

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 7 - 2022

INTRODUCED BY

FEBRUARY 2, 2022

AN ORDINANCE

Amends Chapter 12, Authorities, Boards and Commissions; Article 5, Board of Health, of the Codified Ordinances to clarify the Board of Health duties and responsibilities. This bill clarifies language that established the authority and duties of the Board of Health, eliminating ambiguity. It makes clear the powers originate from commonwealth law. No new powers are being created.

**SECTION ONE:** The Article V, Board of Health, be amended to include the following:

Article V  
**Board of Health**

**[Adopted 12-18-1979 by Ord. No. 12395 (Article 1101 of the 1962 Codified Ordinances)]**

**§ 12-24 Establishment; members.**

**[Amended 2-20-1980 by Ord. No. 12411; 10-6-1994 by Ord. No. 13282]**

- A. A Board of Health is hereby created in the City of Allentown, Pennsylvania, to consist of five members.
- B. The members of the said Board shall serve without compensation and shall be appointed by the Mayor with the approval of the Council. No member of City Council shall be appointed as a member of the Board of Health. All members of the Board of Health shall be either residents of the City or maintain an office in the City. At least one, and whenever possible, two, shall be currently licensed or certified by the State Board of Medicine, the State Board of Examiners of Nursing Home Administrators, the State Board of Podiatry, the State Board of Veterinary Medicine, the State Board of Occupational Therapy Education and Licensure, the State Board of Osteopathic Medicine, the State Board of Pharmacy, the State Board of Physical Therapy or the State Board of Nursing to be engaged in a medical, medically related or health care profession or business. If a licensed or certified medical or health care professional cannot be identified to serve on the Board, the Mayor, with the approval of City Council, may appoint any individual who has experience or is knowledgeable of public health issues.
- C. At the first appointment, Council shall designate one of the members to serve for one year, one for

two years, one for three years, one for four years and one for five years, from January 8, 1980, and thereafter, one member of the said Board shall be appointed annually to serve for the term of five years from January 1 succeeding his appointment. The Mayor may remove any or all of the members of said Board for official misconduct or neglect of duty and may fill any vacancy for any unexpired term with the approval of Council.

**§ 12-25 Powers and duties.**

~~It shall be the duty of the Board of Health to enforce the laws of the Commonwealth of Pennsylvania and the article of the City of Allentown enacted for the protection of the public health. It shall exercise all the rights and perform all the duties and obligations conferred and imposed upon like Boards of Health in cities of the Third Class of the Commonwealth of Pennsylvania by all Acts of Assembly which may not be in force or hereafter passed in reference to the same. The Board of Health shall have power to make and enforce such orders and regulations as may be necessary to carry out its aforesaid duties and obligations so long as the Council shall approve such regulations.~~

A. It shall be the duty of the Board of Health to enforce the laws of the Commonwealth of Pennsylvania and the Articles of the City of Allentown enacted for the protection of the public health.

B. The Board shall exercise all the rights and perform all the duties and obligations conferred and imposed upon like Boards of Health in Cities of the Third Class of the Commonwealth of Pennsylvania by all relevant Acts of Assembly which may not be in force or hereafter passed in reference to the same including but not limited to the Pennsylvania Third Class City Code 11 Pa.C.S. Pt. V and the Pennsylvania Local Health Administration Law 16 P.S. § 12001 et. seq.

C. The Board of Health shall have power to make and enforce such orders and regulations as may be necessary to carry out its aforesaid duties and obligations so long as it obtains all necessary Council authorization and/or approval.

D. The Board of Health shall hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of the powers and duties vested in or imposed upon the Board of Health and the Bureau of Health.

E. The Board of Health shall hear appeals from decisions of the Bureau of Health, Director of Health, or Public Health Officer, including but not limited to food facility license or childcare operational certificate suspension, or revocation or refusal by the Bureau, Director or Public Health Officer to issue such. All appeals shall be conducted pursuant to the requirements of the Local Agency Law (Subchapter B of Chapter 5 and Subchapter B of Chapter 7 of Title 2 of the Pennsylvania Consolidated Statutes).

**§ 12-26 Meetings.**

The Board of Health shall meet at such regular times as it designates and at such places where the general public has unhampered access to such meetings, and said Board shall keep regular minutes of its meetings. It shall have the power to adopt rules and by-laws to govern its meetings and organizations.

**§ 12-27 Secretary.**

The Secretary of the Board shall be an individual qualified in the secretarial arts and shall keep the minutes of meetings and perform such other duties as the Director may direct.

**§ 12-28 Director.**

The Board of Health shall choose a Director with the approval of the Mayor. The Director shall not be a member of the Board of Health, but shall be an individual who meets the qualifications established for such position by the Pennsylvania Department of Health and the Board of Health. In the event of a vacancy in the position of Director, the Board of Health shall convene at the earliest possible time for the purpose of filling that vacancy. The salary of the Director shall be fixed by the City Council. The Director shall execute the orders of the Board and shall have and exercise for this purpose all the powers and authority of a police officer.

**§ 12-29 Administration.**

- A. The Director shall exercise the power to employ personnel in conformity with 16 P.S. § 21012(b), which for this purpose shall be applicable to the Health Board, and the Charter and Administrative Code of the City of Allentown. All such employees shall be entitled to participate in the benefits of employment conferred on employees of the City of Allentown with regard to pension, social security coverage, medical and hospitalization benefits, vacation and sick leave. Such employees shall be subject to removal by the Director for misconduct in office or neglect of duty, excepting that where positions are covered by civil service, civil service laws shall apply.
  
- B. The Director shall be the Administrator of the Health Board. All administrative actions and procedures incident to the operation of the Health Board, including but not limited to financial administration and the making of contracts, shall be governed by the Charter and Administrative Code of the City of Allentown.

**SECTION TWO:** That all ordinances inconsistent with the provisions herein are hereby repealed to the extent of their inconsistency.

**SECTION THREE:** That this ordinance become effective ten days after final passage.

## LEGISLATIVE TEMPLATE

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

HEALTH

- **Summary and Facts of the Bill**

Amendments to Board of Health Ordinance (old Article 1101, new codified Chapter 12, Article V)

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City’s Vision/Mission/Priorities**

This bill amends the Board of Health ordinance to clarify the language that established the authority and duties of the Board of Health. It makes clear the powers originate from commonwealth law. No new powers are being created. The changes eliminate ambiguity.

- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

There is no initial or ongoing cost to this bill. There are no revenues associated with this bill.

- **Funding Sources – Please include the following in your explanation:**
  - **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

N/A

- **Priority status/Deadlines, if any**

ASAP

- **Why should Council unanimously support this bill?**

This bill provides clarity to the ordinance, thereby reducing ambiguity and minimizes potential interpretation that may occur during a legal proceeding or challenge.