



City of Pittsburgh

510 City-County Building
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Pittsburgh, PA 15219

Text File

Introduced: 1/28/2025

Bill No: 2025-1452, **Version:** 2

Committee: Committee on Finance and Law

Status: Passed Finally

Ordinance, entitled “Directing the Allegheny County Board of Elections to place before the qualified voters of the City of Pittsburgh at the 2025 May Primary Election a referendum question, "Shall the Pittsburgh Home Rule Charter be amended and supplemented by adding a new Article 11: RIGHT TO PUBLIC OWNERSHIP OF POTABLE WATER SYSTEMS, WASTEWATER SYSTEM, AND STORM SEWER SYSTEMS, which restricts the lease and/or sale of the City’s water and sewer system to private entities?”

(Public Hearing held 2/3/25)

WHEREAS, in 1968, the electors of the Commonwealth of Pennsylvania approved various amendments to the Constitution of the Commonwealth of Pennsylvania (“Pennsylvania Constitution of 1968”, “state Constitution”), among which were amendments which granted to municipalities for the first time the right and power to frame and adopt home rule charters and enjoined municipalities; and,

WHEREAS, in 1971, the Pennsylvania constitution was further amended to include Section 27 which states that “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”; and,

WHEREAS, in 1972, pursuant to Article IX, Section 2 of the Pennsylvania Constitution of 1968, the General Assembly enacted the Home Rule Charter and Optional Plans Law, which established the process by which municipalities could frame and adopt a home rule charter; and,

WHEREAS, in 1974, the qualified voters of the City of Pittsburgh approved the adoption of the Pittsburgh Home Rule Charter (the “Charter”) and thus the City became a home-rule municipality; and,

WHEREAS, the Home Rule Charter and Optional Plans Law, 53 Pa.C.S.A. § 2961, et seq., is a broad grant of municipal authority to the City of Pittsburgh; and,

WHEREAS, with respect to potable water in particular, the City’s Home Rule Charter preamble announces that “[a] responsible city is one which expects aggressive action from its officials toward the achievement of dignified housing, ... pure air and water ... health, safety, recreation and culture and the other conditions conducive to human growth.” Home Rule Charter Preamble §222, emphasis added; and

WHEREAS, access to water and sanitation are basic human rights recognized by the United Nations, which has declared the right of every person to sufficient, safe, acceptable, accessible and affordable water;

WHEREAS, continued public ownership, operation and management of the drinking water and wastewater

systems are the most responsible way for the City of Pittsburgh to ensure that every resident has access to safe and affordable drinking water and wastewater service;

WHEREAS, in addition to its broad police powers as a home rule municipality under the Home Rule Charter and Optional Plans Law, the Pennsylvania Legislature explicitly vests the City of Pittsburgh with the power to “make regulations to secure the general health of the inhabitants, and to remove and prevent nuisances,” 53 P.S. §23145; and,

WHEREAS, Pittsburgh City Council executed such aggressive action toward the achievement of pure water in 2017 when it passed bill no. 2017-1613, exercising the city’s policing powers in order to replace lead service lines and ensure the health and well-being of residents; and,

WHEREAS, the public sector including local, state, and federal governments, agencies, and programs hold the responsibility of caring for the health and well-being of its citizens; and,

WHEREAS, City Council has received precisely such a demand to enact an ordinance to place this question on the ballot in the May 2025 Primary Election.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Pittsburgh as follows:

Section 1. The Allegheny County Board of Elections is hereby directed to place before the qualified voters of the City of Pittsburgh at the 2025 May General Election a referendum question:

"Shall the Pittsburgh Home Rule Charter be amended and supplemented by adding a new Article 11: RIGHT TO PUBLIC OWNERSHIP OF POTABLE WATER SYSTEMS, WASTEWATER SYSTEM, AND STORM SEWER SYSTEMS, which restricts the lease and/or sale of the City’s water and sewer system to private entities?"

Amending the Pittsburgh Home Rule Charter as follows:

ARTICLE XI

RIGHT TO PUBLIC OWNERSHIP OF POTABLE WATER SYSTEMS, WASTEWATER SYSTEM, AND STORM SEWER SYSTEMS

1101. The City shall not lease, sell or transfer the municipal water and/or sewer system(s) to a private entity.

1102. This provision shall not restrain or prevent the City from the lease, sale or transfer of the municipal water and/or sewer system, or any portion thereof or rights thereto, to a public entity or authority; provided that, the City shall not allow the lease, sale, or transfer of the same to a private entity by such public entity or authority.

1103. This provision shall not restrain the lease, sale or transfer of the municipal water and/or sewer system(s), or any portion thereof or rights thereto, determined by the City and/or the aforementioned public entity or

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authority to not be or no longer be appurtenant to or part of, or essential for the operation of the municipal water and/or sewer system(s).

Section 2. City Council shall, upon completion of the legislative process, cause a copy of this ordinance to be filed with the Allegheny County Board of Elections pursuant to the Home Rule Charter and Optional Plans Law, 53 Pa. C.S.A. § 2961, et seq., as amended.