

178.02 INTENTION TO ORGANIZE

The Council of the City of Allentown does hereby signify its intention and desire to organize and form an industrial and commercial development authority under and by virtue of the Economic Development Financing Law of 1967, P.L. 251, as amended (the "Financing Law").

178.03 TITLE

The name of the authority shall be the Allentown Neighborhood Improvement Zone Development Authority (the "Authority").

178.04 POWERS

The Authority shall have all the powers and authority granted to an industrial and commercial development authority pursuant to the Financing Law, which shall include but shall not be limited to acquiring, holding, constructing, improving, maintaining, owning, financing and leasing, either in the capacity of lessor or lessee, industrial, specialized or commercial development projects and serving as successor contracting authority to the Allentown Commercial and Industrial Development Authority (ACIDA) for purposes of administering, providing financing for and undertaking all other activities related to the Allentown Neighborhood Improvement Zone (NIZ) established pursuant to the law governing Neighborhood Improvement Zones, Article XVI-B of the Pennsylvania Fiscal Code, 72 P.S. Section 1, *et seq.* In its role as successor to ACIDA for purposes of administering the NIZ, the Authority's powers shall be limited to development activities within the NIZ. The Authority may, among other things, assume or issue debt to refinance debt issued by ACIDA for NIZ-related projects and acquire NIZ-related assets held by ACIDA.

Article 179

Additional Authorization for Employment in the Department of Police

Section 179.01 – Authorization to fill without competition.

Entry level positions in the competitive class in the Department of Police can be filled without regard to the Civil Service examination and grading requirements contained in the Third Class City Code and Civil Service Rules for police when in the determination of the Mayor conditions affecting public safety exist which require the Appointment of certified police officers without competition. (15190 § 3/04/15)

The Civil Service Board shall then certify individuals to fill such positions without competition regardless of whether or not a current competitive eligibility list for police officers is in existence. The qualifications for such positions shall be established by the Civil Service Board. Such positions shall be included in the competitive class upon hiring notwithstanding that the position is filled without competition. (15190 § 3/04/15)

This provision shall be in addition to the current rules and regulations for the hiring of entry level police officers.

Section 179.02 – Qualifications

The Board shall establish the qualifications for police officer positions to be filled without competition that shall include at a minimum:

The applicant must hold current certification as a police officer by the Commonwealth of Pennsylvania under the Municipal Police Officer Education and Training Program pursuant to 53 P.S. § 740, as amended, or must be certified by another state whose certification is recognized by the Commonwealth of Pennsylvania or have successfully completed Act 120 qualification training and be able to obtain Pennsylvania municipal police officer certification. (15190 § 3/04/15)

Section 179.03– Recruitment.

At the request of the Chief of Police, the Civil Service Board shall conduct a recruitment to fill a requested number of police officer positions without competition. Upon the close of an appropriate period of recruitment, those applicants who meet the minimum qualifications for the position will be certified to the Chief of Police in ranked in alphabetical order. (15190 § 3/04/15)

Section 179.04 – Selection.

Upon receipt of a certified list, the Chief of Police may fill any number of vacancies in the certified positions by selection from among the certified applicants on the list. The Chief of Police should rely upon the background investigation of the applicant including prior employment, relevant education, prior experience and character, with consideration given to the specific requirements of the Department of Police. The Chief of Police may also rely on the other relevant information or examination data which the Civil Service Board may supply. However, all applicants are subject to Automatic Disqualification as set forth in Rule I Section 5 of the Civil Service Rules. (15190 § 3/04/15)

Section 179.05 – Probation.

All original appointments to the position police officer which are filled without competition shall be for a probationary period as set forth in Rule VI of the Civil Service Rules for police. (15190 § 3/4/15)

**CITY OF ALLENTOWN
POLICE CIVIL SERVICE RULES
POLICE CIVIL SERVICE BOARD RULES AND REGULATIONS FOR POLICE OFFICERS**

Adopted: March 9, 2010 by the Board

RULE I – APPLICATIONS AND QUALIFICATIONS

Section 1. The Police Civil Service Board ~~is~~ (hereinafter referred to as the “Board”) has established these Rules in order to give as many individuals as possible the opportunity to apply for the position of Police Officer with the City of Allentown, and to assure that all applicants receive equal treatment in the application process.

Section 2. Every applicant must secure an application from the Human Resources ~~Office~~ Department. It is the applicant’s responsibility to assure that the Human Resources ~~Office~~ Department receives the completed, signed application, and the required attachments, by 4:30 P.M. of the established deadline. An application that does not include the required attachments, or that is not received by the required deadline, will not be accepted. Public notice of the final date for receiving applications will be given at least thirty (30) days in advance and will be conspicuously posted in City Hall and other public agencies and institutions and announced through the media.

The application form is reproduced as Appendix A of these Rules. In addition to providing all of the information required in the application, the applicant, at the time of application, must also submit the proper non-refundable application fee in the form of a certified check or money order payable to the City of Allentown. No personal checks or cash will be accepted.

Once the applicant is found to meet the general requirements, the applicant shall submit photocopies of the following:

1. High school diploma or graduate equivalency diploma (See Rule I, Section 4, Paragraph c).
2. A completed Form DD214 from any of the military services, including the specific type and date of discharge, if you have military service.
3. Certificate of Naturalization, if applicable. (See Rule 1, Section 4, Paragraph a.)
4. Current valid motor vehicle operator’s license (See Rule 1, Section 4, paragraph d).

Any application not accompanied by the required documents shall not be considered.

Section 3. Discrimination

The City of Allentown is an equal opportunity employer. It is the policy of the City and the Board to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran status, marital status, sexual orientation, gender identity or non-job related physical or mental handicap or disability.

Section 4. General Qualifications

Every applicant shall:

- a. Be a citizen of the United States.
- b. Be at least 20 years old when he/she files an application and at least 21 years old to be appointed to the position of Police Officer.
- c. Possess a high school diploma or a graduate equivalency diploma.
- d. Posses a valid motor vehicle operator’s license prior to appointment.
- e. Be physically and mentally fit to perform the full duties of a Police Officer.

Section 5. Automatic Eligibility Disqualifications

If the Board determines that one or more of the following disqualifications applies to the applicant, the Board shall not examine the applicant, or, after examination, shall not place the applicant upon the eligibility list or certify the applicant for employment:

- a. Does not meet any of the established preliminary requirements or has not filed all of the documents listed in the preceding sections.
- b. Does not meet the standards established by the Municipal Police Officers' Education and Training Commission.
- c. Was dishonorably discharged from any branch of the military service.
- d. Failed to register with the Selective Service System.
- e. Intentionally falsified, omitted, concealed or misrepresented any material information during any portion of the current or any prior employment application process for a position with the Allentown Police Department, including, without limitation, polygraph/CVSA Screening Booklet and interview.
- f. Has been convicted in any state of an offense for which more than one year in prison can be imposed as a punishment.
- g. Has been convicted of False Swearing (18 Pa.C.S. §4903), Unsworn Falsification to Authorities (18 Pa.C.S. §4904) or an equivalent offense in another state.
- h. Has been convicted in any state of an offense that results in a prohibition against possession of a firearm.
- i. Has engaged in the following drug usage:
 1. Use of marijuana or steroids within three years of the application date.
 2. Abuse of prescription drugs within five years of the application date.
 3. Use of cocaine, methamphetamine, barbiturates, inhalants, designer drugs, or hallucinogens within five years of application date.
 4. Use, at any time, of heroin, crack cocaine or an injected controlled substance.
- j. Has two or more convictions for driving under the influence of alcohol or controlled substance or an equivalent offense in another state.
- k. Has been convicted within five years of the application date of driving under the influence of alcohol or controlled substance or an equivalent offense in another state.
- l. Has been placed on Accelerated Rehabilitative Disposition (or equivalent disposition in another state) within one year of the application date for driving under the influence of alcohol or controlled substance or an equivalent offense in another state.
- m. Has at any time had his or her driver's license revoked in any state.
- n. Has at any time incurred three or more suspensions of his or her driver's license (including a combination of suspensions in any state).
- o. Has within three years of the application date incurred a second suspension of his or driver's license (including a combination of suspensions in any state).
- p. In addition to any of the other Automatic Eligibility Disqualifications, has two or more convictions of any of the following offenses (or equivalent offenses in another state) [within seven years of the application date](#):
 1. Accidents involving damage to attended vehicle or property (75 Pa.C.S. §3743).
 2. Driving without lights to avoid identification or arrest (75 Pa.C.S. §3734).
 3. Drivers required to be licensed (75 Pa.C.S. §1501).
 4. Required financial responsibility (75 Pa.C.S. §1786).
 5. Obedience to authorized persons directing traffic (75 Pa.C.S. §3102).
 6. Meeting or overtaking school bus (75 Pa.C.S. §3345(a)).
 7. Maximum speed limit (31 miles per hour and over) (75 Pa.C.S. §3362).
 8. Racing on highway (75 Pa.C.S. §3367).
 9. Reckless driving (75 Pa.C.S. §3736).
 10. Accidents involving damage to unattended vehicle or property (75 Pa.C.S. §3745).
 11. False reports (75 Pa.C.S. §3748).

RULE II –EXAMINATIONS AND GRADING

Section 1. Prior to the expiration of the current eligibility list, the Human Resources Department, in consultation with the Board, will schedule the appropriate examinations and procedures. Eligible applicants will be notified of the examination schedule by letter postmarked at least fourteen (14) days prior to the test (s) and sent by first class mail to the most current address provided by the applicant.

Section 2. All applicants must successfully complete the application procedure in order to be eligible for consideration in the selection process.

Section 3. Written Cognitive Examination

Applicants will be given a written examination designed to assess their cognitive ability to perform police functions. A passing grade of 70% will be required.

Before proceeding to answer questions on the written examination, each applicant shall complete and sign a declaration sheet, giving his/her full name and address and such other information as may be required by the Board, and to place his/her sheet, after it has been marked with an identification number, in the official envelope. Each applicant shall seal said envelope. The exterior of the envelope shall bear only the identification number of the applicant. At the close of examination, all of the envelopes containing the declaration sheets shall be retained by the person conducting the examination and shall not be opened by anyone until the examinations have been scored. Each applicant shall mark his/her identification number on the title sheet of his/her examination.

Section 4. Physical Performance Test

Each applicant must sign a release before taking the physical performance test. A test of the applicant's ability to perform job-related physical activities will be administered to those candidates who pass the written examination.

Every applicant shall participate in the Pennsylvania Chiefs of Police Association Fitness Test Battery. The method of scoring for the physical performance test will be pass/fail.

Section 5. Structured Oral Examination

Those applicants who pass the written cognitive examination and the physical performance test will be given a structured oral examination approved by the Board and designed to assess the applicant's verbal communication skills and ability to work under pressure. The structured oral examination shall be given by a three member panel consisting of the Chief of Police, the Director of Human Resources, and a senior ranking police officer from any Pennsylvania police department, or their designees. A passing grade of 70% will be required.

Section 6. Grading Procedure

The written cognitive examination and the structured oral examination shall be graded on a 100 point scale, with the written cognitive examination representing 50% of the final score and the structured oral examination representing 50% of the final score.

Any applicant who qualifies as a "soldier" under the Veterans Preference Act shall receive an additional 10 points on top of their total score if the applicant has successfully completed all phases of the testing procedure.

Section 7. Formation of Eligibility List

An eligibility list will be established consisting of candidates in sequential order of their final score.

Section 8. Background Investigation

Applicants placed on the eligibility list shall undergo a background investigation conducted by the Chief of Police or the Chief's designees. The background investigation shall include, without limitation, a criminal history check, including the submission of fingerprints to the Central Repository for the Commonwealth of Pennsylvania and the Federal Bureau of Investigation; interviews with people who have personal knowledge of the applicant; an investigation of the applicant's credit history; an investigation of the applicant's driving record; and a polygraph examination. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation.

The appropriateness of the applicant for appointment as a Police Officer shall be based on a consideration of the criteria set forth in Rule 1, Section 4 and Section 5 of these Rules.

After the background investigation is completed, the Chief of Police or his/her designee shall make a written recommendation to the Board on whether the applicant is appropriate for appointment as a Police Officer. If the recommendation is to disqualify, then a written explanation of the reasons for the disqualifications shall be included.

The Board shall make the final determination on whether the information collected during the background investigation warrants rejection of the applicant. Within thirty days after the Board considers the recommendation of the Chief of Police his/her designee, the applicant shall be informed in writing of whether he/she has passed the background investigation. If the determination is to disqualify, then a written explanation of the reasons for disqualification shall be included.

RULE III – CERTIFICATION OF ELIGIBILITY LIST AND APPOINTMENT

Section 1. Certification of Eligibility List

Final scores will be grouped mathematically (by the testing company approved by the Board) and a single sliding band of statistically proximate results will be developed for submission to and approval by the Board.

The Eligibility List will be valid for two years from the date of approval by the Board. The Board may, in its sole discretion, extend the list for up to an additional twelve month period. The Board may, in its sole discretion, void the list at any time for any reason.

Section 2. Appointment

A three-member panel, consisting of the Chief of Police, the Director of Human Resources and the Mayor, or their designees, may fill a vacancy in the position of Police Officer by selecting applicants from the sliding band.

There is no order of selection in sliding band. An applicant from any position in the band may be selected without regard to numerical, chronological order.

Whenever the top score whole number or whole number and fraction thereof in the band is reduced to the next lowest whole number, the bottom of the band will expand proportionately to include those candidates having statistically proximate results to those applicants remaining in the band.

Criteria for selection from the top band shall include, but shall not be limited to, consideration of the following:

- Veteran's preference
- Act 120 certified applicants
- Previous police experience
- Previous experience as an Allentown Police Cadet
- Specialized, pertinent training or bilingual ability

Section 3. Conditional Offer of Appointment

After an applicant is selected for appointment from the sliding band, the applicant shall submit to a physical examination and a psychiatric and/or psychological examination, as provided in these Rules. The appointment shall be contingent upon the applicant successfully passing both the physical and psychiatric and/or psychological examinations.

a. Physical Examination: After an offer of employment has been made, each applicant must undergo a physical examination (to include a drug screen) by a physician selected by the Board to determine whether or not an applicant possesses the physical attributes needed to sustain the labors and exposures of the position.

In the physical examination, applicants must meet the following standards:

Visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant shall have normal depth and color perception and be free of any other significant visual abnormality.

b. Psychiatric/Psychological Examination: After an offer of employment has been made, the applicant shall be evaluated by a board certified psychiatrist and/or psychologist selected by the Board who shall determine whether the applicant is able to perform the essential duties of the position of Police Officer.

Section 4. Appointment Procedure

a. Upon successful completion of the physical and psychiatric and/or psychological examinations, the Chief of Police will send a memorandum to the Chairperson of the Board requesting Board certification of the recommended applicant for the position of Police Officer.

b. The Chairperson of the Board, or his/her designee will respond to the Chief of Police, by memorandum, certifying the applicant for the position of Police Officer.

- c. The name of the applicant to be hired shall then be submitted to City Council in the form of a resolution. A vote for final approval shall be conducted at a regularly scheduled Council meeting.
- d. If, prior to final approval of the applicant by City Council, the Board determines that the applicant, based on a consideration for the criteria set forth in Rule I, Section 4 and Section 5, is not qualified to be a Police Officer, the Board shall decertify the applicant.
- e. After approval of the resolution by City Council, the applicant will receive a final offer of employment outlining the details of employment. This final offer and the continuation of said employment will be contingent upon the applicant obtaining and maintaining a valid Pennsylvania Municipal Police Officers' Education and Training Commission certification in accordance with Act 120.

Section 5. In accordance with the Pennsylvania Civil Service Code for Third Class Cities, should City Council on three (3) separate occasions reject an applicant whose name has been placed before Council for appointment, that applicant's name shall be stricken from the list.

RULE IV- PROCEDURE FOR APPEALS

Section 1. Applicants who believe that they are aggrieved by the action of the Board in refusing to examine them, or to certify them as eligible after examination, may file an appeal with the Board.

Section 2. An aggrieved applicant who wishes to file an appeal shall provide the Board with written notice that:

- a. Is filed with the Board at the following address: Police Civil Service Board, 435 Hamilton Street, Room 233, Allentown, PA 18101.
- b. Is filed within fifteen calendar days of the date on the written notice of the action which is being challenged. If filed by mail, the written notice shall be deemed filed on the postmark date.
- c. States the action being challenged.

Section 3. The Board shall provide the aggrieved applicant with written notice of the time and place for a hearing on the appeal.

Section 4. The aggrieved applicant shall provide the Board with a written statement that:

- a. Is filed with the Board at the following address: Police Civil Service Board, 435 Hamilton Street, Room 233, Allentown, PA 18101.
- b. Is filed within five calendar days of the date of the hearing. If filed by mail, the written statement shall be deemed filed on the postmark date.
- c. States the basis for the appeal and is accompanied by supporting evidence for the aggrieved applicant's position (e.g. statements from other parties that support the aggrieved applicant's position).

Section 5. An aggrieved applicant who fails to comply with the requirements of Section 2 and Section 4 shall be deemed to have waived his/her right to file an appeal.

Section 6. The hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law.

Section 7. The Board shall render a written decision on the aggrieved applicant's appeal within 45 days after the last hearing before the Board.

RULE V - TEMPORARY APPOINTMENTS

Section 1. When there are urgent reasons for filling a vacancy and there is no list of persons eligible for appointment after competitive examination, a temporary appointment may be made without examination. Such appointment may not continue longer than ten (10) days after the establishment of a suitable eligibility list and in no case shall it continue longer than three (3) months.

The Board empowers a committee composed of 1) the Chief of Police; 2) the Director of Human Resources; and, 3) a member of City Council, or their designee, to make temporary appointments should such a situation arise.

Section 2. In case of riot or other public emergency, temporary appointments of police officers may be made without examination. Such appointments shall terminate as soon as the public emergency, which led to the appointments, is at an end.

The Board empowers a committee composed of 1) the Chief of Police; 2) the Director of Human Resources; and, 3) a member of City Council, or their designee, to make temporary appointments should such a situation arise.

RULE VIII – PROBATION

Section 1. All appointees shall serve a probationary period of eighteen (18) months, shall have no seniority rights during this period, and may be disciplined, terminated, or laid off at any time at the sole discretion of the City. Nevertheless, the aforesaid right to discipline or terminate shall be for just cause. The probationary employee shall have no rights to appeal the discipline or the termination other than through Civil Service. Upon satisfactory completion of the probationary period, the employee shall acquire seniority status retroactive to the employee's hour and date of employment.

Section 2. No officer during the probationary period will be permitted to carry a firearm under any circumstances, on or off duty, outside of Act 120 training until that officer has satisfactorily passed firearms training and received a valid Pennsylvania Municipal Police Officers' Education and Training Commission certification in accordance with Act 120.

RULE VII ~~IX~~ - AMENDMENTS

These Rules may be amended by a quorum of the Board. Pursuant to the Sunshine Act, amendments to be acted upon shall be publicized through the media prior to the meeting where the action will be taken.

Adopted:	September 24, 1980
Amended:	December 22, 1980
	June 23, 1981
	March 28, 1983
	May 2, 1983
	June 6, 1983
	January 19, 1984
	May 17, 1984
	June 2, 1988*
	February 14, 1990
	March 6, 1992
	June 10, 1992
	November 18, 1993
	January 6, 1993
	April 8, 1993
	May 9, 1994
	November 14, 1994
	April 3, 1996
	February 17, 1997
	January 21, 1999
	January 27, 1999
	September, 2004
	October 6, 2004
	March 27, 2007

Adopted: March 9, 2010 (by the Board)

*Further amended by City Council July 20, 1988

Article 179B (15147 § 9/3/14)
Water and Sewer (Lease and Operations) Compliance Review Board

179B.01 Creation and Purpose

There is created a Water and Sewer (Lease and Operations) Compliance Review Board to review compliance issues and reports relating to the City of Allentown's lease-concession agreement for water and sewer services.

179B.02 Membership

The Board shall consist of five members. The members shall be the Chairs of City Council's Public Works (who shall serve as Chair of the Board) and Budget and Finance Committees, two at large members appointed by the Mayor, and one non-governmental member appointed by City Council.

179.02 Terms of the Members

The initial terms of the Mayor's appointments shall be for a four year term and a two year term, and four years thereafter. The term of the City Council appointee shall be for two years serving during the two year cycle of council. The Chairs of the Council Committee's shall serve during their respective tenure on the Committee.

179B.03 Meetings

The Board will meet periodically and at other times at the request of a majority of the members. The meetings shall be open to the public unless otherwise exempted under existing law. The Clerk's office shall serve as staff to the Board and the City's Solicitor's Office shall serve as legal counsel to the Board.

179B.04 Powers and Duties

The Water and Sewer (Lease and Operations) Compliance Review Board shall serve as an advisory body to the City's Compliance Office, whose mandate includes direct oversight of the water and sewer lease concession to LCA. The Board shall review compliance issues as identified by the Compliance Office with the lease agreement, review reports issued by the water and sewer service provider and the Compliance Office, ensure that all applicable performance standards, water quality issues, customer service, capital programs, and maintenance issues covered under the lease agreement are met; and review other selected topics raised by the Board, Compliance Office, public, or vendor.

ARTICLE 180 (15129 §1 5/7/14)
ALLENTOWN PUBLIC ART ORDINANCE

Section 180.01	Title
Section 180.02	Findings and Purpose
Section 180.03	Definitions
Section 180.04	Establishment
Section 180.05	Composition
Section 180.06	Terms; Removal and Vacancies
Section 180.07	Powers and Duties
Section 180.08	Quorum of the Committee
Section 180.09	Meetings
Section 180.10	Rules and Regulations
Section 180.11	Annual Report

SECTION 180.01
TITLE

The title of this Article is the Allentown Public Art Ordinance.

SECTION 180.02
FINDINGS AND PURPOSE

The City of Allentown finds that Public Art strengthens and enriches the quality of life of its citizens. Commissioning new work and restoring and maintaining the existing Public Art creates a more vibrant city that integrates art and artists into the culture, fostering a community of creativity. Public art enhances public places and promotes Allentown's identity as a livable and creative city and a desirable place to live, work and visit. The City recognizes the importance of expanding the opportunities for its citizens to experience Public Art resulting from the creative expression of artists in public places of the city. A planned Public Art program improves the local arts community and the entire City of Allentown.

SECTION 180.03
DEFINITIONS

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- A. Works of art may include, but not be limited to, the following:
- (1) Sculpture: in the round, bas relief, mobile, fountain, kinetic, and electronic, in any approved material or combination of material(s)
 - (2) Painting: all media, including portable and permanently affixed works, such as murals
 - (3) Graphic arts: printmaking, drawing, and banners
 - (4) Mosaics
 - (5) Photography
 - (6) Crafts: in clay, fiber, and textiles, wood, metal, plastics, stained glass, and other materials, both functional, and nonfunctional
 - (7) Mixed media; any combination of forms and media, including collage
 - (8) Earth works, environmental installations, and environmental art
 - (9) Decorative, ornamental, or functional elements which are designed by practicing artists or other persons submitting as artists, including but not limited to design professionals who are not participating members of the city's design team for the project (includes repetitive or serial art by the artist)
 - (10) Light or luminal art, lighting
 - (11) Sound art
 - (12) Portable art that may be displayed at locations other than its substantially permanent location at or adjacent to the project site
 - (13) Temporary performance, or time-based art, provided that it is documented, is tied to the project whose budget provided funding and produces a permanent work of art that is on substantially permanent display at or adjacent to the project site.

Directional elements, signage, objects which are mass produced in standard design, reproductions of artwork, or landscape gardening (except where the elements are designed by the artist or landscape architect and are an integral part of a work of environmental art) are not considered art.

B. Public Art means art that is owned by the City and which is installed in public, accessible locations, including public land and buildings owned by the City and public land and buildings owned by Authorities, Boards and Commissions controlled by the City.

The provisions of this Article do not apply to land or buildings located within the City that are owned by the Commonwealth of Pennsylvania, the County of Lehigh or the Allentown City School District, or that are owned by an agency or instrumentality of the Commonwealth of Pennsylvania, of the County of Lehigh or of the Allentown City School District.

SECTION 180.04 ESTABLISHMENT

There is constituted for the City a body to be known as the Public Art Committee. By this ordinance, the City of Allentown's Public Art collection shall be under the direction of the Allentown Public Art Committee, whose composition is described in Section 180.05 and whose powers and duties are described in Section 180.07.

SECTION 180.05 COMPOSITION

A. The Committee shall consist of ten (10) persons who shall be appointed by the Mayor subject to the approval and confirmation of the Council. The ten (10) members shall include: two (2) experts in visual art, one (1) community representative, one (1) Council Member, two (2) representatives from the Allentown Arts Commission, the President & CEO of the Allentown Art Museum of the Lehigh Valley, one (1) engineer, one (1) landscape architect, and one (1) finance/accounting expert.

Together the Committee Members will concentrate on Public Art exclusively, gathering resources, making recommendations on the acquisition, placement, maintenance and conservation, marketing and siting of outdoor and other Public Art for or in the City of Allentown.

(1) The Allentown Arts Commission Members shall Chair or Co-chair the committee, relay important goals, policies and procedures to the Committee, advise on art element matters and share the history and knowledge of other Public Art projects with the Committee.

(2) The design professionals shall provide the Committee with architectural, structural, landscape or other design elements of the site or the facility; recommend opportunities for Public Art to be more integrated into the sites including ways to utilize electrical, structural, plumbing or other useful infrastructure.

(3) The artists and art professionals shall assist with conveying to the Committee the methods of interpreting and evaluating artistic craftsmanship, aesthetic design and meaning of Public Art design concepts; advise on methods for evaluating artists' background, experience and capacity for achieving successful project completion; and assist other Committee members with understanding art terminology and process.

(3) The community representative shall convey to the Committee the immediate and broader neighborhood desires and concerns about the site or how the art project will function in the area; cultivate stewardship responsibilities from the neighborhood for the resulting project; provide regular reports to other neighborhood members and or/organizations; establish local resources and network connections for creation and installation of work.

(4) The fundraiser/grant writer shall advise the Committee on where and how to seek funding for Public Art maintenance, conservation, restoration and acquisition.

(5) The finance or accounting professional shall assist the Committee in decision making about managing financial resources for Public Art.

(6) The President & CEO of the Allentown Art Museum of the Lehigh Valley shall advise the Committee concerning acquisition, maintenance, conservation, restoration and management of Public Art and shall advise the Committee on how the Public Art projects can generate excitement, interest and support from the citizenry, and how these projects can portray Allentown as an arts-friendly, creative, 21st century place.

(7) The City Council Member shall act as a liaison between the Committee and City Council.

B. The following City staff persons, or their respective designees, shall be *ex officio* members of the Committee and shall offer support and assistance to the Committee: the Director of Parks & Recreation, the Director of Public Works, the Planning Director, and the Special Events Coordinator.

(1) The Planning Director or his/her designee shall assist the Committee in understanding the City's goals, visions and initiatives outlined in various plans, including master plans, comprehensive plans, zoning plans, etc. (2)

The Director of Parks & Recreation and Public Works Director or their respective designees shall implement the recommendations of the Committee regarding siting, conservation and maintenance, and landscaping of Public Art.

(3) The City staff *ex officio* members shall also convey to the Committee the issues related to public use and interaction with City Departments and staff; cultivate relationships within the City agencies for the Public Art projects, providing regular project updates to various City Department Directors and other City staff, and shall also provide all required

administrative functions to facilitate the meetings and site visits, including recording and distributing the actions of the Committee to members.

SECTION 180.06
TERMS; REMOVAL AND VACANCIES

- A. The initial terms of the first ten (10) Committee members shall be as follows and until their successors are selected: Four (4) members shall serve until the first Monday of January 2015; three (3) members shall serve until the first Monday of January 2016; and three (3) members shall serve until the first Monday of January 2017. Members serving until January 2017 include the following: 1) one finance/accounting expert, 2) one representative from the Allentown Arts Commission, and 3) one City Council Member. Members serving until 2016 include the following: 1) one expert in visual art, 2) President and CEO of the Allentown Art Museum and 3) one engineer. Members serving until 2015 include 1) one expert in visual art, 2) one community member, and 3) one representative from the Allentown Arts Commission and 4) one landscape architect.
- B. After the expiration of the initial terms successor Members shall serve a term of five (5) years.
- C. The Mayor may remove any or all members of the Committee for official misconduct or neglect of duty.
- D. In the case of any vacancies on the Committee the Mayor, with the approval and consent of Council, may appoint persons to fill the vacancy for the remainder of the predecessor member's term.

SECTION 180.07
POWERS AND DUTIES

- A. General Powers and Duties.

The Allentown Public Art Committee shall have responsibility for the process and procedures undertaken by the City of Allentown for the maintenance, acquisition and de-accession of Public Art in the City of Allentown, in adherence to the definition of Public Art and the administration of such definition.

- B. General Principles Governing Public Art.

The following guiding principles and values are intended to guide the Committee and the City of Allentown regarding Public Art. The Committee and the City adopt these goals and commit to these ideals and process.

- (1) Public Art will represent a broad variety of styles and support community interests.
- (2) Public Art will reflect the diverse spectrum of beliefs, cultural heritage and artistic expressions of the people of Allentown.
- (3) Public Art will enhance the environment, creating tourism and economic development potential for Allentown.
- (4) The Committee will adhere to all federal, state and local laws.
- (5) The Committee will identify and pursue additional sources of funding for acquisitions, maintenance and conservation of the collection.
- (6) The Committee will inform, include and invite the public to participate in all phases of the Public Art process.
- (7) The Committee will promote the visual arts of Allentown, working to increase understanding within the community about the purpose and meaning of the artwork and the collection.
- (8) The Committee will make the collection available to the public through a variety of media.
- (9) The Committee will document, maintain and conserve Public Art in Allentown.
- (10) The Committee will seek to develop opportunities for local artists.
- (11) The Committee will partner with other organizations to promote the arts.

- C. Specific Powers and Duties.

- (1) Recordkeeping, Cataloging, and Maintenance

(i) The Committee has the responsibility to document, maintain and conserve, and when appropriate, restore works of Public Art. By this Ordinance, stewardship of the Public Art collection is a mandate of the Allentown Public Art Committee. The Committee shall protect the value, integrity and authenticity of the work, by raising the necessary funds to return the collection to its original condition, and then provide for the prescribed annual maintenance. The Committee shall ensure that there is appropriate recordkeeping of maintenance and cataloging of the artwork.

(ii) The Committee and the Allentown Arts Commission shall be familiar with and comply with the Visual Artist's Rights Act of 1990, 17 U.S.C. § 106A, as amended.

(iii) Public Art can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion, Public Art may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the Public Art risks serious degradation as the collection ages. The overall policy of the Committee is to preserve as much of the Public Art collection as possible in the current locations of the various works. This typically means repairing and restoring as many works as available resources allow. The general order of priority is to repair and restore the works that have sustained serious damage and degradation first.

(iv) Maintenance and conservation are to be carried out only by qualified consultants. During planning for Public Art projects, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability.

(v) The conservation effort includes condition assessment reports for the collection, integrated into a database, maintained by the City of Allentown that is updated periodically and reviewed at least yearly by the Committee. In its joint report with the Allentown Arts Commission, the Committee shall report on the overall condition of the Public Art collection in their annual report to City Council pursuant to Section 180.11

(2) Artist Selection for Commissioned Artwork

The following methods of selection described in these guidelines may be used to select an artist or artists for projects. Curators or other organizations may be used to assist the Committee in acquiring appropriate artist services or works of art.

(i) Open Competition – An open call for artists to compete for commission or purchase for a work of art. There are no restrictions, other than the medium or the style.

(ii) Open/Invitational – An open call for artists that includes the possibility that certain, appropriate artists may receive invitations to compete. From this group, an artist(s) would be selected.

(iii) Invitational – An invitation to certain, identified, appropriate artists to submit materials for consideration on a project. From this group, an artist(s) would be selected.

(iv) Direct Selection – This is a direct identification of a specific artist (or artists such as a team) who has been identified by the Committee as being capable of providing the requirements of the project as defined in the prospectus. With direct selection, the artist is providing sole source services. Direct selection may also be utilized in the acquisition of an existing, specific, work of art. Direct selection is only possible when it is determined that a site would be best served by commissioning artist(s) with specific backgrounds or qualifications or when there is a recognized time constraint to complete the project.

(v) Selection of a curator, organization, or project jury panel – For certain projects, the Committee may identify other entities or individuals to assist in development of the project.

(3) Development of the prospectus for the Public Art project

(i) The Committee shall develop project criteria such as site, theme, media, scale, method of artist or work of art selection, residency of eligible artists, determination of the selection process, and other appropriate parameters. The prospectus may take different forms, including but not limited to Request for Proposal (RFP), Request for Qualifications (RFQ), or a hybrid RFP/RFQ. A project evaluation criteria matrix will be established and used for rating the proposals.

(ii) The Committee shall present the prospectus to the Allentown Arts Commission for approval.

(iii) Upon acceptance by the Allentown Arts Commission, the prospectus will be forwarded to the Mayor.

(iv) Upon approval by the Mayor, the prospectus will be made available publically through various venues and in multiple formats, i.e. digitally, electronically, and in hard copy.

(v) Selection of artists or artwork may be made on evaluation of any or all of the following elements: Digital images of previous work; photographs; resumes; narrative or visual proposals; interviews, maquettes, or other appropriate materials. The artist selection process will be open to all artists regardless of race, color, creed, gender, gender variance, national origin, age, religion, marital status, political opinion or affiliation or mental or physical handicap. Beyond this, artists will be sought who work in all media, materials, and who have varying levels of experience.

(vi) The following are typical materials used in the selection of art: site plan showing location of proposed Public Art; minimum 1/4" scale drawings of the art concept or the art component, including at least one elevation; context drawings; material/color samples; model (optional); written proposal including the following information: a description and summary of final design proposal for the proposed Public Art; detailed maintenance requirements; a schedule for development, fabrication, completion; Artist resume/background; and evidence of assumption of liability by applicant or designee. Additional requirements may be requested by the selection committee. The selection process will be an open, fair and transparent competitive process.

(4) Artist Registry

The Committee shall establish an artist registry established for future commissions of Public Art in the City of Allentown.

(5) Art Donation Procedure

The Public Art Committee shall review requests to make donations of Public Art. Responsible ownership of Public Art requires a commitment of resources to conserve and protect it. With limited City resources for maintenance, the Committee will accept donations of Public Art only if a plan has been made for the costs of installation, and the conservation and maintenance of the Public Art for the expected life of the Public Art.

(i) Criteria used for review of requests to make donations of Public Art are: relationship to other existing Public Art in the vicinity, or future proposed Public Art; constructability of proposed Public Art, and requirements regarding access to the site and accessibility to the site, including the federal Americans with Disabilities Act of 1990, as amended; artist's credentials and recognition; durability and craftsmanship in fabrication and production quality; appropriateness of Public Art location; appropriateness of Public Art scale to the proposed site; appropriateness of Public Art to other aspects of its surroundings; maintenance and conservation plan; and any applicable neighborhood design guidelines.

(6) Project and Site Selection

(i) The Committee, with approval from the Allentown Arts Commission, shall identify suitable locations for Public Art. The criteria for selecting locations include: the durability of materials used by the artist; the nature, size and configuration of the Public Art; configurations, intended uses and risk factors of various available locations; and aesthetic considerations

(ii) The City staff persons who are members of the Arts Commission shall present the Commission's selected site to the City Departments. When the Public Art is to be placed in property owned by or under the use and control of the City Right specific City staff from appropriate departments shall be invited to participate in Committee meetings to arrange for the installations.

(iii) Public Art shall be sited where it can best be appreciated and experienced by the site users or residents of the neighborhood in which it is situated.

(iv) The *ex officio* members of the Committee who are City staff persons shall endeavor to maintain a list of suitable locations for Public Art, updated from time to time and made available to the Committee on a regular basis.

(7) De-accession and Relocation of Artwork

(i) De-accession is the removal of an artwork from the permanent Public Art collection. Because disposal of artwork is generally irrevocable, de-accession shall be a deliberate procedure.

(ii) Reasons for de-accession of Public Art include but are not limited to: the condition or security of the artwork cannot be reasonably guaranteed; the Public Art requires extensive maintenance or has faults of design or workmanship and repair or remedy is unfeasible or impractical; the Public Art has been damaged or has deteriorated beyond the point where repair is practical or feasible; the Public Art endangers public safety; significant changes in the use, character or design of the site have occurred, which affect the integrity of the Public Art; extreme adverse public reaction over an extensive period of time; the quality of the Public Art is called into question; the Committee desires to replace the Public Art with a more appropriate work by the same artist; or written request from the artist has been received stating the artist requests removal or return or extensive repair of the Public Art

(iii) Relocation is the movement of a work of Public Art to a more suitable site because of changes to, or sale of, City property where the work is sited, or the original site is deemed unsuitable.

(iv) Reasons for relocation of artwork include but are not limited to: the Public Art endangers public safety in its current location; significant changes in the ownership, use, character or design of the site have occurred, which affect the integrity of the Public Art; a written request from the artist has been received; or a more appropriate site for the Public Art is determined

(v) The City of Allentown's Public Art collection shall be periodically reviewed by the Committee, with a joint report (in addition to yearly report) from the Committee and the Allentown Arts Commission to Allentown City Council. In the event that circumstances warrant, a written request may be submitted to the Committee for review for de-accession or relocation or disposal of a work of art.

(vi) A recommendation addressing the concerns which prompted the request for de-accession or relocation shall be reviewed by the Committee, with a decision forwarded to the Allentown Arts Commission. Should the Allentown Arts Commission's decision be unsatisfactory to the requesting party, the Allentown Arts Commission shall convene a competent independent third party to review the Committee's recommendation regarding the artwork.

(vii) The following courses of action in order of priority may be followed if a work of Public Art must be removed from the City's collection: relocate the Public Art; sell or trade the Public Art; offer the artist(s) the opportunity to buy back the Public Art at the current appraised value, with the cost of the appraisal to be borne by the artist; advertise the sale of the Public Art by auction or other public sale; dispose of the Public Art or remainder of the Public Art in an appropriate and practical way when other options have not resulted in the disposal of work

(viii) Disposal of any means of any Public Art shall conform to legal requirements. Proceeds from the sale of any Public Art must be used in the maintenance, repair, or preferably, for the purchase of new Public Art.

SECTION 180.08
QUORUM OF THE COMMITTEE

Six (6) voting members of the Committee shall constitute a quorum and the votes of a majority of all voting members shall be necessary for any official action. In the event that the chairperson or co-chair is not present at a meeting, an acting chairperson will be selected from among those members of the Committee present at such meeting.

SECTION 180.09
MEETINGS

Meetings of the Committee may be called at the discretion of the Chairperson, or at the written request of five (5) Committee members, provided that such written notice is delivered to the Chairperson at least five (5) working days in advance of such special meeting. All meetings of the Committee must be open to the public as is required by the Pennsylvania Sunshine Act, 65 Pa.C.S. § 701 et seq. Executive Sessions may be called in conformance with applicable law.

SECTION 180.10
RULES AND REGULATIONS

Subject to the approval of the Mayor and Council, the Committee may enact its own rules and regulations pertaining to the carrying out of its duties.

SECTION 180.11
ANNUAL REPORT

The Committee, in cooperation with the Allentown Arts Commission, shall annually prepare a written report of the year's activities, a one (1) year plan and long term goals and scenarios to enhance the City's Public Art programs and facilities. The report shall be given to the Mayor and City Controller and shall be presented to Allentown City Council at a public meeting.

**TITLE ELEVEN
DISCRIMINATION**

**ARTICLE 181
Human Relations Commission**

- 181.01 Purpose
- 181.02 Definitions
- 181.03 Unlawful Employment Practices
- 181.04 Unlawful Housing Practices
- 181.05 Unlawful Real Estate Practices
- 181.06 Unlawful Public Accommodations Practices
- 181.07 Human Relations Commission; Powers and Duties
- 181.08 Procedure
- 181.09 Enforcement and Judicial Review
- 181.98 Severability
- 181.99 Enforcement, Judicial Review and Penalty

Brief Legislative History:

10193, September 3, 1963, established a Human Relations Commission, empowered to promote mutual understanding and make studies. 11053, October 25, 1966, marked the first discrimination law for the city - it prohibited discrimination in employment, housing and public accommodation based on race, color, religion, national origin or ancestry. In 1967, a full-time executive director was hired. In 1977 (12246), the Human Relations Ordinance was broadened to prohibit discrimination due to handicap, marital status, source of income and age. In 1992 (13134), familial status was added to the list of protected class, handicap and disability definitions were clarified. 13964, April 4, 2002, added sexual orientation and gender identity to the ordinance. 14834, November 3, 2010, added providing employment benefits to same-sex partners that are not provided to non-married opposite sex partners. 14890 §1 5/5/11 designated school representatives as non-voting members.

181.01 PURPOSE

In order to assure that all persons regardless of race, color, religion, national origin, ancestry or place of birth, sex, gender identity, sexual orientation, disability, marital status, age or use of a guide or support animal because of blindness, deafness or physical disability enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and use of public accommodation facilities, it is necessary that appropriate legislation be enacted.

Nothing in this article shall be construed as supporting or advocating any particular doctrine, position, point of view, life style, or religious view. To the contrary, it is the intention of this article that all persons are treated fairly and equally, and it is the express intent of this article to guarantee fair and equal treatment under law to all people of the City. (13964 §1 4/4/02)

181.02 DEFINITIONS

The following words, terms and phrases when used in this article shall be defined as follows, unless the context clearly indicates otherwise:

1. **Accessible** means being in compliance with the applicable standards set forth in the following:

- a. The Fair Housing Act (Public Law 90-284 as amended, 42 U.S.C. §3601 et seq.);
- b. "Americans with Disabilities Act of 1990" (Public Law 101-336, 42 U.S.C. §12101, et seq.);
- c. "Act of September 1, 1965, P.L. 459, No. 235," as amended; "An act requiring that certain buildings and facilities adhere to certain principles, standards and specifications to make the same accessible to and usable by persons with physical disabilities and providing for enforcement". (13964 §1 4/4/02)

2. **Age** includes any person forty years of age or older and shall also include any other person so protected by further amendment to the Federal Age Discrimination in Employment Act.

3. **Commercial property** means:

- a. Any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation; and
- b. Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, facility, business concern or public accommodation.

4. **Commission** means the Human Relations Commission of the City of Allentown.

5. **Disability or Handicap** herein referred to as Disability with respect to a person means:

- a. Physical or mental impairment which substantially limits one or more of such person's major life activities;
- b. Record of such an impairment; or
- c. Regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. §802). (13964 §1 4/4/02)
- d. For employment, disability means a job-related disability which does not substantially interfere with the ability to perform the essential functions of the employment which a person with a disability applies for, is engaged in or has been engaged in. Uninsurability or increased cost of insurance under a group or employee insurance plan does not render a disability job related. (13964 §1 4/4/02)

6. **Discrimination** means any exclusion, denial, intimidation, coercion, difference or segregation in treatment in hiring, referring for hire, promoting, training; in membership in employee or labor organizations, in the advertisement, sale, lease, rental, financing or zoning of housing; or in rendering service in places of public accommodation because of protected class based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity, sexual orientation, disability, marital status, familial status (in housing only), age or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association. (13964 §1 4/4/02)

For the purpose of this ordinance, an employer's granting of benefits to married persons, as defined by the law of the Commonwealth of Pennsylvania that are greater than those benefits granted to non-married persons, shall not constitute unlawful discrimination under this act. (13964 §1 4/4/02; 14834 §1 11/03/10)

It shall not be an act of unlawful discrimination based on sexual orientation under this ordinance for an employer to provide employment benefits to same-sex partners that are not provided to non-married opposite sex partners. (14834 §1 11/03/10)

7. **Employee** does not include:

- a. Any individuals who, as a part of their employment, reside in the personal residence of the employer; or
- b. Any individual employed by said individual's parents, spouse or child;
- c. Those employed by religious, fraternal, charitable or sectarian corporations or associations in the direct provision of services of the organization wherein membership is a bona fide occupational qualification, except such corporations or associations supported, in whole or in part, by government appropriations.

8. **Employer** means any person who employs four (4) or more employees, exclusive of the parents, spouse or children of such person, including the City of Allentown, its departments, boards, commissions and authorities, any other governmental agency within its jurisdiction, but excluding any religious, fraternal, charitable or sectarian organization which is not supported in whole or part by any city appropriations. (13964 §1 4/4/02)

9. **Employment Agency** includes any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

10. **Fair Housing Act** means Public Law 90-284, 42 U.S.C. §3601 et seq.

11. **Familial status** means one or more individuals who have not attained the age of 18 years being domiciled with:

- a. A Parent or other person having legal custody of such individual or individuals; or
- b. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

12. **Gender Identity** means self-perception, or perception by others, as male or female, including a person's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth. (13964 §1 4/4/02)

13. **Housing accommodations** include:

- a. Any building, structure, mobile home site or facility, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
- b. Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site or facility. The term "housing accommodation" shall not include any personal residence offered for rent by the owner thereof.

14. **Housing for older persons** means housing:

- a. Provided under any State or Federal program that the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the State or Federal program; or,
- b. Is intended for, and solely occupied by persons sixty-two (62) years of age or older; or,
- c. Is intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

(1) In determining whether housing qualifies as housing for older persons under this Clause C, the Commission's requirements shall include but not be limited to the following:

(a) That at least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and

(b) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

(2) Housing shall not fail to meet the requirements for housing for older persons by reason of unoccupied units provided, that such units are reserved for occupancy by persons who meet the age requirements of this clause (c). (13964 §1 4/4/02)

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

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

17. **Lending institution** means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money or guaranteeing loans.

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

19. **Pennsylvania Human Relations Act** means Public Law 744, No. 322 as amended.

20. **Person** includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, independent contractor, lending institution and all authorities, boards and commissions thereof.

21. **Personal residence** means a building or structure containing living quarters occupied or intended to be occupied by no more than two (2) individuals, two (2) groups or two (2) families living independently of each other and used by the owner thereof as a bona fide residence for himself and any members of his family forming his household.

22. **Protected class** means any person legally protected from discrimination based upon race, color, religion, national origin, ancestry or place of birth, sex, gender identity, sexual orientation, disability, marital status, familial status (in housing only), age or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor, or because of the disability of an individual with whom the person is known to have an association. (13964 §1 4/4/02)

23. **Public accommodation resort or amusement** means any place which is open to, accepts or solicits the patronage of the general public or offers goods or services to the general public, including loans, or is listed in the Pennsylvania Human Relations Act, Section 5i, but shall not include any personal professional services which are in their nature distinctly private, personal and confidential.

24. **Real estate-related transaction** means any of the following:

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

b. The purchasing, constructing, improving, repairing or maintaining a housing accommodation or commercial property; or

c. The selling, brokering, using as collateral or appraising of real property.

25. **Sex** means male or female, and includes the gender of a person, as perceived, presumed or assumed by others. (13964 §1 4/4/02)

26. **Sexual Orientation** means male or female homosexuality, heterosexuality and bisexuality, by preference, practice or as perceived by others. (13964 §1 4/4/02)

UNLAWFUL DISCRIMINATORY PRACTICES

181.03 UNLAWFUL EMPLOYMENT PRACTICES

It shall be an unlawful employment practice because of race, color, religion, national origin, ancestry or place of birth, sex, gender identity, sexual orientation, disability, marital status, age or use of a guide or support animal because of blindness, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association. (13964 §1 4/4/02)

1. For any employer to refuse to hire or employ or contract with, or to bar or to discharge from employment such individual nor independent contractor, or to otherwise discriminate against such individual or independent contractor with respect to compensation, hire, tenure, terms, conditions or privileges of employment or contract, if the individual or independent contractor is the best able and most competent to perform the services required.

a. The provision of this paragraph shall not apply, to (1) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement, (2) age limitations placed upon entry into Bona fide apprenticeship programs of two years or more approved by the State Apprenticeship and Training Council of the Department of Labor and Industry.

b. Notwithstanding any provision of this section, it shall not be an unlawful employment practice for a religious corporation or association to hire or employ on the basis of sex in those certain instances where sex is a bona fide occupational qualification because of the religious beliefs, practices, or observances of the corporation, or association.

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

a. Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the protected class of any applicant for employment or membership. Prior to an offer of employment, an employer may not inquire as to whether an individual has a disability or as to the severity of such disability. An employer may inquire as to the individual's ability to perform the essential functions of the employment. (13964 §1 4/4/02)

b. Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon protected class.

c. Deny or limit, through a quota system, employment or membership because of protected class.

d. Substantially confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school or training center or any other employee-referring source which services individuals who are predominantly of the same protected class.

e. Deny employment because of a prior disability. (13964 §1 4/4/02)

f. To exclude or otherwise deny equal jobs or benefits to a person because of the disability of an individual with whom the person is known to have a relationship or association. (13964 §1 4/4/02)

g. For any labor organization because of protected class to deny full and equal membership rights to any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment or any other matter, directly or indirectly, related to employment.

h. For any person, employer, employment agency, or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this act, or because such individual has made a charge, testified or assisted, in any manner, in any investigation, proceeding or hearing under this act; or to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this act or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful discriminatory practice.

- i. For any employment agency to fail or refuse to classify properly, refer for employment or otherwise to discriminate against any individual because of protected class.
- j. Section 181.03 shall not be construed to prohibit the refusal to hire or the dismissal of a person who is not able to function properly in the job applied for or engaged in.

Nothing in Section 181.03 shall bar any institution or organization for persons with disabilities from limiting or giving preference in employment or membership to disabled persons. (13964 §1 4/4/02)

181.04 UNLAWFUL HOUSING PRACTICES

1. It shall be an unlawful housing practice for any person to because of race, color, religion, national origin, ancestry or place of birth, sex, gender identity, sexual orientation, disability, marital status, familial status (in housing only), age or use of a guide or support animal because of blindness or because the user is a handler or trainer of support or guide animals, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association: (13964 §1 4/4/02)

a. Refuse to sell, lease, finance or otherwise to deny or withhold any housing accommodation or commercial property because of protected class from any person, prospective owner, occupant or user of such housing accommodation or commercial property

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

2. Refuse to lend money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property or otherwise withhold financing of any housing accommodation or commercial property from any person because of protected class.

3. Discriminate against any person in the terms or conditions of selling or leasing any housing accommodation or commercial property or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing accommodation or commercial property because of protected class.

Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modification may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental the landlord may, where it is reasonable to do so, grant permission for a modification if the renter agrees to restore the interior of the premises to the condition that existed before the modification, with reasonable wear and tear excepted. (13964 §1 4/4/02)

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

4. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodation or commercial property because of protected class.

5. Print, publish, circulate or cause to be made any statement or advertisement: (i) relating to the sale, lease or acquisition of any housing accommodation or commercial property or the loan of money, whether or not secured by mortgage, or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation or commercial property which indicates any preference, limitation, specification, or discrimination based upon protected class.

6. Make any inquiry, elicit any information, make or keep any record or use any form of application, containing questions or entries concerning protected class in connection with the sale or lease of any housing accommodation or commercial property or loan of any money whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of any housing combination or commercial property.

7. Construct, operate, offer for sale, lease or rent or otherwise make available housing or commercial property which is not accessible.

181.05 UNLAWFUL REAL ESTATE PRACTICES

It shall be unlawful real estate practice to:

1. Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings or commercial property, or to discriminated against him in the terms or condition of such access, membership, or participation, on account of protected class.
2. For any person or other entity whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of protected class.
3. Induce, solicit or attempt to induce or solicit for commercial profit any listing, sale or transaction involving any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or do not reside, persons of any particular protected class.
4. Discourage, or attempt to discourage, the purchase or lease of any housing accommodation or commercial property by representing that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area in which there reside, or may in the future reside in increased or decreased numbers, persons of any protected class.
5. Misrepresent, steer, create or distort a circumstance, condition or incident for the purpose of fostering the impression or belief, on the part of any owner, occupant or prospective owner or occupant of any housing accommodation or commercial property, that such housing accommodation or commercial property is within any neighborhood, community or area adjacent to any other area which would be adversely impacted by the residence, or future increased or decreased residence, of persons of any protected class.
6. In any way misrepresent or otherwise misadvertise within a neighborhood or community, whether or not in writing, that any housing accommodation or commercial property within such neighborhood or community is available for inspection, sale, lease, sublease or other transfer, in any context where such misrepresentation or misadvertising would have the effect of fostering an impression or belief that there has been or will be an increase in real estate activity within such neighborhood or community due to the residence, or anticipated increased or decreased residence, of persons of any protected class.
7. For any person to harass, threaten, intimidate, harm, damage or otherwise penalize any person, group or business because he or they exercised or encouraged others to exercise their rights under this article, or because he or they have complied with the provisions of this article, or enjoyed the benefits of this article, or because he or they have made a charge, testified or assisted in any manner in any investigation, proceeding or hearing hereunder.
8. For any person to aid, abet, incite, induce, compel or coerce the doing of an unlawful practice prohibited by this article or to obstruct or prevent any person from complying with the provisions of this article or any order issued hereunder.
9. For any person who with intent to mislead in any proceeding under this Act to destroy or mutilate, falsify, alter or refuse to supply records and documents produced pursuant to subpoena or other lawful order under this section.
10.
 - A. Nothing in this Act prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religious creed, ancestry, national origin, marital status, sex, gender identity, sexual orientation, age, disability, use of a guide or support animal because of a physical disability or because the user is a handler or trainer of guide or support animals, or familial status. (13964 §1 4/4/02)
 - B. Nothing in this Act, regarding age or familial status, shall apply with respect to housing for older persons.
 - C. Nothing in this Act shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.
 - D. Nothing in this Act shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
 - E. Nothing in this Act shall apply with respect to discrimination based on sex in the rental or leasing of housing accommodations in a single-sex dormitory.

181.06 UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES

It shall be an unlawful public accommodation practice for any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement because of race, color, religion, national origin, ancestry or place of birth, sex, gender identity, sexual orientation, disability, marital status, age or use of a guide or support animal because of blindness or the training of such animal, deafness or physical disability of any individual or independent contractor or because of the disability of an individual with whom the person is known to have an association: (13964 §1 4/4/02)

1. Refuse, withhold from or deny to any person because of protected class, either directly or indirectly, any of the accommodations, advantages, facilities, services or privileges of such place of public accommodation, resort or amusement.
2. Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld or denied to any person on account of protected class objectionable or not acceptable, desired or solicited.
3. Obstruct any person from enjoyment of his rights under this Article relating to public accommodations.
4. Construct, operate or otherwise make available such place of public accommodation, resort or amusement which is not accessible.

181.07 HUMAN RELATIONS COMMISSION

A. Establishment

There is hereby established the Human Relations Commission of the City of Allentown composed of thirteen (13) members, who shall by first choice be residents of the City appointed by the Mayor subject to the approval and confirmation of City Council and who shall serve without compensation. In the event the requirements of the position and/or availability of volunteers cannot be found within the City then the members need not be residents of the City of Allentown but must be either a City of Allentown taxpayer, maintain a business, be employed or go to school in the City of Allentown.

The members shall be eighteen (18) years or older and shall serve overlapping terms of three (3) years each; one of said thirteen (13) members shall be appointed from among the members of the Board of School Directors of the School District of the City upon recommendation of the Board of School Directors; said member shall be a member of the Human Relations Commission only so long as he or she continues to be a member of the Board of School Directors. There shall be non-voting high school representatives, one from Allen High School, one from Dieruff High School, one from Central Catholic High School and a representative from other schools in the City of Allentown provided they are a resident of the City. The student representatives shall serve terms of one (1) year each. Any vacancy in an unexpired term shall be filled in the same manner as original appointments. (14890 §1 5/5/11)

B. Powers and Duties

The Commission is hereby vested with the authority to administer and enforce this Article and shall be given sufficient administrative and legal support from City staff persons to carry out the following powers and duties:

1. To meet and function at any place within the City;
2. To adopt, promulgate, amend and rescind rules and regulations to effect the policies and provisions of this Article and to make recommendations to agencies of the City of Allentown and the City Council thereof to effect such policies;
3. To initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices in violation of Sections 181.03, 181.04, 181.05 and 181.06 taking place within the City limits of Allentown.
4. To study the problems of discrimination and foster, through community effort or otherwise, good will among the groups and elements of the population of the City;
5. To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination.
6. From time to time, but not less than once a year, to report to the Mayor or his designee, and the City Council of the City of Allentown describing in detail the investigations, proceedings, hearings and studies it has conducted and their outcome,

the decisions it has rendered and the other work performed by it, and make recommendations for such further legislation concerning abuses and discrimination.

7. The Human Relations Commission shall annually, prepare a written report of their year's activities, a (1) one year plan and long term goals and scenarios that promote the elimination of discrimination and strife among racial or ethnic groups using a template provided by City Council. The report shall be given to the Mayor and Allentown School Board, and shall be presented to Allentown City Council at a public meeting. (14800 § 06/02/10)

C. The Department of Community Development shall provide administrative support services to the Commission. (13230 §1 12/16/93)

181.08 PROCEDURE

A. FILING A COMPLAINT

1. Any individual claiming to be aggrieved or showing evidence an injury is about to occur by an unlawful discriminatory practice, may make, sign and file with the Commission a verified complaint in writing which shall state the name and address of the person or persons alleged to have committed the unlawful practice and the particulars thereof. The complaint shall also contain such other information as may be required by the Commission. The Commission, upon its own initiative, may in like manner sign and file a complaint. The Commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his/her answer.

2. Upon receipt of a complaint from a City employee or any citizen against the City of Allentown, the Commission may, independent of the City and City staff, retain outside legal counsel to handle such complaint in its entirety on behalf of the Commission. Upon disposition of the complaint, the City, after consultation between the Mayor or designee, and legal counsel, shall pay a reasonable fee to such legal counsel. Neither City staff members nor City legal counsel may represent the complainant in any such case.

TIME PERIOD FOR FILING COMPLAINT

3. Any complaint filed pursuant to this section must be so filed within one hundred eighty days after the alleged act of discrimination, unless otherwise required by the Fair Housing Act.

WITHDRAWING COMPLAINT

4. Any complaint may be withdrawn at any time by the party filing the complaint.

B. PRELIMINARY INVESTIGATION

1. After the filing of any complaint, when there is reason to believe an unlawful discriminatory practice has been committed, the Commission shall make a prompt investigation. In the conduct of such investigation the Commission may issue subpoenas to any person charged with an unlawful practice to furnish information, records or other documents. The Commission may seek enforcement of its subpoena by petition to the Court of Common Pleas of Lehigh County.

2. The Commission shall send a copy of the complaint to the named respondent within thirty days from the date of docketing the complaint, unless otherwise required by the Fair Housing Act.

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

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

C. ALLEGATION AND NOTICE

If it shall be determined after such investigation that there is no basis for the allegations of the complaint, the Commission shall, within ten (10) days from such determination, cause to be issued and served upon the complainant written notice of such determination. The notices shall also state that the complaint will be dismissed unless within ten (10) days after such service the complainant or his attorney file, with the Commission, a request for a review. The Commission shall, upon request for such a review, provide the complainant and his attorney, if any, an opportunity to appear before the Commission, a

member thereof or a staff representative of the Commission, at the election of the Commission to present such additional information as may be available to support the allegations of the complaint.

D. CONCILIATION

If the Commission, after investigation, determines that probable cause exists for the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful practice complained of by persuasion, conference and conciliation. The Commission and staff shall not disclose identities of the parties except as required by the Fair Housing Act.

E. ESTABLISHMENT OF HEARING

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

2. When notice of hearing is given as set forth in subsection (e) and an election procedure is required by the Fair Housing Act, either party may elect, as an alternative to Public Hearing before the Commission, to have the claims asserted in the complaint decided in a civil action brought under the original jurisdiction of Lehigh County Court of Common Pleas. The written notice of the Commission shall be sent to all parties and will inform them of their right to take civil action. An election must be made within twenty (20) days after receipt of the notice of hearing. A party making this election shall notify the Commission and all other parties. If an election for civil action is made by either party, the Commission shall, within thirty (30) days from the date of election, commence and maintain a civil action on behalf of the Complainant. In any action brought under this subsection:

a. If, after a trial, Court of Common Pleas finds that a respondent engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Court may award attorney's fees and costs to the complainant on whose behalf the Commission commenced the action in addition to attorney's fees and costs incurred by the Commission.

b. If, after a trial, Court of Common Pleas finds that a respondent has not engaged in or is not engaging in any unlawful discriminatory practice as defined in this act, the Court may award attorney's fees and costs to the prevailing respondent if the respondent proves that the complaint upon which the civil action was based was brought in bad faith.

F. HEARING

The case in support of the complaint shall be presented to the Commission or before a hearing examiner designated by the Commission for the purpose of hearing said complaint by its attorney or agents, by the complainant's attorney or by a designated agent of the complainant. The respondent may appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The complainant may likewise appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The Commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

G. FINDINGS

1. If upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Commission shall state its findings of fact, and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, reimbursement of certifiable travel expenses in matters involving the complaint, compensation for loss of work in matters involving the complaint, hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, the making of reasonable accommodations, or selling or leasing specified housing accommodations or commercial property upon such equal terms and conditions and with such equal facilities, services and privileges or lending money, whether or not secured by mortgage or otherwise for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations or commercial property, upon such equal terms and conditions to any person discriminated against or all persons, any other verifiable, reasonable out-of-pocket expenses caused by unlawful discriminatory practice, or other compensation as provided under the Pennsylvania Human Relations Act.

2. In those cases alleging a violation of Section 181.04 or 181.05 and violations of the Fair Housing Act, the Commission may award actual damages including damages caused by humiliation and embarrassment as, in the judgment of the Commission, will effectuate the purposes of this act, and including a requirement for report of the manner of compliance.

a. Such order may also assess a civil penalty against the respondent in a complaint of discrimination filed under Section 181.04 or 181.05 and violations of the Fair Housing Act of this Act:

i. In an amount not exceeding ten thousand dollars (\$10,000) if the respondent has not been adjudged to have committed any prior discriminatory practice;

ii. In an amount not exceeding twenty-five thousand dollars (\$25,000) if the respondent has been adjudged to have committed one other discriminatory practice during the five-year period ending on the date of this order; or

iii. In an amount not exceeding fifty thousand dollars (\$50,000) if the respondent has been adjudged to have committed more than one other discriminatory practice during the seven-year period ending on the date of this order.

b. If however the acts constituting the discriminatory practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory practice, then the civil penalties set forth in subparagraphs (ii) and (iii) may be imposed without regard to the period of time within which any subsequent discriminatory practice occurred.

c. If upon all the evidence at the hearing, in those cases alleging a violation of Section 181.04 or 181.05, the Commission finds that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the Commission may award attorney's fees and costs to prevailing complainants.

d. If, upon all the evidence at the hearing, in those cases alleging a violation of Section 181.04 or 181.05, the Commission finds that a respondent has not engaged in or is not engaging in any unlawful discriminatory practice as defined in this act, the Commission may award attorney's fees and costs to a prevailing respondent if the respondent proves that the complaint was brought in bad faith.

H. COMMONWEALTH LICENSE

When the respondent is a licensee of the Commonwealth of Pennsylvania, the Commission shall inform the appropriate State licensing authority of the order with the request that the licensing-authority take such action as it deems appropriate against such licensee.

I. COMPLAINT DISMISSAL

If, upon all the evidence, the Commission shall find that a respondent has not engaged in any such unlawful discriminatory practice, the Commission shall state its findings of fact, and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

J. RULES AND RECORDS OF HEARING

The Commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Three or more members of the Commission or a hearing examiner designated by the Commission shall constitute the Commission for any hearing required to be held by the Commission under this act. The recommended findings, conclusions and order made by said members or hearing examiner shall be reviewed and approved or reversed by the Commission before such order may be served upon the parties to the complaint. The recommended findings, conclusions and order made by said members or hearing examiner shall become a part of the permanent record of the proceeding and shall accompany any order served upon the parties to the complaint.

181.98 SEVERABILITY

If any clause, sentence, paragraph or part of this act, or the application thereof, to any person or circumstance, shall, for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act nor the application of such clause, sentence, paragraph or part to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and to the persons or circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent

that this act would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

181.99 ENFORCEMENT, JUDICIAL REVIEW AND PENALTY

A. Injunction

If the Commission concludes, at any time following the filing of a complaint under this Act, that prompt judicial action is necessary to prevent immediate and irreparable harm, the Commission may commence an action in court of common pleas, and that court may grant an appropriate preliminary or special injunction pending final disposition of the complaint. Any such order or relief shall be granted in accordance with Pennsylvania Rules of Civil Procedure Section 1531.

B. Enforcement

The complainant, or the Commission may secure enforcement of the order of the Commission or other appropriate relief. When the Commission has heard and decided any complaint brought before it, enforcement of its order shall be initiated by the filing of a petition in court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity.

The Commission's copy of the testimony shall be available at all reasonable times to all parties for examination without cost, and for the purpose of enforcement or judicial review of the order.

Any failure to obey an order of the court may be punishable by such court as contempt thereof.

C. Enforcement by Private Person

1. In cases involving a claim of discrimination, if a complainant invokes the procedures set forth in this act, that individual's right of action in the courts of the Commonwealth shall not be foreclosed. If within one (1) year after the filing of a complaint with the Commission, the Commission dismisses the complaint or for whatever reason, closes the complainant's case, or has not entered into a conciliation agreement to which the complainant is a party, the Commission must so notify the complainant. On receipt of such a notice the complainant shall be able to bring an action in the courts of common pleas of the Commonwealth based on the right to freedom from discrimination granted by this act. (13964 §1 4/4/02)

2. An action under this subsection shall be filed within two years after the date of notice from the Commission closing the complaint. Any complaint so filed shall be served on the Commission at the time the complaint is filed in court. The Commission shall notify the complainant of this requirement.

3. If the court finds that the respondent has engaged in or is engaging in an unlawful discriminatory practice charged in the complaint, the court shall enjoin the respondent from engaging in such unlawful discriminatory practice and order affirmative action which may include, but is not limited to, reinstatement or hiring of employees, granting of back pay, or any other legal or equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than three years prior to the filing of a complaint charging violations of this act.

4. The court shall serve upon the Commission any final order issued in any action brought under this subsection.

5.a. If, after a trial held pursuant to subsection (c), the court of common pleas finds that a defendant engaged in or is engaging in any unlawful discriminatory practice as defined in this act, the court may award attorney's fees and costs as provided under the Pennsylvania Human Relations Act, to the prevailing plaintiff.

b. If, after a trial held pursuant to subsection (c), the court of common pleas finds that a defendant has not engaged in or is not engaging in any unlawful discriminatory practice as defined in this act, the court may award attorney's fees and costs to the prevailing defendant if the defendant proves that the complaint was brought in bad faith.

D. Penalties

Any person who shall willfully resist, prevent, impede or interfere with the Commission, its members, agents or agencies in the performance of duties pursuant to this act, or shall willfully violate an order of the Commission, shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred dollars (\$600.00), or to undergo imprisonment not exceeding thirty (30) days, or both, in the discretion of the court, but procedure for the review of an order shall not be deemed to be such willful conduct.

The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof, and any law inconsistent with any provisions hereof shall not apply.

E. The time limits for filing under any complaint or other pleading under this act shall be subject to waiver, estoppel and equitable tolling.

F. Except as otherwise provided, any order of the Commission may be reviewed under the provisions of the Act of December 2, 1968, P.L. 1133 (53 P.S. §11300) known as the "Local Agency Law", as amended.

G. Where a provision of this Article is found to be in conflict with a provision of any other Ordinance of the City, or in any regulation issued under the authority of such Ordinance, the provisions which establish the higher standard for the protection of health, safety and welfare shall prevail.

Editor's Notes

14999 6/20/12 Amending Article 171.10 Board of Ethics, by requiring requests for opinions to be filed with the City Clerk who shall forward a copy to each board member by the following day; mandates that the request for an advisory opinion state the provisions of the Code which the complainant alleges was violated; allows the request to be filed by fax or email; requires city officials or employees to provide information to the Board it deems necessary to perform its responsibilities; establishes time frames for issuing advisory opinions; and requires that copies of written advisory opinions be filed in the Clerk's office with identifying names deleted.