

## **Pennsylvania Municipalities:**

### **In a Class by Themselves**

*Courtesy of the Pennsylvania Township News magazine*

William Penn established Pennsylvania's units of local government when he owned all the land that is now the commonwealth. Through a charter from King Charles II of England, Penn was given the power to divide his land into counties, townships, cities, and boroughs, all of which had existed in England for quite some time.

Today, these four types of municipalities still exist in Pennsylvania. And while they all share the same basic statutory powers and public service responsibilities, each retains some unique characteristics.

According to state law, the "class" of a municipality depends not on money, status, or prestige, but on population. Pennsylvania has nine classes of counties, four classes of cities, and two classes of townships. Boroughs are not classified. Generally, each class of municipality operates under its own code of laws, which determines its structure and powers.

Although the state legislature determines the powers and organization of most municipalities, other options exist. For example, governments that operate under a home rule charter or an optional plan have the power to determine their structure and the services they will perform.

A home rule municipality drafts and amends its own charter and can exercise any power or perform any function not denied by the state constitution, the General Assembly, or its home rule charter. However, all laws that are uniform and applicable statewide, such as the Uniform Construction Code, still apply to home rule municipalities. As of June 2006, 70 municipalities had adopted home rule charters, including six counties, 18 cities, 19 boroughs, 12 townships of the first class, and 15 townships of the second class.

In addition to the four most common classifications of municipalities, Pennsylvania has one legally designated town (*Bloomsburg*), plus villages, which are small communities within townships that have no governmental structure.

The General Assembly incorporated Bloomsburg in Columbia County in 1870, after community leaders decided they wanted to establish a new municipality from what was then Bloom Township, parts of which had been annexed by the surrounding municipalities. However, they found it difficult to set off the developed section without leaving a population that was too small and widely dispersed to support a township government. Charles R. Buckalew, a Bloomsburg resident and state senator, found the solution by incorporating a town that shared a common boundary with Bloom Township.

### **The county cornerstone**

William Penn established Pennsylvania's three original counties – Philadelphia, Bucks, and Chester – in 1682. Until the 1800s, the major function of these counties was to provide a headquarters for the court. As people moved west and north from the original counties, more courthouses were needed in locations closer to the expanding population.

The fourth county, Lancaster, was established in 1729. Many other counties were created from parts of existing ones, just as Montgomery was separated from Philadelphia and Northampton from Bucks. Lackawanna, the last of Pennsylvania's 67 counties, was established in 1878.

Today, each commonwealth resident lives in and comes under the jurisdiction of one county. While Lycoming County is the largest in geographic size, the consolidated city-county of Philadelphia is the smallest geographically but the largest in population.

As with all municipalities, the classification of counties is based on population:

- First Class – 1.5 million or more
- Second Class – 800,000 – 1,499,999 million
- Second Class A – 500,000 – 799,999

- Third Class -- 210,000 – 499,999
- Fourth Class – 145,000 – 209,999
- Fifth Class – 95,000 – 144,999
- Sixth Class – 45,000 – 94,999 (*Counties with a population of 35,000 to 44,999 can be sixth class if the board of commissioners passes an ordinance or resolution to do so.*)
- Seventh Class – 20,000 – 44,999
- Eighth Class – Less than 20,000

Population changes could place a county in a different class following the decennial census. Before a county may officially change its class, however, a difference in population must appear in two consecutive censuses, and the governor must certify the change.

County government, as provided for in the county codes, may be described as a “no-executive” type. The chief governing body is the three-member board of county commissioners, but numerous other elected officials are, to a large extent, independent of the commissioners.

The county commissioners form the legislative and executive branches of the county, and they are authorized to administer human service programs, conduct land use planning, and operate the county jails. They also pass ordinances, assess all real and personal property for tax purposes, register voters, and maintain county buildings. Because of their large size, counties are also able to handle various programs on an areawide basis, such as domestic relations, programs for senior citizens, and training and employment.

### **A tale of two townships**

Townships are the oldest form of organized government in the United States, dating back to the 17<sup>th</sup> century. When the Pilgrims came to America from England, they brought the concept of townships with them, and by order of the Mayflower Compact, townships became the first political subdivision in the new world.

William Penn began establishing townships in Pennsylvania as early as 1683, with about 10 families to each. The Industrial Revolution brought more and more development to the state,

however, jeopardizing the existence of many townships. As growth intensified around cities and boroughs, those municipalities began to annex the developed portions of adjacent townships without the need for citizen approval.

In 1899, the legislature tried to address the dispersed growth by creating townships of the first class as a special category. At that time, all townships with a population density greater than 300 people per square mile were designated as townships of the first class.

This separate classification enabled townships to preserve their character and fiscal integrity and gave townships of the first class greater power when dealing with growth. In 1937, they gained additional protection from annexation when the legislature passed a law requiring voters to approve a referendum before a township of the first class could be annexed. Townships of the second class were granted similar powers in the 1940s, although annexation continued to be a divisive issue into more recent times.

The Constitutional Convention of 1968 finally leveled the playing field for townships when it came to annexation. Article IX, Section 8, which the voters approved in April 1968, required the General Assembly to enact uniform laws for municipal consolidation, mergers, and boundary changes.

The 1899 legislation also was later amended to allow for a transition from second to first class township status, and these transition requirements remain the same today. To become a township of the first class, townships of the second class must have a population density of at least 300 people per square mile, and voters must approve the classification change in a referendum. However, many townships of the second class meeting the density requirement have chosen to maintain their form of government since there are few differences between the two classes of townships.

Even though townships now consist of more than 10 families, they are still governed by a few elected local residents who provide the functions necessary to protect the health and safety of the residents. Today, the 1,456 townships of the second class represent more Pennsylvanians than any other form of government – 5.4 million residents.

In townships of the second class, the governing body is composed of three supervisors who are elected at large. Two additional supervisors may be elected if approved by the voters in a referendum, and all are elected for six-year terms. Supervisors may also be employed by the municipality.

In townships of the first class, the governing body is made up of elected commissioners. Each township has either five commissioners elected at large or one commissioner per ward if the township is divided into wards. The commissioners have four-year overlapping terms and may not be employees of the township.

Some townships have a professional manager or secretary who is hired by the board of supervisors to carry out the policies and enforce the ordinances of the board, relieving the board of routine administrative duties.

## **Boroughs**

Before the American Revolution, one borough was established in each of the three original counties. Since then, the number of boroughs has increased to 961, making them the second most common form of municipal government in Pennsylvania.

Unlike the state's other municipalities, boroughs are not divided into classes. Borough government is described as the "weak mayor" system because the borough mayor has no power to hire employees or direct programs. He does, however, have the power to veto decisions of the borough council. And while the mayor is considered to be a "weak" executive, his responsibilities include executing and enforcing borough ordinances and regulations, representing the borough at community events and other functions, and taking charge of the police department if the borough has one. The mayor is elected for a four-year term.

The true governing body of a borough is an elected council, which normally consists of seven council members who are elected to serve four-year overlapping terms. Boroughs with a population of less than 3,000 may reduce the number of council members to three or five. If a

borough is divided into wards, one or two council members are elected from each ward. The council elects one of its members as president to preside at meetings.

In some boroughs, the chief administrative officer is a manager or secretary who is appointed by the council. As in townships, the manager or secretary is responsible for relieving the council of routine administrative tasks.

## **Cities**

The earliest Pennsylvania cities were Philadelphia, Chester, Lancaster, Easton, and York. As various industries cropped up across the commonwealth, new cities followed. Altoona and Reading grew with the railroad industry, while Johnstown, Bethlehem, Clairton, and Coatesville grew with the steel industry.

In 1895, when some cities were growing rapidly, the state assigned them to four population classes. These classifications, which still exist today, allow the General Assembly to pass laws for cities according to their population:

- First Class – 1 million or more
- Second Class – 250,000 – 999,999
- Second Class A – 80,000 – 249,999
- Third Class – cities with a population of less than 250,000 that have not elected to

become a city of the second class A.

Philadelphia, the oldest and largest city in Pennsylvania, is the only city of the first class, and all laws pertaining to cities of the first class are for Philadelphia alone. Likewise, Pittsburgh is the state's only city of the second class, and Scranton the only city of the second class A. In all three cities, the elected mayor is the dominant force in government and has broad administrative, appointive, and removal powers.

The 53 remaining cities are cities of the third class, many of which operate under a commission form of government. Under this system, the residents elect a mayor to serve as commission chairman with four other council members, and each person heads one commission

department. The mayor is the commissioner for public affairs, and the council members head the commissions of accounts and finance, streets and public improvements, public safety, and parks and public property.

Because he heads only one part of the government, the city mayor is considered a “weak” executive. He represents the city at ceremonial affairs but is considered equal to the city council members in all other respects. He votes on council actions but has no right of veto.

From 1957 to 1972, cities of the third class could adopt two other forms of government by referendum under the Optional Third Class City Charter Law. These two options are the mayor-council plan and the council-manager plan, and several cities continue to operate under these alternative systems.

One or more towns, townships, or boroughs with a population of at least 10,000 can also become a city of the third class. To do so, the governing body must, on its own motion or the petition of 200 or more voters, ask on a ballot referendum whether the municipality should be chartered as a third class city. If the voters approve the referendum, a new city is formed after the governor issues a charter.