

No. 2

A JOINT RESOLUTION

Proposing an amendment to article fifteen, of the Constitution of the Commonwealth of Pennsylvania, by adding thereto a new section to be known as section four thereof.

Section 1. Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment to the Constitution of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof:

Section 4. The General Assembly is hereby authorized to provide for the consolidation of the county, poor districts, cities, boroughs and townships of the county of Allegheny, and the offices thereof, into a consolidated city and county, with the constitutional and legal capacity of a municipal corporation, to be known as the City of Pittsburgh, and to provide for a charter for its government. The said charter shall be submitted to the electors of said county, at a special election to be provided for therein. If the majority of the electors voting thereon, in the county as a whole, and at least two-thirds of all the electors voting thereon in each of a majority of the cities, boroughs and townships thereof, vote in the affirmative, the act shall take effect for the whole county. If rejected, the said charter may be resubmitted to the electors in original, new or modified form, at any subsequent election until adopted.

It shall be competent, subject to the police power of the State, for the Legislature to provide in said charter:

1. For the exercise, by the consolidated city, of all the powers and duties vested in the county of Allegheny, and the poor districts thereof, and such other powers appropriate to a municipality as may be specified therein, except such powers as are specifically reserved by this section to the municipal divisions herein provided for.

2. For the election, by the people of the consolidated city, of a board of commissioners, the number to be fixed by the charter, in lieu of present county commissioners, in which board shall be vested all the powers of the consolidated city and county, except as otherwise provided in the charter.

3. For the organization of a government for the consolidated city and county, and for the election or appointment of the constitutional and other necessary officers thereof, and for their powers and duties.

4. For the organization of all courts, other than those of record, in the consolidated city, and for the procedure thereof, and for the appointment of judges and officers thereof, which courts shall exercise the

jurisdiction, powers and duties of the magistrates, aldermen and justices of the peace, and such other powers as may be conferred by law.

5. For the transfer to the consolidated city of the property and indebtedness of the county of Allegheny, and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of said consolidated city, and to provide for an equitable adjustment and payment of such indebtedness, and for this purpose, any taxation therein shall be uniform taxation within the meaning and intent of other provisions of this Constitution.

6. For the assessment of property for taxation, the levying and collection of taxes, and the payment of the cost of any public improvement, in whole or in part, by special assessment upon abutting and non-abutting property materially benefitted thereby, and, for this purpose, real estate so charged shall be classified as urban, suburban and rural, and assessments made in accordance with such classifications.

7. For the creation, by the board of commissioners, of districts for the purpose of regulating the location, height, area, bulk and use of buildings and premises.

8. For the creation, by the board of commissioners, of special districts for the purpose of acquiring, constructing, maintaining, operating or contracting for, any public property, work, improvement, utility or service, not for the exclusive benefit of any one municipal division, and for the payment of the costs and maintenance of such property, work, improvement, utility or service, there may be special taxes levied throughout such special districts respectively, separate and apart from the general city tax:

Provided, however, That it is the intent of this section that substantial powers be reserved to the cities, boroughs and townships situated in Allegheny County. To this end the charter shall provide for the continued existence of the said cities, boroughs and townships, as municipal divisions of the consolidated city, under their present names and forms of government, subject to the laws provided for government of municipalities of their respective forms and classes, except as provided in the charter, and with their present boundaries, provided that the city of Pittsburgh may be designated by a term other than city and may be divided into two or more municipal divisions, and that any two or more municipal divisions of the consolidated city may, with the consent of a majority of the electors voting thereon in each of such divisions at any general or special election, be united to form a single municipal division.

The said municipal divisions shall have and continue to possess the following powers:

1. The constitutional and legal capacity of municipal corporations, except as limited in the charter.

2. The power to lay and collect taxes and to incur indebtedness, subject to the limitations which are or may be imposed by law upon cities, boroughs or townships of corresponding classification, for the purpose of carrying out any lawful power of said divisions.

3. The power to acquire, own, construct, maintain, operate or contract for all kinds of public property, works, improvements, utilities or services, which shall be within the municipal division, and principally for the use and benefit of the inhabitants thereof, provided this power shall not be taken to include the construction and maintenance of through-traffic streets and bridges, tunnels, subways and appurtenances thereof, nor main or trunk lines for sewer, power and water service, running through more than one municipal division, and designated as such by the board of commissioners.

4. The power to maintain a local police force, and local fire department, with the necessary buildings, appurtenances and equipment therefor, which may be supplemental to the police force and fire department of the consolidated city.

5. The power to establish a limitation of indebtedness for the consolidated city and the municipal divisions thereof, provided that the total of the indebtedness of the consolidated city and the municipal divisions thereof shall not, in the aggregate, exceed the limits of the total indebtedness allowed by the Constitution to the county and to the separate municipalities.

6. All other powers not specifically granted by the charter to the consolidated city: Provided, however, That a municipal division may surrender, by majority vote of the electors voting thereon at any general or special election, any of its powers to the consolidated city, subject to the acceptance thereof by the board of commissioners.

The said charter may be amended by the Legislature, subject to ratification by a majority of the electors of the consolidated city voting thereon at any general or special election: Provided, That no amendment reducing the powers of municipal divisions shall be effective unless ratified by a majority of the electors voting thereon in each of a majority of said divisions.

THOMAS BLUETT,
Speaker of the House of Representatives.

D. J. DAVIS,
President of the Senate.