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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 121.03 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 REPORTS

The Board of Recreation shall annually report, in writing, to Council and to the School District. (1271 §6 12/12/21)

**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 report in writing to Council. (12531 §1 12/15/82)

**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

**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

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 be 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)

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
- 171.98 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; 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 wilfully 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 wilfully 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. (11821 9/1/70; 13137 7/1/92)

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. (11821 9/1/70; 13137 7/1/92)

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. (11821 9/1/70)

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)

H. 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)

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. Within thirty (30) days after a request for an opinion or within thirty (30) days after a hearing on any request shall have been concluded, whichever is later, the Board shall render its opinion in writing. 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)

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. (11821 9/1/70; 13137 7/1/92)

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)

171.98 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 7/1/92)

**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
BOARD OF 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 BOARD OF SPECIAL FIRE POLICE

The members of the Special Fire Police may organize as a body known as the Board of Special Fire Police of the City of Allentown. (13047 §1 5/1/91; 14411 §1 8/4/06)

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 have the right of power to use 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, shirt, and/or jacket 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 Board of 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)

CONSTITUTION AND BY-LAWS

ARTICLE I

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

ARTICLE II

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

ARTICLE III

The officers of this Board shall be known as the Executive Committee and consist of a President, Vice President, Secretary, Treasurer, Captain, First Lieutenant, and three (3) other Lieutenants. The offices of Secretary and Treasurer may be combined into the office of Secretary-Treasurer (14411 §1 8/04/06)

ARTICLE IV

The following are to be nominated and elected- a President, Vice President, Secretary, Treasurer, Captain, First Lieutenant, and three (3) other Lieutenants. All of these officers shall be elected by ballot at the regular stated meeting according to the City Digest, each and every year.

ARTICLE V

Membership

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

Section 2. Probationary Membership

1. For any member wishing to respond to Emergency calls, 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 two (2) copies of the Certificate of Completion to the President of the Board of Special Fire Police. One copy shall be forwarded to the Assistant Police Chief of Support Services or his designee.
2. The Probation period may be extended, at the discretion of the Executive Committee of the Board of Special Fire Police of the City of Allentown, until all of the requirements have been met.

Section 3. Active Membership

1. Any member who has met the requirements of Probationary membership, qualifies as an Active member.
2. To maintain Active Status, a member must attend six (6) meetings and perform twenty (20) hours of Special Fire Police duty each year.
3. Failure to meet the attendance and duty requirements, with the exception of absences due to work, illness or injury, school or school related activities, will result in expulsion from the Board of Special Fire Police of the City of Allentown. The Secretary shall call for the badge, identification card, uniform, radio, and any other Special Fire Police property of any such member. The Captain and First Lieutenant are required to enforce this rule. (14411 §1 8/04/06)

**ARTICLE VI
Duties 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 Board, 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.

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

**ARTICLE VII
Duties 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 and members of the Board of 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 Board of Special Fire Police entrusted to his care to his successor.

ARTICLE VIII
Duties 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 Board of 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 Board of Special Fire Police to be turned over to his successor.

ARTICLE IX
Duties of the Captain

It is the duty of the Captain to see that all officers are at their regular assigned duty 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.

ARTICLE X
Duties of Lieutenants

It is the duty of all Lieutenants to assist the captain at all fires, emergencies, or assigned events. The First Lieutenants shall take the Captain's place, in case the Captain is not there, and perform all duties of the captain and report at the next regular stated meeting.

ARTICLE XI
General Duties of Fire Police

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 will 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 will 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 or Lieutenant or designated Special Fire Police member.

ARTICLE XII
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 XIII
Meetings

Section 1. The stated meetings of the Board of Special Fire Police shall be held every second Wednesday of each at the Allentown Police Academy month except during July and August when there will be no meeting. The hour of the meeting shall be half past seven o'clock (7:30) PM.

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. (14411 §1 8/4/06)

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 Board of 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. New members.
9. Report of Officers.
10. Captain's report.
11. Collection of fines and badge check. Failure to provide badge results in a one dollar (\$1) assessment.
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 Board.
19. Roll call of members.
20. Adjournment.

ARTICLE XIV

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. Any member refusing obedience when called to order shall be fined two dollars (\$2).

Rule 2. When any member is addressing the President or any business of the Board of 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 Board of Special Fire Police.

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. All resignations shall be handed to the Secretary in writing, signed by the member who offers the same.

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 Board of 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.

Rule 11. 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.

Rule 12. The judge shall have the power as the President to preserve order during the election.

Rule 13. 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.

Rule 14. The tellers shall receive and count the votes in a fair and impartial manner.

Rule 15. 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 16. The Board of 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. (14411 §1 8/4/06)

Rule 17. Should any man presently holding the position as a Special Fire Police and having attained the age of 65 years or better, may continue in that capacity, however, new appointees or newly elected members to the Board of Special Fire Police shall not exceed the age of 65 years. (14411 §1 8/4/06)

Rule 18. The badge 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 Board of 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 Board of 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 19. No badge shall be transferable.

Rule 20. 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 Board of Special Fire Police.

Rule 21. Upon recommendation of the executive committee and approved by the membership at any stated meeting, a member who has held an elected office for two (2) years, or has been a member for four (4) years, and during said time has performed the duties of his elected office and/or as a member of the Board of Special Fire Police may be accepted as a member at large. This membership may be held as long as the member performs the duties of the Board of Special Fire Police.

Rule 22. The annual dues for the Board of Special Fire Police shall be \$10.

ARTICLE XV Charges and Expulsions

Section 1. Charges

1. Any member accused of conduct unbecoming a members or conduct prejudicial to the best interests of the Board of Special Fire Police of the City of Allentown may be brought up on charges.
2. Any charges against a member must be filed within thirty (30) days of the incident.
3. Charges of such conduct shall be made in writing signed by three (3) members and shall be referred to the Executive Committee.
4. The member who against which the charges are being filed must be notified within seven (7) days of the filing of charges.
5. The Executive Committee shall appoint an Officer to lead the investigation. Upon completion of the investigation, if there is sufficient evidence, the investigating officer shall call for a hearing. This process must be completed within fourteen (14) days of the notification of the charged member.
6. A hearing will be held at which the accused member shall be given an opportunity to present evidences or witnesses in his or her own behalf. The Executive Committee shall have the right to summon witnesses.
7. After hearing all testimony and considering the same, the Executive Committee may either dismiss the charges, or may suspend, or may expel the member against whom the charges were brought.
8. A majority vote of all Executive Committee members shall be necessary for dismissal of the charges or suspension of the accused member. A two-thirds vote of all Executive Committee members shall be necessary for the accused member to be expelled.
9. The Executive Committee shall report its final action to the members of the Board of Special Fire Police and the Allentown Police Department designee at the next general meeting.
10. Any person feeling himself or herself aggrieved by the action of the Executive Committee may appeal to the Board of Special Fire Police as a whole, in which event, the action of the Executive Committee 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 will not be counted or permitted to vote, but will have the right to be present and be heard at said general meeting.

Section 2. Expulsions

1. Any member guilty of conduct unbecoming a member may be expelled from membership.
2. Any member guilty of conduct prejudicial to the best interest of the Board of Special Fire Police of the City of Allentown may be expelled from membership.

3. Any member summoned by the Executive Committee to a hearing who refuses to appear and testify in obeying to such summons may automatically be expelled from the Board of Special Fire Police of the City of Allentown.
4. Any member found guilty of any felony crime in any Criminal Court in the United States shall be expelled from the Board of Special Fire Police of the City of Allentown.
5. Any member found guilty of possession of any controlled substance shall be expelled from the Board of Special Fire Police of the City of Allentown.

Section 3. Pending Charges

Members against whom charges are pending shall be barred from answering any emergency call, attending any training session, or attending any meeting except the meeting at which the decision of the executive Committee regarding the charges is to be considered. Upon suspension or expulsion, all property of the Board of Special Fire Police of the City of Allentown must be turned into the President immediately following notification of the Disciplinary Action. Suspended members can return to active duty when their suspension has been completed.

Section 4. Grievances

Any and all grievances or charges shall be acted upon within fourteen (14) days of the notification of the charged member.

Section 5. Re-application

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

Kenneth Laudenslager, Chairman
 Kenneth Werley, President
 Captain John Bonetsky
 First Lieutenant Jeffery Gaumer

**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 metabolite.	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
Benzodiazepines. . . . .	.300 ng/ml
THC (marijuana metabolite). . . . .	.20 ng/ml
Cocaine or cocaine metabolite. . . . .	.100 ng/ml
Methadone. . . . .	.100 ng/ml
Methaqualone. . . . .	.100 ng/ml
Opiates - Total. . . . .	.300 ng/ml
Codeine. . . . .	.150 ng/ml
Morphine. . . . .	.150 ng/ml
Phencyclidine. . . . .	.25 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 _____

4. Social Security Number _____

5. Are you a citizen of the United States? Yes No

6. Do you have a valid driver’s license? Yes No

6. Driver’s License Number _____ State of issue _____
 Operator Commercial (CDL) A B

10. Name the schools you attended. Please provide the date you graduated and course of study. (If you did not graduate, list last date attended.)

TYPE OF SCHOOL	NAME OF SCHOOL	LOCATION (Complete mailing address)	Number of Years Completed	Major & Degree
High School				
College				
Business or Trade School				
Professional School				

9. List Firefighting/related experience and education.

APPLICATION FOR FIREFIGHTER EMPLOYMENT

WORK EXPERIENCE:

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.			
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.			

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.			

May we contact your present employer?

Yes

No

APPLICATION FOR FIREFIGHTER EMPLOYMENT

10. Have you ever been dismissed or asked to resign from a position? Yes No

If so, please explain _____

11. Have you ever been employed by the City of Allentown? Yes No
If yes, in what capacity and when?

-
11. Have you ever been convicted of a crime, pleaded guilty to a crime, pleaded nolo contendere to a crime, or been placed on Accelerated Rehabilitative Disposition or its equivalent? (Conviction will not necessarily disqualify you from employment)
- Yes No

If yes, explain number of conviction (s), nature of offense (s) leading to conviction (s), how recently such offense (s) was/were committed, sentence (s) imposed, and type (s) of rehabilitation.

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
Created by Ordinance 14566 on February 8, 2008

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

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.

177.02 ESTABLISHMENT; COMPOSITION
Created by Ordinance 14566 on February 8, 2008

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.

177.03 CHAIRMAN; COMPENSATION

The Chairperson of the Council shall be designated by the Mayor, with approval of City Council. 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.

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.

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.

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, the Human Relations Ordinance was broadened to prohibit discrimination due to handicap, marital status, source of income and age. In 1992, 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.

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, which are greater than those benefits granted to non-married persons shall not constitute unlawful discrimination under this act. (13964 §1 4/4/02)

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 sixteen (16) 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.

Thirteen (13) 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. Three (3) members shall be high school students, one from Allen High School, one from Dieruff High School, and one from Central Catholic High School. The three (3) student members shall serve terms of one (1) year each. Any vacancy in an unexpired term shall be filled in the same manner as original appointments.

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.

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.