

CHAPTER 10A
MAYOR

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Enactment. Chapter 10A was added April 18, 2014, P.L.432, No.37, effective in 60 days.

§ 10A01. Eligibility of mayor.

No mayor may hold any other borough office or appointment during the term for which the mayor is elected, except as is permitted under section 1104 (relating to appointments and incompatible offices). The mayor shall be eligible to succeed himself. The mayor shall not be a member of council, nor shall the mayor preside over or vote at any meeting of council, except as provided in section 1003 (relating to when the mayor may preside over council and vote, attendance of mayor at council meetings and breaking tie votes).

§ 10A02. Incompatible offices.

No member of Congress or any person holding any office or appointment of profit or trust under the Federal Government or any person holding the office of magisterial district judge may at the same time be capable of holding the office of mayor.

§ 10A03. Oath of mayor.

The mayor, before exercising the duties of office, shall take and subscribe an oath or affirmation of office under 53 Pa.C.S. § 1141 (relating to form of oaths of office). The oath or affirmation may be taken before a judge or magisterial district judge of the county or a notary public and shall be filed with the borough secretary and be preserved among the records of the borough for a period of six years.

§ 10A04. Salary of mayor.

(a) General rule.--The salary of the mayor shall be established by ordinance and shall not exceed the following:

(1) In a borough with a population of less than 5,000, a maximum of \$2,500 per year.

(2) In a borough with a population of 5,000 or more but less than 10,000, a maximum of \$5,000 per year.

(3) In a borough with a population of 10,000 or more but less than 15,000, a maximum of \$7,500 per year.

(4) In a borough with a population in excess of 15,000, a maximum of \$500 per year per 1,000 residents or fraction of 1,000, the population to be determined by the latest official census figures.

(a.1) Treatment of benefits.--Benefits provided to the mayor under section 1202(26) (relating to specific powers) shall not be considered pay, salary or compensation, but payment for all or a part of the premiums or charges for the benefits shall be in accordance with section 1202(26).

(b) Change in salary.--A change in salary, compensation or emoluments of the elected office shall become effective at the beginning of the next term of the mayor.

§ 10A05. Salaried mayor not to receive certain fees.

public parks or at any other public place during the hours declared by the mayor to be a period of curfew.

(ii) The entry or departure of persons into or from any restricted area.

(iii) The sale, purchase or dispensing of any commodities or goods as designated by the mayor.

(iv) The transportation, possession or use of gasoline, kerosene or other combustible, flammable or explosive liquids or materials except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use.

(v) Any other activities as the mayor reasonably believes should be prohibited to help preserve life, health, property or the public peace.

(6) The proclamation shall describe the specific restricted area with particularity and shall specify the hours when restrictions are to be in effect.

(7) A person violating the proclamation of emergency commits a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$300 and costs or to a term of imprisonment not to exceed 30 days.

§ 10A07. Duties of mayor.

The mayor shall have the following duties:

(1) To preserve order in the borough, to enforce the ordinances and regulations, to remove nuisances, to exact a faithful performance of the duties of the officers appointed and to perform any other duties as shall be vested in the mayor's office by law or ordinance.

(2) Except as provided in section 1006(4) (relating to duties of council), to sign papers, contracts, obligations and documents as may be required by law.

(3) To collect any costs and fees received and to pay the money into the treasury, except as provided in section 10A05(b) (relating to salaried mayor not to receive certain fees), to report to the council from time to time on the state of the borough and to make recommendations to the council on matters of borough concern. The borough shall furnish the mayor with the necessary dockets, books, forms and files as are necessary for the conduct of the mayor's office and which shall be and remain the property of the borough and be surrendered to the mayor's successor in office.

§ 10A08. President or vice president of council to act as mayor.

(a) **General rule.**--If the mayor is absent or incapacitated or there is a vacancy in the office, the duties of the office shall be discharged by the president of council or, in the absence or incapacity of the president of council or if there is a vacancy in the office, by the vice president of council.

(b) **Salary.**--While discharging the duties of mayor, the president or vice president of council shall be entitled to the same salary as the mayor would receive and, during the time the salary is paid to the president or vice president of council as acting mayor, the mayor shall not be paid compensation.

(c) **Veto and voting power.**--The president or vice president of council while acting as mayor shall have power to veto a proposed ordinance or to break a tie but shall not have power to vote as a member of council.

(a) **General rule.**--Except as provided in subsection (b), any salary paid under an ordinance shall be in lieu of all costs and fees allowed by a mayor. Costs and fees shall be collected by the mayor and deposited into the borough treasury.

(b) **Marriage ceremony fees.**--

(1) Nothing in this part shall be construed to prevent a mayor from receiving a monetary fee for the performance of a marriage ceremony in this Commonwealth, if the fee does not exceed \$150 for each ceremony performed.

(2) Prior to performing these ceremonies, the mayor shall notify council in writing of the mayor's intention to perform marriage ceremonies.

(3) The notification to council shall remain in effect for the term of the mayor or until the notification is rescinded by the mayor.

(4) The mayor shall maintain accurate accounts of the fees received relating to the performance of marriage ceremonies and provide council each quarter with a report of money received for that period. The quarterly report shall include the amount of money received and the names of persons from whom money was received, along with the date and the location of the performed ceremony, and the quarterly report shall be considered a public record.

(5) The receipt of a fee under this subsection shall not be considered a violation of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and shall not be considered compensation under this part.

Cross References. Section 10A05 is referred to in section 10A07 of this title.

§ 10A06. **General powers of mayor.**

(a) **Oaths and affirmations.**--The mayor may administer oaths and affirmations in matters pertaining to borough affairs.

(b) **Emergencies.**--

(1) In addition to the power granted to mayors by 35 Pa.C.S. Pt. V (relating to emergency management services) and in order to enable the mayor to effectually preserve the public peace within the borough, the mayor shall have the power to prevent and suppress mobs, riots and unlawful and tumultuous assemblies.

(2) In the event that a state of emergency exists, a mayor shall have the authority to request aid and assistance from law enforcement officers and agencies from a neighboring municipality.

(3) In response to a request of a mayor made in accordance with this subsection, a municipal police officer shall, within the borough from which the request was made, have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of the officer's primary jurisdiction, subject to the limitations and conditions set forth in 42 Pa.C.S. § 8953(b), (c), (d) and (e) (relating to Statewide municipal police jurisdiction).

(4) If the mayor considers that a state of emergency exists, the mayor may issue a proclamation, which shall be in writing and posted in one or more conspicuous places and the contents of which shall be made available to all news media, declaring a state of emergency for a period not to exceed seven days unless sooner rescinded, modified or ratified or extended by resolution of council.

(5) The mayor may prohibit in the proclamation for all or part of the borough:

(i) Any person being on the public streets or in the