

CHAPTER 33. ELK TOWNSHIP HOME RULE CHARTER

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Source

The provisions of this Chapter 33 adopted November 5, 1974, effective January 6, 1975, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

- Sec.
- 33.1-101. Name
- 33.1-102. Boundaries

§ 33.1-101. Name.

The municipality of Elk Township in Chester County, Pennsylvania, shall continue under its present name.

§ 33.1-102. Boundaries.

The boundaries shall be the actual boundaries of the municipality at the time this Charter takes effect and those that may be lawfully established thereafter.

ARTICLE II. POWERS

- Sec.
- 33.2-201. Powers.
- 33.2-202. Construction.
- 33.2-203. Unassigned Powers.

§ 33.2-201. Powers.

The municipality has and may exercise any power, and may perform any function not denied by the Constitution of Pennsylvania, by this Charter, or by the General Assembly, and all powers are included that are presently conferred by Act 567 for lower class townships.

Cross References

This section cited in 315 Pa. Code § 33.2-202 (relating to construction).

§ 33.2-202. Construction.

The powers of the municipality under this Charter shall be construed broadly in favor of the municipality and specific mention of particular powers herein shall not be construed as limiting in any way the general power stated in this Article. All possible powers, except as limited in § 33.2-201 above, are to be considered as if specifically and individually set forth in this Article, whether or not such powers are presently available to the municipality.

§ 33.2-203. Unassigned Powers.

All powers, present and future, granted to the municipality and not assigned by this Charter to a specific officer or agency of the municipality shall reside in the Board of Supervisors.

ARTICLE III. BOARD OF SUPERVISORS

Sec.

- 33.3-301. Composition.
- 33.3-302. Terms.
- 33.3-303. Election.
- 33.3-304. Qualifications.
- 33.3-305. Compensation.
- 33.3-306. Authority.
- 33.3-307. Prohibitions.
- 33.3-308. Vacancies.
- 33.3-309. Filling Vacancies.
- 33.3-310. Oath of Office.
- 33.3-311. Organization.
- 33.3-312. Meetings.
- 33.3-313. Quorum.
- 33.3-314. Records.

§ 33.3-301. Composition.

The powers and duties of the municipality shall for the present time be vested in a Board of Supervisors of three (3) members, elected at large by qualified voters of the municipality. When a census shows the township has 2000 residents, at the next municipal election the Board shall be expanded to five (5) members elected at large.

§ 33.3-302. Terms.

The term of each supervisor shall for the present time be six (6) years, beginning with the reorganization meeting, which is the first Monday in January following his election, except under conditions specified in § 33.3-309. When the population of the township reaches 2000 residents, the term of each supervisor shall be four (4) years, beginning as specified above.

§ 33.3-303. Election.

The procedure for nomination and election of supervisors shall be that established by the general laws on the Commonwealth of Pennsylvania for municipal elections, and one supervisor shall be elected at each municipal election. When the population of the township reaches 2000 residents, then three (3) supervisors shall be elected every other municipal election and two (2) supervisors shall be elected at each intervening municipal election.

§ 33.3-304. Qualifications.

A supervisor shall be a citizen of the United States, shall be a resident of the municipality at the time of his nomination and for the term of his office, shall be at least eighteen (18) years of age when elected to office, and shall not be disqualified under § 33.5-506(D).

Cross References

This section cited in 315 Pa. Code § 33.3-309 (relating to filling vacancies).

§ 33.3-305. Compensation.

The Board may establish an initial fee for supervisors of no more than \$25 for each regular meeting attended, for no more than twenty four meetings per year, and they shall receive no other compensation, direct or indirect, for the performance of their duties, except as otherwise specified in this Charter. They shall receive no pensions, except insurance, or other forms of fringe benefits, except reimbursements of actual expenses incurred in the performance of their duties when such expenses are approved by the Board. Supervisors compensation may be changed only by referendum, and no supervisor in office at the time of a change in compensation shall receive such benefit until reelected in a regular election.

§ 33.3-306. Authority.

The Board of Supervisors shall exercise its authority under this Charter only as a body, and there shall be no standing committees nor delegation of legislative function to a smaller number than the whole. Individual supervisors shall have no authority whatsoever, except as they deliberate and vote as a body.

§ 33.3-307. Prohibitions.

With the exceptions of the positions of roadmaster and secretary-treasurer, no supervisor may hold any compensated office or position in or perform any compensated service for the Elk Township government during his term on the Board.

§ 33.3-308. Vacancies.

The office of supervisor shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, or failure

after election to assume office within forty-five (45) days after the beginning of his term. A supervisor shall forfeit his office if he is found at any time to lack any qualifications required by the law or this Charter, if he is convicted of a felony or a crime, or if he is absent from three (3) consecutive meetings of the Board without being excused by the Board. In case of forfeit the Board shall declare the office vacant at least ten (10) days prior to filling the same by appointment.

§ 33.3-309. Filling Vacancies.

If a vacancy exists in the office of supervisor, the remaining members of the Board shall fill such vacancy by appointing a qualified person to serve until the end of the year following the next municipal election. If the expired term extends beyond this time, it shall be served by a person chosen at this election. If the Board shall fail for any reason to fill such a vacancy within sixty (60) days after the vacancy occurs, the Court of Common Pleas shall, upon petition of any five (5) citizens, fill by appointment the vacancy (in accordance with § 33.3-304).

Cross References

This section cited in 315 Pa. Code § 33.3-302 (relating to terms).

§ 33.3-310. Oath of Office.

Each supervisor, upon election, shall take an oath of office as prescribed by the laws of the Commonwealth of Pennsylvania. Such oath shall be taken and signed before any judge, district justice, or notary public of the Commonwealth, and when completed shall be filed with the municipality prior to the reorganization meeting first following his election.

§ 33.3-311. Organization.

The Board of Supervisors shall organize at 8 p.m. on the first Monday of January after officially receiving the certificates of election and validated oath of office of all newly elected supervisors. The Board shall elect, to serve at its pleasure, one of its number as chairman and one as vice-chairman. The Board shall appoint a secretary-treasurer, who may or may not be a member of the Board.

In each case, if no member receives a majority, a second ballot shall be taken between the two members receiving the highest number of votes. If the first Monday is a legal holiday, the reorganization meeting shall take place on the first day following. The Board may transact any further business it deems appropriate at the reorganization meeting.

Source

The provisions of this § 33.3-311 amended May 17, 1977, effective May 17, 1977.

§ 33.3-312. Meetings.

The Board shall establish regular meetings of not less than one each month, with times and places published in a newspaper with local circulation or by direct notice to township citizens. All meetings, including special meetings, shall be public, and changes in meeting date, time, or place shall be published.

§ 33.3-313. Quorum.

A quorum of the Board shall be a majority of all members. The Board shall conduct no business except in the presence of a quorum.

§ 33.3-314. Records.

For all meetings, the Secretary-treasurer of the Board shall keep official minutes covering business transacted and, when requested by two supervisors, deliberations during such meetings. Inspections of such minutes shall be accommodated upon request of township residents at reasonable times and places, and copies shall be furnished at cost. Such records shall be stored in a place designated by the Board.

ARTICLE IV. ORDINANCES AND RESOLUTIONS

Sec.

- 33.4-401. Resolutions.
- 33.4-402. Ordinances.
- 33.4-403. Specific Actions Requiring an Ordinance.
- 33.4-404. General Ordinance Requirements.
- 33.4-405. Penalties.
- 33.4-406. Publication and Public Comment.
- 33.4-407. Recording of Ordinances and Resolutions.
- 33.4-408. Emergency Ordinances.

Cross References

This article cited in 315 Pa. Code § 33.5-504 (relating to action on petitions).

§ 33.4-401. Resolutions.

Resolutions may be approved by the Board of Supervisors to prescribe rules of procedure, methods of complying with this Charter if not explicitly stated, or to inform the public and other government agencies of the Board's position on any issue.

§ 33.4-402. Ordinances.

Ordinances may be prepared, proposed, and approved by the Board of Supervisors for the purposes permitted in this Charter to establish laws, regulations, penalties, government organization, and appointments, except as specifically prescribed otherwise under Article V.

§ 33.4-403. Specific Actions Requiring an Ordinance.

In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of the Board of Supervisors to be taken by ordinance shall at least include:

- (1) Adoption or amendment of an administrative code.
- (2) Establishment, alteration, or abolishment of any township department or agency.
- (3) Establishment of any rule or regulation for violation of which a fine or other penalty is imposed; establishment of the amount of such fine or penalty.
- (4) Levying of taxes.
- (5) Granting, renewing, or extending a franchise.
- (6) Establishment, alteration, or abolishment of rates charged for any utility or service supplied by the township.
- (7) Authorization of the conveyance or lease of any township property, real or otherwise.
- (8) Authorization of the borrowing of money except for revenue anticipation loans.
- (9) Amendment or repeal of any ordinance previously adopted.
- (10) Establishment of wages, hours, or fringe benefits for any township employee not represented by a bargaining unit.
- (11) Appointment of any person or agency to a position for which services in excess of a value established by administrative code are compensated by the township. The Board, however, may approve without ordinance reimbursement for actual expenses incurred in providing for the township.
- (12) Establishment, amendment, or abolishment of any regulations that govern zoning, subdivision, land development, or land use.
- (13) Condemnation of private property for public use.

§ 33.4-404. General Ordinance Requirements.

Each ordinance shall contain the following:

- (1) A single subject only, with a concise summary of the effects of the ordinance, including its short name.
- (2) The enacting clause: “The Township of Elk hereby ordains—.”
- (3) The date of its enactment and its effective date.
- (4) The signature of an official present at the meeting where final approval is voted, such official to be designated by the Board in its administrative code.
- (5) The official seal of the township affixed to the original copy.

However, failure of the designated official to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance. The votes of each supervisor shall be recorded in the minutes of the approval meeting; a majority of the full Board shall be required to pass an ordinance.

§ 33.4-405. Penalties.

The maximum penalty for violation of any ordinance shall be prescribed by the administrative code. However, any ordinance may provide that for continuing violations, each day of violation constitutes a separate punishable offense. The limit of fines may be increased by the Board of Supervisors to the extent of the maximum fine that may be levied by any non-charter municipality in the Commonwealth, as that limit may be established from time to time by the General Assembly.

§ 33.4-406. Publication and Public Comment.

All ordinances must be published no earlier than sixty (60) days and no later than seven (7) days prior to approval, in a publication of local circulation; however, a concise, accurate summary may be printed in lieu of a verbatim version. Direct written notice to all township voters and property owners shall also constitute legal publication.

The Board of Supervisors shall make available at regular meetings specific time for township citizens or interested parties to be heard on the subject of any ordinance under consideration.

Source

The provisions of this § 33.4-406 amended May 17, 1977, effective May 17, 1977.

§ 33.4-407. Recording of Ordinances and Resolutions.

All ordinances and resolutions of the township shall be entered verbatim in permanent separate record books. No ordinance shall be considered in force until it is recorded in the ordinance book. The ordinance book and the resolution book shall be open and available for public inspection at reasonable times and places. These books shall be in custody of a Supervisor designated by the administrative code and shall have no entries made therein except at his direction.

§ 33.4-408. Emergency Ordinances.

An emergency ordinance, containing a section declaring that it is necessary for the immediate protection of public health or safety, may be passed by a majority of the quorum without prior publication or public hearing. It shall remain in force for only thirty (30) days unless validated within that time by an ordinance passed under the standard procedure. Only one emergency ordinance may be passed for the same emergency situation.

ARTICLES V. INITIATIVE, REFERENDUM AND RECALL

Sec.

- 33.5-501. General Powers.
- 33.5-502. Initiative and Referendum Procedures.
- 33.5-503. Suspension of Effect of Ordinances.
- 33.5-504. Action on Petitions.
- 33.5-505. Results of Election.
- 33.5-506. Recall.

Cross References

This article cited in 315 Pa. Code § 33.4-402 (relating to ordinances); and 315 Pa. Code § 33.5-501 (relating to general powers).

§ 33.5-501. General Powers.

A. *Power of Electors.* In accordance with the provisions and subject to the limitations of this Article V, the electors of Elk Township are hereby empowered (1) to unite in proposing laws to the Township Supervisors, who after due consideration, must either enact the same or submit the same to the vote of the people for their approval or disapproval; (2) to refer measures adopted by the Township Supervisors to the vote of the people for their approval or repeal; and, (3) by a vote of the people to annul, cancel and terminate the tenure of office of members of the Board of Supervisors or other elected officials who previously had been elected.

B. *Exclusions.* Excluded from the provisions of this Article V are measures (1) appropriating money (2) imposing taxes (3) authorizing the issuance of bonds or other financial obligations and, (4) refunding township obligations. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title.

§ 33.5-502. Initiative and Referendum Procedures.

A. *Petitions.* Initiative and Referendum procedures shall be initiated upon petition signed by thirty (30) per cent of the registered electors of the township at large. Every initiative and referendum petition shall contain or have attached thereto throughout its circulation the full text of the ordinance proposed or sought to be reconsidered.

Each elector signing an initiative or referendum petition shall add to his signature his occupation, his residence, and the date of signing. Signatures on an initiative or referendum petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the township, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

An initiative or referendum petition shall be tendered for filing to the County Board of Elections, with copies to the Township Supervisors. In the case of a referendum petition, this must be filed within 30 days after the adoption by the Supervisors' ordinance concerned. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the Board of Elections shall have certified the validity of the petition and the validity and sufficiency of signatures thereon.

B. *Notice to Affiant.* As soon as the County Board of Elections has accepted an initiative or referendum petition and determined its validity and sufficiency, the chairman of the Board shall notify the affiant named in the petition that the petition has been filed.

§ 33.5-503. Suspension of Effect of Ordinance.

When a referendum petition is filed with the County Board of Elections, within the thirty (30) day period allowed, the ordinance sought to be reconsidered shall be suspended. Such suspension shall be terminated under any of the following conditions:

- (1) There is a final determination of insufficiency of the petition.
- (2) The petition is withdrawn.
- (3) The Board of Supervisors repeals the ordinance.
- (4) The vote of the township affirming the ordinance is certified by the Board of Elections. In this case the ordinance shall apply retroactively to the original date of effect.

§ 33.5-504. Action on Petitions.

A. *Action by Board.* When an initiative or referendum petition has been finally determined sufficient, the Board shall promptly consider the proposed initiative ordinance in the manner provided in Article IV or reconsider the referred ordinance by voting its repeal. If the Board fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance 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 township.

B. *Submission to Voters.* The vote of the township on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Board vote thereon. If no regular or special election is to be held within the period prescribed in this subsection, the County Board of Elections shall provide for a special election; otherwise, the vote shall be held at the same time as such regular or special election, except that the Board of Elections may

in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.

C. *Withdrawal of Petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceeding the election by filing with the Board of Elections a request for withdrawal signed by at least 50 per cent of the petitioners. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 33.5-505. Results of Election.

A. *Initiative.* If a majority of the voters vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

B. *Referendum.* If a majority of the voters vote against a referred ordinance it shall be considered repealed upon certification of the election results.

C. *Amendment.* Any ordinance so adopted and any ordinance approved by the voters of the township under this article may not be amended or repealed by the Supervisors within two years of its effective date except upon vote of the electorate.

D. *Reproposals.* Any ordinance or resolution (or part thereof) repealed through a proceeding initiated by the referendum petition, whether by the Township Supervisors or by vote of the electorate, shall not be repropoed within three (3) years of the effective date of the repeal except through initiative procedures.

§ 33.5-506. Recall.

A. *Officers Subject to Recall.* Any person holding an elective office of the township, whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this article.

B. *Recall Procedure.* A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty (30) per cent of the registered electors of the township at large. Every recall petition shall name the office and officer against whom it is directed.

Each elector signing a recall petition shall add to his signature his occupation, his residence, and the date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the township, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing to the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days

prior to the date the petition is tendered for filing. Upon tender to the Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the Board of Elections shall have authority to pass upon the validity of the petition and the validity and sufficiency signatures thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas.

C. *Notice to Incumbent.* As soon as the County Board of Elections has accepted a recall petition for filing and determined its validity and sufficiency, the chairman of the Board of Elections shall notify the incumbent named in the petition that the petition has been filed. If, upon receipt of such notice, the incumbent chooses to resign from his office, the recall proceedings shall terminate.

If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after notice of the filing of such petition has been given to him, the Board of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the ten days have expired, the recall question shall be placed before the electors at such an election. Otherwise, a special recall election shall be fixed by such board for a date not earlier than thirty (30) days nor later than ninety (90) days after the ten days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each elector in a recall election:

“Shall (name of officer) be recalled and removed from the office of (name of office)?”

The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote “Yes” or “No” on the question.

If a majority of the registered electors who vote on the question at a recall election shall vote “Yes” the incumbent shall be deemed recalled and removed from office; but if a majority of such registered electors shall vote “No,” he shall remain in office.

Should the result of such election be affirmative, the date of the removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of election are certified by the Board of Elections, unless such date is further postponed by order of court.

D. *Disqualification for Office.* No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to him has been filed, shall be eligible for election or appointment to any office of the township within two (2) years after his removal or resignation.

E. *Limitations.* No recall Petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of his office or within nine months after an unsuccessful recall election against him, but

an officer who has been re-elected for a successive term shall be subject to recall during the first year of such term.

Cross References

This section cited in 315 Pa. Code § 33.3-304 (relating to qualifications).

ARTICLE VI. FINANCE AND BUDGET

Sec.

- 33.6-601. Fiscal Year.
- 33.6-602. Submission of Budget.
- 33.6-603. Comprehensive Scope of Budget.
- 33.6-604. Budget Message.
- 33.6-605. Public Record.
- 33.6-606. Adoption of Budget.
- 33.6-607. Amendment of Budget.
- 33.6-608. Appropriations.
- 33.6-609. Temporary Investment of Township Funds.
- 33.6-610. Temporary Indebtedness.
- 33.6-611. Sale of Bonds.
- 33.6-612. Annual Audit.
- 33.6-613. Payment of Funds.
- 33.6-614. Fidelity Bonds.
- 33.6-615. Tax Collection.
- 33.6-616. Auditors.

§ 33.6-601. Fiscal Year.

The fiscal year of Elk Township shall begin on the first day of January and end on the last day of December of each year.

§ 33.6-602. Submission of Budget.

On or before the 15th day of November of each year the treasurer shall submit to the Supervisors a proposed budget for the ensuing fiscal year and an accompanying message.

§ 33.6-603. Comprehensive Scope of Budget.

The budget shall provide a complete financial plan of all township funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the treasurer deems desirable or the Supervisors may require. In organizing the budget the treasurer shall utilize an efficient combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, among other things, the following:

- (1) It shall begin with a general summary of its contents.
- (2) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.

(3) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.

(4) It shall show the number of proposed employees in every job classification.

(5) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.

(6) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices, departments and agencies, in terms of their respective work programs and the methods of financing such expenditures.

(7) It shall indicate proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure.

The total of proposed expenditures shall not exceed the total of estimated income.

§ 33.6-604. Budget Message.

The treasurer's message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the township for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the township's debt position, and include such other material as the treasurer or Board deems desirable.

§ 33.6-605. Public Record.

The annual budget shall be a public record and shall be available for public inspection after submission and prior to adoption, and after adoption, at reasonable times upon request to the treasurer.

§ 33.6-606. Adoption of Budget.

The annual budget shall be adopted by ordinance. This action shall be taken prior to the commencement of the year for which the budget is prepared, but only after it has been available for public inspection, after due notice, for at least ten (10) days.

§ 33.6-607. Amendment of Budget.

The Supervisors may amend the budget by ordinance during the fiscal year for which the budget was adopted; provided, however, that such amendment shall not result in expenditures exceeding the estimated income determined as of the time of the amendment.

§ 33.6-608. Appropriations.

Adoption of the budget and amendments thereof shall constitute appropriations for the expenditures as set forth therein.

§ 33.6-609. Temporary Investment of Township Funds.

The Supervisors shall have the power to provide for the temporary investment of moneys in the general township fund or in special funds in United States treasury bills, and for the disposal of such securities when the moneys may be needed, or to place such funds in savings accounts or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation to the extent that such accounts are so insured.

§ 33.6-610. Temporary Indebtness.

Whenever the township funds have been exhausted, the Supervisors may borrow, on the credit of the township, money in anticipation of taxes to be collected for the current fiscal year and issue a certificate of indebtedness payable on a certain date within the current fiscal year, to the end that work may be performed in proper season and in accordance with rules and regulations prescribed.

§ 33.6-611. Sale of Bonds.

Bonds and other obligations, when issued for the repayment of money borrowed, except tax anticipation notes, shall be issued and sold in the manner provided by the Municipal Borrowing Law, and its amendments.

§ 33.6-612. Annual Audit.

The Board of Supervisors annually, on or before the first day of February in each year, shall furnish to the township auditors such accurate information as may be required, in order to enable the auditors to make a complete and thorough audit of all accounts, for the preceding year.

On or before March tenth of each year, the auditors shall publish, by advertisement, once in at least one newspaper of general circulation in the area, a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the prior fiscal year by major classifications, all expenditures made during the prior fiscal year by major functions, and the current resources and liabilities of the township at the end of the prior fiscal year, together with any other required data, or data deemed necessary by the board of auditors.

§ 33.6-613. Payment of Funds.

No payment of any funds of the township shall be made without the specific approval of a majority of the Supervisors. All checks or drafts of the township shall be signed by the treasurer and counter-signed by the president of the Supervisors.

§ 33.6-614. Fidelity Bonds.

Before entering upon the duties of his respective office or position, the treasurer shall execute and file with the township corporate surety bonds, conditioned for the honest and faithful performance of his respective duties, in such sum as shall be fixed by the township auditors.

§ 33.6-615. Tax Collection.

A township tax collector shall be elected for a four (4) year term every other municipal election. The Administrative Code shall describe tax collection policy in the township, as well as the compensation the tax collector shall receive.

§ 33.6-616. Auditors.

Three auditors shall be elected for four (4) year terms. Two shall be elected at every other municipal election and one at every intervening municipal election. Their primary responsibility shall be to oversee and annually audit the township accounts. The Administrative Code shall describe auditing procedures, as well as the compensation the auditors shall receive.

ARTICLE VII. PUBLIC WORKS

Sec.
33.7-701. General Provisions.

§ 33.7-701. General Provisions.

The Supervisors shall have the power to initiate whatever public works provisions as time and circumstances indicate are necessary.

ARTICLE VIII. PERSONNEL

Sec.
33.8-801. General Provisions.

§ 33.8-801. General Provisions.

The Supervisors shall have the power to initiate whatever personnel regulatory provisions as time and circumstances shall indicate are desirable.

ARTICLE IX. PLANNING AND ZONING

Sec.
33.9-901. Planning and Zoning Board.
33.9-902. Comprehensive Plan.

33.9-903. Implementation.

33.9-904. Future Plans.

§ 33.9-901. Planning and Zoning Board.

The Township Planning and Zoning Board existing at the time of the adoption of this charter shall be retained, and the members thereof shall continue to hold their positions until their terms expire or until they resign or are removed from office. As the term of each existing member expires, the Supervisors shall appoint, for a term of three years, a replacement from the qualified voters of the township.

The Planning and Zoning Board may declare vacant the seat of any member who, unless excused, fails to attend three (3) consecutive meetings; and the Supervisors thereupon shall appoint a replacement.

An appointment to fill a vacancy shall be only for the unexpired portion of the term.

The Supervisors shall request recommendations from the Planning Board on all matters affecting land use, environmental protection, and the physical development of the township. The Planning Board shall be consulted on any changes to the comprehensive plan of the township and the implementation thereof and shall exercise all other responsibilities as may be provided by law.

§ 33.9-902. Comprehensive Plan.

The Comprehensive Plan for Elk Township, prepared in November, 1969, as part of the Oxford Regional Program, shall continue to provide the necessary guidelines for the control of the physical development of the township.

The Supervisors may from time to time modify this Comprehensive Plan, setting forth in graphic and textual form, policies to govern the future physical development of the township. Such plans may consist of a combination of plans governing, in addition to specific geographic areas, structures or natural features, all or part of the functions and services of the township government which the Planning Board deems necessary for the health, safety and welfare of township citizens.

Upon request from the Supervisors, the Planning Board shall study proposed modifications of the existing plan and, within a time specified by the Supervisors, report its recommendations thereon. The Planning Board may also on its own initiative submit recommendations for changes to the comprehensive plan. After receipt of the recommendations of the Planning Board, the Supervisors shall hold a public hearing on the proposed Comprehensive Plan or modifications thereof and shall thereafter adopt or reject it by resolution, with or without amendments.

The Comprehensive Plan shall serve as a guide to all future actions concerning land use, development regulations and expenditures for capital improvements.

Cross References

This section cited in 315 Pa. Code § 33.9-903 (relating to implementation).

§ 33.9-903. Implementation.

Zoning and subdivision ordinances in effect at the time of the adoption of this charter shall remain in force.

The Supervisors may by ordinance provide for additional redevelopment and conservation programs for (1) the alleviation or prevention of slums or other conditions of deterioration, and (2) the achievement of the most appropriate use of land. Before acting on any proposed ordinance concerning land use, development regulations or expenditures for capital improvements, the Supervisors shall refer the proposal to the Township Planning Board. The Planning Board shall within a time specified by the Supervisors and prior to the public hearing on the proposed ordinance report on the relationship between the ordinance and the Comprehensive Plan and make its recommendations concerning the desirability of the proposed ordinance.

In the event that the proposed ordinance is not in accord with the Comprehensive Plan the proposed ordinance shall not be adopted until the Comprehensive Plan is changed as provided in § 33.9-902.

§ 33.9-904. Future Plans.

The Planning Board shall accept the responsibility for studying and projecting future problems, needs and improvements of the township. Areas of responsibility for these future plans should include land use, environmental protection, public safety, health, roads and public works and any other considerations concerning the general welfare of the citizens of the township. The Planning Board should also explore the possibility and desirability of cooperation and the sharing of services with neighboring townships or other governmental units. The Planning Board shall issue an annual report on or before January 1.

ARTICLE X. GENERAL PROVISIONS

Sec.

- 33.10-1001. Code of Ethics—Conflicts of Interest.
- 33.10-1002. Administrative Code.
- 33.10-1003. Prohibitions.
- 33.10-1004. Charter Amendment.
- 33.10-1005. Effective Date.
- 33.10-1006. Transitional Provisions.
- 33.10-1007. Severability.

§ 33.10-1001. Code of Ethics—Conflicts of Interest.

The Township Supervisors shall, within nine (9) months after the effective date of the Charter, prescribe by ordinance a code of ethics for elected officials and employees, paid in whole or part from township funds, as well as for members of

the various committees, commissions and advisory boards of the township. They shall also provide for the enforcement of such code through penalties for violations.

This code shall, among other things, cover conflicts of interest and shall prohibit the following: (1) any elected official or employee paid in whole or part from township funds, or any member of a committee, commission, or advisory board of the township who has a financial interest in the outcome of any policy decision or determination from voting or acting on the issue in which he has such interest; (2) any individual from accepting any service or thing of value directly or indirectly from any person, firm, or corporation transacting business with the township government; (3) any individual from receiving directly or indirectly any part of any fee, commission, or other compensation paid or payable to the township in connection with any transaction with the township.

§ 33.10-1002. Administrative Code.

Within forty-five (45) days after the effective date of this Charter, the Township Supervisors shall propose and adopt by ordinance, an administrative code for the township government consistent with the provisions and the spirit and purpose of this Charter.

§ 33.10-1003. Prohibitions.

There shall be no discrimination in the employment or compensation of township officers and employees on account of sex, race, color, national origin, or religious affiliation.

§ 33.10-1004. Charter Amendment.

This Charter may be amended in the manner provided by law.

§ 33.10-1005. Effective Date.

This Charter shall become effective on the first day of January, 1975.

§ 33.10-1006. Transitional Provisions.

The orderly transition from the present government with its form and powers derived from prior law to the new government as prescribed by this Charter and other law shall be effected according to the transition plan contained in the Government Study Commission Report dated May, 1974.

§ 33.10-1007. Severability.

If any provision of the Charter is held invalid or unconstitutional, the remaining provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid or unconstitutional, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

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