

ARTICLE X
Citizens' Rights and Participation

SECTION 1001. General provisions.

The Council shall protect and promote the rights of the citizens of the City of Allentown to participate in a positive and constructive manner in the government of the City. Any citizen of the City may participate in the government of the City by:

- A. Seeking elective office of the City as prescribed by this Charter and voting for candidates for elective office;
- B. Serving on boards, commission, authorities or other agencies of the City government when requested by the appropriate officials;
- C. Attending and being heard at public meetings of the Council and other boards, commissions, authorities and agencies of the City government;
- D. Addressing suggestions to the Council and others to provide guidance for their actions;
- E. Exercising the right of initiative and referendum as provided in this Charter or as otherwise may be provided by law.

SECTION 1002. Initiative and referendum.

- A. Initiative. The qualified voters of the City shall have the power to propose ordinances to the Council. If Council fails to adopt a proposed ordinance, the initiative process gives the qualified voters of the City the opportunity to adopt or reject the proposed ordinance at a primary, municipal or general election. **[Amended 11-6-2001]**
- B. Referendum. The qualified voters of the City shall have the power to require reconsideration by Council of any adopted ordinance. If Council fails to repeal an ordinance, the Referendum process gives the qualified voters of the City the opportunity to approve or reject the ordinance at a primary, municipal or general election. **[Amended 11-6-2001]**

SECTION 1003. Initiative and referendum; petitioners committee; affidavit.

Any five qualified voters of the City may file with the City Clerk an affidavit stating they will constitute the Petitioners Committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out, in full, the proposed initiative ordinance or the ordinance sought to be reconsidered. Within five days after the affidavit of the Petitioners Committee is filed and validated, the City Clerk shall issue the appropriate petition blanks to the petitioners.

SECTION 1004. Initiative and referendum; petitions.

- A. Number of signatures. Initiative and referendum petitions must be signed by 2,000 registered voters of the City.
- B. Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall include the address of the person signing and the date signed. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance or the ordinance to be

reconsidered. **[Amended 11-6-2001]**

- C. Affidavit of circulator. Each paper of a petition shall have attached to it when filing a notarized affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, and believes them to be valid and that each signer had an opportunity before signing to read the full text of the proposed ordinance or the ordinance to be reconsidered. **[Amended 11-6-2001]**
- D. Time for circulation and filing petitions. Petitions must be circulated and signed within 65 days after the filing of the affidavit of Petitioners' Committee with the City Clerk. **[Amended 11-6-2001]**

SECTION 1005. Initiative and referendum; procedure after filing.

- A. Certificate of clerk; amendment. Within 20 days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the Petitioners' Committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once. The Petitioners' Committee may file a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Subsection (B) and (C) of Section 1004, and within five days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the Petitioners' Committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the Petitioners' Committee does not elect to amend or request Council review under Subsection (B) of this section within the time required, the City Clerk shall promptly present their certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition. **[Amended 11-6-2001]**
- B. Council review. If a petition has been certified insufficient and the Petitioners' Committee does not amend it, or if an amended petition has been certified insufficient, the Committee may, within five days after receiving the copy of such certificate, file a request that it be reviewed by Council. Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition. **[Amended 11-6-2001]**
- C. Court review; new petition. A final determination as to the insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

SECTION 1006. (Reserved)¹

SECTION 1007. Initiative and referendum; action on petitions.

- A. Action by Council. When an initiative or referendum petition has been finally determined sufficient, Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the specified ordinance. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the ordinance under consideration within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City. **[Amended 11-6-2001]**

1. Editor's Note: Former Section 1006, Referendum petitions; suspension of effect of ordinance, was repealed by referendum on 11-6-2001.

- B. Submission to voters. The question shall be placed on the ballot at the next primary, municipal or general election occurring at least 90 days after final Council action. Copies of the proposed and the ordinance to be reconsidered shall be made available to the public during regular business hours at City Hall and at the Allentown Public Library. **[Amended 11-6-2001]**
- C. Withdrawal of petitions. An initiative or referendum petition may be withdrawn at any time prior to the 45th day preceding the day scheduled for a vote of the City by filing with the City Clerk a request for withdrawal signed by at least four members of the Petitioners' Committee. Upon the filing of such request, the petition shall have no further force of effect and all proceedings thereon shall be terminated.

SECTION 1008. Initiative and referendum; results of election.

- A. Initiative. If a majority of the qualified voters vote in favor of a proposed initiative, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. Referendum. If a majority of the qualified voters vote for the repeal of a referred ordinance, it shall be considered repealed upon certification of the election.

SECTION 1009. Initiative and referendum; limitations.

- A. Default of initiative and referendum. Any proposed initiative or reconsidered ordinance which is rejected by the qualified voters in an election cannot be resubmitted for initiative and referendum for a period of two years from the date of the election where the ordinance was defeated. **[Amended 11-6-2001]**
- B. Repeal or modification of initiative and referendum by Council. The Council shall take no action to repeal or modify substantively an ordinance adopted or repealed by referendum within a period of two years from the date of the election at which the ordinance was approved, or until the January following a municipal election if the initiative was adopted by Council. **[Amended 11-6-2001]**
- C. Limit on the number of initiative and referendum. No more than two initiative and two referendum measures may be placed on the ballot at any primary, municipal or general election. The first two initiative and two referendum measures which are filed with the City Clerk will be the only ones allowed on the ballot.

SECTION 1010. Citizens' right to place an item on the City Council agenda.

- A. The qualified voters of the City of Allentown, upon receipt of a petition by the City Clerk, may enter one agenda item on the regular agenda of City Council.
- B. The petition filed with the City Clerk must contain the signatures and addresses of 35 registered qualified voters of the City, and the item to be placed on the agenda of City Council for discussion/consideration before Council. Upon receipt of such petition and a two day review/certification period of the petition by the City Clerk, the President of City Council must include the item on the agenda at the next regularly scheduled meeting of City Council.

SECTION 1011. Citizens' right to call a special meeting of City Council.

- A. The qualified voters of the City of Allentown, upon filing a signed petition with the City Clerk, may require the City Council to hold a special meeting.
- B. The petition filed with the City Clerk must contain the signatures and addresses of 200 registered voters of the City and the purpose for which the meeting is being called. Upon receipt of such petition and a two day review/certification period of the petition by the City Clerk, the President of City Council must convene the special meeting on an evening within 14 days of the certification.
- C. The public notification process will adhere to the special meetings provisions of this Charter.