

## PART III. TOWNSHIPS, FIRST CLASS

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21.	TOWNSHIP OF HERMITAGE HOME RULE CHARTER .....	21.1-1.01

### CHAPTER 21. TOWNSHIP OF HERMITAGE HOME RULE CHARTER

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**Editor's Note:** On March 12, 1974, the Hickory Township Government Study Commission filed its report recommending adoption of a home rule charter. At that time, Hickory was a first class township. At the May 21, 1974 Primary Election, township voters approved the home rule charter. The charter had an effective date of January 1, 1976. Before the charter became effective, and while the township was still operating under the First Class Township Code, a question on changing the name of the township to Hermitage was approved by the voters at the November 4, 1975 Municipal Election. At the November 8, 1983 Municipal Election, the voters approved incorporating Hermitage as a city, retaining its home rule charter.

#### Source

The provisions of this Chapter 21 adopted May 21, 1974, effective January 1, 1976, unless otherwise noted.

### ARTICLE I. POWERS OF THE TOWNSHIP

Sec.	
21.1-1.01.	Powers of the Township.
21.1-1.02.	Construction.
21.1-1.03.	Intergovernmental Relations.

#### § 21.1-1.01. Powers of the Township.

The Township shall have all powers possible for a municipal corporation to have under the constitution and laws of this Commonwealth as fully and completely as though they were specifically enumerated in this Charter.

**§ 21.1-1.02. Construction.**

The powers of the Township under this Charter shall be construed liberally in favor of the Township, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article.

**§ 21.1-1.03. Intergovernmental Relations.**

The Township may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**ARTICLE II. STRUCTURE OF GOVERNMENT**

Sec.

- 21.2-2.01. Form of Government.
- 21.2-2.02. Board of Township Commissioners: Composition, Eligibility, Manner of Election, and Terms of Office.
- 21.2-2.03. Vacancies, Forfeiture of Office, Filling of Vacancies.
- 21.2-2.04. Judge of Qualifications.
- 21.2-2.05. Prohibitions.
- 21.2-2.06. Compensation and Expenses.
- 21.2-2.07. Organization, Meetings, Procedure, and Quorum and Voting.

**§ 21.2-2.01. Form of Government.**

The form of government established by this Charter shall be known as the “Commissioner-Manager” form.

**§ 21.2-2.02. Board of Township Commissioners: Composition, Eligibility, Manner of Election, and Terms of Office.**

(a) *Composition.* The Board of Township Commissioners shall consist of five (5) members.

(b) *Eligibility.* Only qualified voters of the Township shall be eligible to hold the office of Township Commissioner.

(c) *Manner of Election and Terms of Office.* Except as otherwise provided in this Charter, Township Commissioners shall be elected at large by the voters of the Township in the following manner: Terms of office shall be upon an alternating basis so that a majority of the Township Commissioners shall be elected at each municipal election to take the place of the Township Commissioners whose terms of office expire the following January. That Township Commissioner who receives the least number of votes of those Township Commissioners who are elected, shall serve for a two (2) year term of office. All other Township Com-

missioners shall serve for a four (4) year term of office. Terms of office shall commence on the first Monday of January following the respective municipal election.

**§ 21.2-2.03. Vacancies, Forfeiture of Office, Filling of Vacancies.**

(a) *Vacancies.* The office of Township Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of office.

(b) *Forfeiture of Office.* A Township Commissioner shall forfeit his office if he (1) lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony or a crime involving moral turpitude, or (4) fails to attend three (3) consecutive regular meetings of the Board without being excused by a majority of all Township Commissioners, except that Township Commissioner seeking such excuse shall be ineligible to vote thereon.

(c) *Filling of Vacancies.* A vacancy in the office of Township Commissioner shall be filled for the remainder of the unexpired term of office by a qualified person selected by a majority vote of all remaining Township Commissioners.

For purposes of this subsection, “qualified person” shall be defined as any person eligible to hold the office of Township Commissioner who is a member of the same political party as was his predecessor in office at the time of said predecessor’s in office appointment or last election; provided that said predecessor in office was a member of either the Democratic or Republican political parties at the time of his appointment or last election. Should the predecessor in office not have been a member of either political party at the time of his appointment or last election, “qualified person” shall be defined as any person eligible to hold the office of Township Commissioner. Despite the quorum provisions hereof, if at any time the membership of the Board of Township Commissioners is reduced to less than three (3), the remaining Township Commissioners may, by majority action, appoint additional qualified persons to the position of Township Commissioner to raise the membership to five (5). If the Board of Township Commissioners shall fail to fill a vacancy within thirty (30) days of the creation of that vacancy, the Court of Common Pleas of Mercer County shall, upon application of any registered Township voter, fill said vacancy in the same manner as set forth in this subsection. Upon the filling of such application, the Board of Township Commissioners shall have no power to fill said vacancy.

**§ 21.2-2.04. Judge of Qualifications.**

The Board of Township Commissioners shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on

demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Township at least one week in advance of the hearing. Decisions made by the Board of Township Commissioners under this section shall be subject to review by the courts.

**§ 21.2-2.05. Prohibitions.**

(a) *Holding Other Office.* No Township Commissioner shall hold any Township employment or any other elected Township, Commonwealth, or Federal office during the term for which he was elected or appointed to the Board of Township Commissioners; and no former Township Commissioner shall hold any compensated Township office or employment until one (1) year after the expiration of the term for which he was elected or appointed to the Board of Township Commissioners.

(b) *Appointments and Removals.* Neither the Board of Township Commissioners nor any of its members shall in any manner dictate the appointment or removal of any Township administrative officer or employee whom the Township Manager or any of his subordinates are empowered to appoint, promote, or remove, but the Board of Township Commissioners may, as a Board, express their views and fully and freely discuss with the Manager anything pertaining to the appointment, promotion, or removal of such officer or employee.

(c) *Interference with Administration.* Except for the purpose of inquiries and investigations as specified in § 21.3-3.07 of this Charter, the Board of Township Commissioners or its members shall deal with Township officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Board of Township Commissioners nor its members shall give orders to or in any manner direct any such officer or employee, either publicly or privately.

(d) *Influencing Decisions.* Neither the Board of Township Commissioners nor any of its members shall attempt to influence, in any manner whatsoever, the outcome of any case which is to be decided by any Township Commission, Board, or agency.

**§ 21.2-2.06. Compensation and Expenses.**

The Board of Township Commissioners shall, by ordinance, establish their annual salary, but no ordinance increasing such salary shall become effective until the date each new term of office of Township Commissioner commences, provided that such commencement of office follows the adoption of such ordinance by at least nine (9) months, Commissioners shall not receive reimbursement for any expenses incurred in the performance of their duties of office unless such expenses are reasonable, necessary, actually incurred, and receipts are made available for public information and inspection.

**§ 21.2-2.07. Organization, Meetings, Procedure, and Quorum and Voting.**

(a) *Organization.* The Township Commissioners shall organize on the first Monday of January of each year. If the first Monday is a legal holiday, the meeting shall be held the first day following. At such meetings the Board shall, by majority vote, elect one of their number as president and one as vice president, who shall hold office for a period of one year or so long as they continue to be Township Commissioners, whichever event occurs first. The president, or in his absence, the vice president, shall preside at all meetings of the Board of Township Commissioners and perform such other duties as are specified in this Charter or by ordinance.

(b) *Meetings.* Regular meetings shall be held once a month upon a regularly scheduled basis. Special meetings shall be held from time to time as may be necessary in the following manner: (1) Special meetings shall be called by the President of the Board of Township Commissioners or by written request of any three (3) Township Commissioners filed with the Township Secretary; and (2) notice of all special meetings, together with an agenda, shall be advertised at least twenty-four (24) hours in advance in a newspaper of general Township circulation. All meetings shall be public, however, the Board of Township Commissioners may recess or convene for the purpose of meeting in a closed or executive session, limited to its own membership and its advisor, provided the general subject matter to be considered is expressed in the motion calling for such session or is made available in a notice which shall be publicly posted by the Township Secretary at least six (6) hours prior to such session and that final action thereon shall not be taken by the Board of Township Commissioners until the matter is placed on the agenda for a regular or special meeting.

(c) *Rules of Procedure.* The Board of Township Commissioners shall determine its own rules of procedure and order of business and shall provide for keeping a journal of its proceedings which shall be a public record and open to public inspection.

(d) *Quorum and Voting.* A majority of the members of the Board of Township Commissioners shall constitute a quorum to do business, but a smaller number may convene and adjourn from time to time and may compel the attendance of absent members under penalty of twenty-five dollars (\$25.00) fine for each unexcused absence, said fine being deducted from that member's salary. Ordinances, resolutions, and motions shall be valid upon the affirmative vote of a majority of the Township Commissioners present at any regular or special meeting. No Commissioner present at any meeting shall be excused from voting on ordinances, resolutions, or motions except when a Township Commissioner has a conflict of interest, in which event, said Township Commissioner shall publicly state the conflict of interest, shall disqualify himself from voting, and shall not discuss, offer opinions, or seek to influence in any manner whatsoever, either publicly or privately, the outcome of such ordinance, resolution, or motion.

**Cross References**

This section cited in 343 Pa. Code § 21.3-3.04 (relating to emergency ordinances).

**ARTICLE III. POWERS OF THE BOARD OF TOWNSHIP  
COMMISSIONERS**

Sec.	
21.3-3.01.	General Powers.
21.3-3.02.	Manner of Exercising Powers.
21.3-3.03.	Ordinances in General.
21.3-3.04.	Emergency Ordinances.
21.3-3.05.	Resolutions in General.
21.3-3.06.	Motions in General.
21.3-3.07.	Investigations.

**§ 21.3-3.01. General Powers.**

All powers of the Township shall be vested in the Board of Township Commissioners, except as otherwise provided by this Charter, and the Board of Township Commissioners shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Township by law and by this Charter.

**§ 21.3-3.02. Manner of Exercising Powers.**

(a) *In General.* Except as otherwise provided in this Charter, all acts of the Board of Township Commissioners shall be in the form of ordinances, resolutions, or motions, which shall be exercised in the manner set forth in this Article; provided that no final action shall be taken thereon until all interested persons have had the opportunity to be heard, and provided further that no ordinance or resolution shall be effective until a certified copy is recorded in the Ordinance and Resolution Book of the Township which shall at all times be available for public inspection.

(b) *Ordinance.* In addition to other acts required by this Charter to be done by ordinance, those acts of the Township shall be by ordinance which:

- (1) Adopt or amend any administrative code or establish, alter or abolish any Township department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes or assessments, except as otherwise provided in Article VII with respect to the property tax levied by adoption of the budget;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or leasing of any Township lands;

(8) Adopt, with or without amendment, actions proposed under the initiative power;

(9) Amend or repeal any ordinance previously adopted, including any action reconsidered under the referendum power; and

(10) Action that the Board of Township Commissioners may deem appropriate to be in the form of an ordinance.

(c) *Resolutions.* In addition to other acts required by the Charter to be done by resolution, those acts of the Township shall be by resolution which:

(1) Have the effect of law, but do not provide for any fine or penalty;

(2) Provide for rules and regulations governing or pertaining to Township departments or employees;

(3) Provide for commendations of merit or achievement to any individual or organization.

(d) *Motions.* Except as otherwise provided in this Charter, all acts of the Board of Township Commissioners shall be by motion.

**§ 21.3-3.03. Ordinances in General.**

(a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The Township of Hickory hereby ordains . . . .” Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the Board of Township Commissioners. Upon introduction of any ordinance, the Township Secretary shall distribute a copy to each Township Commissioner and to the Manager, shall file a reasonable number of copies in the Office of the Township Secretary and such other public places as the Board of Township Commissioners may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing hereon and for its consideration by the Board. The public hearing shall follow the publication by at least seven (7) days, shall be held in connection with a regular or special meeting, and may be adjourned from time to time. After the hearing, the Board of Township Commissioners may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the Board of Township Commissioners may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the Township Secretary shall have it published again together with a notice of its adoption.

(c) *Effective Date.* Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of seven days after adoption or any later date specified therein.

(d) *“Publish” Defined.* As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the Township:

- (1) The ordinance or a brief summary thereof, and
- (2) The places where copies of it have been filed and the times when they are available for public inspection.

#### Cross References

This section cited in 343 Pa. Code § 21.3-3.04 (relating to emergency ordinances).

### § 21.3-3.04. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Board of Township Commissioners may adopt one or more emergency ordinances, but such ordinance may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in § 21.7-7.09(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency does exist and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and nothing contained in § 21.2-2.07(b) relating to advance notice or § 21.3-3.03(b) relating to procedure shall limit the Board of Township Commissioners’ power to enact an emergency ordinance. After its adoption the ordinance shall be published and printed as prescribed for other ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 21.7-7.09(b) shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

#### Cross References

This section cited in 343 Pa. Code § 21.7-7.09 (relating to amendments after adoption).

### § 21.3-3.05. Resolutions in General.

(a) *Form.* Every proposed resolution shall be introduced in writing and in the form required for final adoption. No resolution shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be “The

Township of Hickory hereby resolves ...” Any resolution which repeals or amends an existing resolution shall set out in full the resolution, sections, or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

(b) *Procedure.* A resolution may be introduced by any member at any regular or special meeting of the Board of Township Commissioners. Upon consideration of any resolution, the Township Secretary shall distribute a copy to each Township Commissioner and to the Manager. A resolution may be adopted with or without amendment or rejected at the meeting at which it is introduced, provided the subject matter of said resolution is placed on the agenda if it is to be presented and adopted at a regular or special meeting, or if it is to be adopted at a special meeting. Upon adoption of the resolution, the Township Secretary shall file a reasonable number of copies in the Office of the Township Secretary and such other public places as the Board of Township Commissioners may designate.

**§ 21.3-3.06. Motions in General.**

(a) *Form.* Motions may be either written or oral.

(b) *Procedure.* A motion may be introduced by any member at any regular or special meeting of the Board of Township Commissioners, provided that the subject matter of said motion is placed on the agenda if it is to be adopted at a special meeting.

**§ 21.3-3.07. Investigations.**

The Board of Township Commissioners may make investigations into the affairs of the Township and the conduct of any Township department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Board of Township Commissioners shall be guilty of a summary offense.

**Cross References**

This section cited in 343 Pa. Code § 21.2-2.05 (relating to prohibitions).

**ARTICLE IV. TOWNSHIP MANAGER**

Sec.	
21.4-4.01.	Appointment, Qualifications, Compensation.
21.4-4.02.	Removal.
21.4-4.03.	Acting Township Manager.
21.4-4.04.	Powers and Duties of the Township Manager.

**§ 21.4-4.01. Appointment, Qualifications, Compensation.**

The Board of Township Commissioners shall by resolution appoint a Township Manager for an indefinite term and fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications, either by training or education, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as herein outlined. He need not be a resident of the Township or Commonwealth at the time of his appointment but may reside outside of the Township while in office only with the approval of the Board of Township Commissioners.

**§ 21.4-4.02. Removal.**

The Board of Township Commissioners may remove the Manager from office, however, such removal shall be in accordance with the following procedures:

(1) The Board of Township Commissioners shall adopt by affirmative vote of a majority of all of its members a preliminary resolution which must state the reasons for removal. Such preliminary resolution shall immediately suspend the Manager from duty. A copy of the resolution shall be delivered promptly to the Manager.

(2) Within five days after a copy of the resolution is delivered to the Manager, he may file with the Board of Township Commissioners a written request for a public hearing. This hearing shall be conducted at a special meeting of the Board of Township Commissioners held not earlier than five (5) days nor later than fifteen (15) days after the request is filed. The Manager may file with the Board of Township Commissioners a written reply not later than five (5) days before the hearing.

(3) The Board of Township Commissioners may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The Manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the Board of Township Commissioners in removing the Manager shall not be subject to review by any Court or agency.

**§ 21.4-4.03. Acting Township Manager.**

By letter filed with the Township Secretary the Manager shall designate, subject to approval of the Board of Township Commissioners, a qualified Township administrative officer to exercise the powers and perform the duties of Manager during his temporary absence or disability. During such absence or disability, the

Board of Township Commissioners may revoke such designation at any time and appoint another officer of the Township to serve until the Manager shall return or his disability shall cease.

**§ 21.4-4.04. Powers and Duties of the Township Manager.**

The Township Manager shall be the chief administrative officer of the Township. He shall be responsible to the Board of Township Commissioners for the administration of all Township affairs placed in his charge by or under this Charter. He shall have the following power and duties:

- (1) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove any Township employees. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer’s department, office, or agency.
- (2) He shall direct and supervise the administration of all departments, offices, and agencies of the Township.
- (3) He shall attend all meetings of the Township Commissioners and shall have the right to take part in discussion but may not vote.
- (4) He shall see that all laws, provisions of this Charter and acts of the Board of Township Commissioners, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (5) He shall prepare and submit the annual budget and capital program to the Board of Township Commissioners.
- (6) He shall submit to the Board of Township Commissioners and make available to the public a complete report on the finances and administrative activities of the Township at the end of each fiscal year.
- (7) He shall make such other reports as the Board of Township Commissioners may require concerning the operations of the Township departments, offices, and agencies subject to his direction and supervision.
- (8) He shall keep the Board of Township Commissioners fully advised as to financial conditions and future needs of the Township and make such recommendations to the Board of Township Commissioners concerning the affairs of the Township as he deems desirable.
- (9) He shall perform such other duties as are specified in this Charter or may be required by the Board of Township Commissioners.

**ARTICLE V. APPOINTMENTS BY BOARD OF TOWNSHIP COMMISSIONERS**

Sec.	
21.5-5.01.	Power to Appoint.
21.5-5.02.	Township Solicitor.
21.5-5.03.	Township Secretary.
21.5-5.04.	Township Auditor.

**§ 21.5-5.01. Power to Appoint.**

Except as otherwise provided in this Charter, The Board of Township Commissioners shall appoint a Township Solicitor, a Township Secretary, a Township Auditor, and the members of various commissions, boards, or agencies which the Board of Township Commissioners may from time to time establish.

**§ 21.5-5.02. Township Solicitor.**

(a) *Appointment, Qualifications, Compensation and Term of Office.* On the first Monday of January following each municipal election, or as soon thereafter as practicable, the Board of Township Commissioners shall appoint a Township Solicitor, who shall be a member of the Bar of the Supreme Court of the Commonwealth of Pennsylvania. The Board of Township Commissioners shall fix the compensation of the Township Solicitor for his term of office. The term of office of the Township Solicitor shall be for a period of two (2) years beginning the first Monday in January following each municipal election, and continuing until his successor is duly appointed.

(b) *Duties.* The Township Solicitor shall give legal advice to the Board of Township Commissioners, the Township Manager, department heads, other officers of the Township, and to all Township departments, offices and agencies. He shall represent the Township in all legal proceedings and shall perform such other legal services as may be required of him by the Board of Township Commissioners, by the Township Manager, by the Charter, by law, or by ordinance.

(c) *Additional Legal Services.* The Board of Township Commissioners may procure such additional legal services as it may deem necessary to assist the Township Solicitor or represent any Township department, commission, or agency. Persons appointed to render such additional legal services shall be members of the Bar of the Supreme Court of the Commonwealth of Pennsylvania; shall serve a term of office as determined by the Board of Township Commissioners, not to exceed two (2) years; and shall receive such reasonable compensation as determined by the Board of Township Commissioners.

**§ 21.5-5.03. Township Secretary.**

(a) *Appointment, Term of Office and Compensation.* The Board of Township Commissioners shall appoint a Township Secretary for an indefinite term of office at such compensation as determined by the Board of Township Commissioners.

(b) *Duties.* The Township Secretary shall perform the following duties:

(1) He shall be the keeper of the Township Seal and no action of the Township shall be valid without his certification.

(2) He shall give notice to all Board meetings to its members and to the public and keep a journal of all such meetings.

(3) He shall perform such other duties as prescribed by ordinance, resolution, motion, or this Charter.

(c) *Assistant Township Secretary.* The Board of Township Commissioners may appoint an Assistant Township Secretary, who shall, in the absence of the Township Secretary, perform the duties and exercise the powers of the Township Secretary. The compensation of the Assistant Township Secretary shall be fixed by the Board of Township Commissioners and he shall serve an indefinite term of office.

**§ 21.5-5.04. Township Auditor.**

(a) *Appointment, Qualifications, Compensation and Term of Office.* The Board of Township Commissioners shall appoint as Township Auditor a certified public accountant or firm of such accountants who has no personal interest, direct or indirect, in the fiscal affairs of the Township government or any of its officers. The Board of Township Commissioners shall fix the Township Auditor’s compensation for his term of office. The term of office shall be established by the Board of Township Commissioners for a period not to exceed three (3) years.

(b) *Duties.* The Township Auditor shall provide an annual audit of all Township accounts and may provide for such more frequent audits as the Board of Township Commissioners may deem necessary.

**ARTICLE VI. ADMINISTRATIVE DEPARTMENTS**

- Sec. 21.6-6.01. General Provisions.
- 21.6-6.02. Personnel System.

**§ 21.6-6.01. General Provisions.**

(a) *Creation of Departments.* The Board of Township Commissioners may establish departments, offices or agencies, in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other departments.

(b) *Direction by Manager.* All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Board of Township Commissioners, the Manager may serve as the head of one (1) or more such departments, offices or agencies or may appoint one (1) person as the head of two (2) or more of them.

**Cross References**

This section cited in 343 Pa. Code § 21.8-8.01 (relating to planning and zoning director).

**§ 21.6-6.02. Personnel System.**

(a) *Merit Principle.* All appointments and promotions of Township officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(b) *Personnel Director.* The Manager, or such other person as designated by the Manager, shall serve as Personnel Director and shall administer the personnel system of the Township.

(c) *Personnel Rules.* The Personnel Director shall prepare personnel rules and regulations. The Board of Township Commissioners may, by resolution, adopt them with or without amendment. These rules and regulations shall provide for:

- (1) The classification of all Township positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all Township positions;
- (3) Methods for determining the merit and fitness of candidates for appointment or promotion;
- (4) The policies and procedures regulating reduction in force and removal of employees;
- (5) The hours of work, attendance regulations and provisions for sick and vacation leave;
- (6) The policies and procedures governing persons holding provisional appointments;
- (7) The policies and procedures governing relationships with employee organizations;
- (8) Policies regarding in-service training programs; and
- (9) Other practices and procedures necessary to the administration of the Township personnel system.

(d) *Personnel Board.* The Board of Township Commissioners shall establish a Personnel Board consisting of three (3) members appointed by the Board of Township Commissioners from among the qualified voters of the Township for terms of office of three (3) years. Members of the Personnel Board shall hold no other Township office or employment and shall serve without compensation. The Personnel Director shall provide necessary staff assistance for the Personnel Board. The Personnel Board shall prepare rules necessary for hearing grievances of Township employees, shall hear grievances of Township employees and shall render advisory opinions based on its findings to the Township Manager with a copy to the aggrieved employee.

**Cross References**

This section cited in 343 Pa. Code § 21.12-12.01 (relating to officers and employees).

**ARTICLE VII. FINANCIAL PROCEDURES**

Sec.	
21.7-7.01.	Fiscal Year.
21.7-7.02.	Submission of Budget.
21.7-7.03.	Budget Message.
21.7-7.04.	Budget.
21.7-7.05.	Capital Program.
21.7-7.06.	Action on Budget by the Board of Township Commissions.
21.7-7.07.	Action on Capital Program by the Board of Township Commissioners.
21.7-7.08.	Public Records.
21.7-7.09.	Amendments After Adoption.
21.7-7.10.	Lapse of Appropriations.
21.7-7.11.	Administration of Budget.
21.7-7.12.	Limitation of Tax Power.

**§ 21.7-7.01. Fiscal Year.**

The fiscal year of the Township shall begin on the first day of January of each year and end on the last day of December of that year. Such fiscal year shall also constitute the budget and accounting year, but need not constitute the tax year.

**§ 21.7-7.02. Submission of Budget.**

Annually, but no later than forty-five (45) days before the beginning of the fiscal year, the Manager shall submit to the Board of Township Commissioners a budget for the ensuing fiscal year and an accompanying message.

**§ 21.7-7.03. Budget Message.**

The Manager's message shall explain the budget both in fiscal terms and in terms of the work 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 Manager deems desirable.

**§ 21.7-7.04. 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 law or this Charter, shall be in such form as the Manager deems desirable or the Board of Township Commissioners may require. The total proposed expenditures shall not exceed the total of estimated income. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including

debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) 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; and,
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Township and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

#### § 21.7-7.05. Capital Program.

(a) *Definition of "Capital."* For the purpose of this Article, "capital" shall be defined as any project or equipment, including any extension or addition thereto or thereof, having a life expectancy in excess of, or to be financed over a period greater than six (6) years, or a value exceeding twenty thousand (\$20,000.00) dollars.

(b) *Submission to Board of Township Commissioners.* The Manager shall propose and submit to the Board of Township Commissioners a five (5) year capital program at least three (3) months prior to the final date for submission of the budget.

(c) *Contents.* The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement; and,
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information shall be reviewed and may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. New projects shall be added as their need becomes apparent.

#### Cross References

This section cited in 343 Pa. Code § 21.8-8.01 (relating to planning and zoning director).

**§ 21.7-7.06. Action on Budget by the Board of Township Commissioners.**

(a) *Notice and Hearing.* The Board of Township Commissioners shall publish in one or more newspapers of general circulation in the Township the general summary of the budget and a notice stating:

- (1) The time and places where copies of the message and budget are available for inspection by the public; and,
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

(b) *Amendment Before Adoption.* After the public hearing, the Board of Township Commissioners may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(c) *Adoption.* The Board of Township Commissioners shall, by ordinance, adopt the budget on or before the 25th day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Board of Township Commissioners adopts a budget for the ensuing fiscal year. No Township Commissioner shall receive any compensation or salary for that period of time for which no budget for the ensuing year was adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

**§ 21.7-7.07. Action on Capital Program by the Board of Township Commissioners.**

(a) *Notice and Hearing.* The Board of Township Commissioners shall publish in one or more newspapers of general circulation in the Township the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public; and,
- (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.

(b) *Adoption.* The Board of Township Commissioners shall, by ordinance, adopt the capital program with or without amendment after the public hearing and on or before the 25th day of the last month of the current fiscal year.

**§ 21.7-7.08. Public Records.**

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the Township.

**§ 21.7-7.09. Amendments After Adoption.**

(a) *Amendment After Adoption.* During the month of January following any municipal election, the Board of Township Commissioners may amend the budget, provided that the proposed amended budget or a general summary thereof is published in one or more newspapers of general circulation in the Township together with a notice stating:

(1) The time and places where copies of the proposed amended budget are available for inspection by the public; and

(2) The time and place, not less than five (5) days after such publication, for a public hearing on the proposed amended budget.

(b) *Supplemental Appropriations.* If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Board of Township Commissioners may, by ordinance, make supplemental appropriations for the year up to the amount of such excess.

(c) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the Board of Township Commissioners may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § 21.3-3.04. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of Township Commissioners may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(d) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Board of Township Commissioners, without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Board of Township Commissioners shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(e) *Transfer of Appropriations.* At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency, and upon written request by the Manager, the Board of Township Commissioners may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(f) *Limitations, Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### Cross References

This section cited in 343 Pa. Code § 21.3-3.04 (relating to emergency ordinances); 343 Pa. Code § 21.7-7.11 (relating to administration of budget).

### § 21.7-7.10. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

### § 21.7-7.11. Administration of Budget.

(a) *Work Programs and Allotments.* At such time as the Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to § 21.7-7.09.

(b) *Payments and Obligations Prohibited.* No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the Township for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds

or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

**§ 21.7-7.12. Limitation of Tax Power.**

The Board of Township Commissioners shall have no power to impose taxes upon real estate at a rate greater than twenty-five (25) mills.

**ARTICLE VIII. PLANNING AND ZONING**

Sec.

- 21.8-8.01. Planning and Zoning Director.
- 21.8-8.02. Township Planning Commission.
- 21.8-8.03. Adoption and Effect of Recommendations of Planning Commission.
- 21.8-8.04. Zoning Board.

**§ 21.8-8.01. Planning and Zoning Director.**

There shall be a Planning and Zoning Department headed by a director who shall be appointed by the Manager as provided in § 21.6-6.01 of this Charter. The Planning and Zoning Director shall have the following responsibilities:

- (1) To advise the Manager on any matter affecting the physical development of the Township;
- (2) To administer the zoning ordinance in accordance with its literal terms;
- (3) To participate in the preparation and revision of the capital program provided for in § 21.7-7.05;
- (4) To advise the Township Planning Commission and Township Zoning Board in the exercise of their responsibilities and in connection therewith to provide necessary staff assistance; and
- (5) To perform such other planning and zoning duties as the Township Manager may from time to time direct.

**§ 21.8-8.02. Township Planning Commission.**

(a) *Composition, Eligibility, Manner of Appointment, and Terms of Office.* There shall be a Township Planning Commission consisting of seven (7) members who shall be appointed by the Board of Township Commissioners from among the qualified voters of the Township in the following manner: Two (2) members shall be appointed to serve an initial term of office of one (1) year, two (2) members shall be appointed to serve an initial term of office of two (2) years, and three (3) members shall be appointed to serve an initial term of office of three (3) years. Thereafter, all terms of office shall be for a period of three (3) years. All vacancies occurring on the Township Planning Commission shall be filled by a qualified person appointed by the Board of Township Commissioners for the remainder of the unexpired term of office. Except as otherwise provided in

§ 21.8-8.04 of this Article, members of the Township Planning Commission shall hold no other Township office or position.

(b) *Duties.* The Township Planning Commission shall perform the following duties:

- (1) Make recommendations to the Board of Township Commissioners on all matters affecting the physical development of the Township and land usage in the Township. Such matters shall include, but not be limited to, a comprehensive plan and official map, zoning, housing and building codes, and land use and development regulations;
- (2) Administer land use and development regulations;
- (3) Review all matters affecting the physical development of the Township and land usage in the Township every two (2) years, and make recommendations thereon; and
- (4) Perform such other planning duties as the Board of Township Commissioners may direct.

In the performance of its duties, the Township Planning Commission shall have the power to obtain information and material from other Township departments as it relates to the work of the Township Planning Commission; to make examination and surveys of any land located within the Township; and with the consent of the Board of Township Commissioners, to obtain assistance from County, Commonwealth, or Federal governments or any of their agencies, or from private sources.

**§ 21.8-8.03. Adoption and Effect of Recommendations of Planning Commission.**

(a) *Adoption.* Upon receipt of any recommendation of the Planning Commission, the Board of Township Commissioners shall reject or adopt it, with or without amendment.

(b) *Effect.* The comprehensive plan shall serve as a guide to all future action of the Board of Township Commissioners concerning the physical development of the Township and land usage in the Township. Before acting on any matter affecting the physical development of the Township or land usage in the Township, the Board of Township Commissioners shall refer such matter to the Planning Commission which shall make recommendations thereon. Upon the adoption of any matter affecting the physical development of the Township or land usage in the Township, the Board of Township Commissioners shall report on the relationship between the action and the comprehensive plan, and in the event that the action does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with such report.

**§ 21.8-8.04. Zoning Board.**

(a) *Composition, Eligibility, Manner of Appointment and Terms of Office.* There shall be a Zoning Board consisting of three (3) members who shall be

appointed by the Board of Township Commissioners from among the qualified voters of the Township. Terms of office shall be for three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. All vacancies occurring on the Zoning Board shall be filled by a qualified person appointed by the Board of Township Commissioners for the remainder of the unexpired term of office. No member of the Zoning Board shall hold any other Township office or position, except that one (1) member of the Zoning Board may also serve as a member of the Township Planning Commission.

(b) *Duties.* The Zoning Board shall hear all appeals from decisions of any Township officer charged with enforcing the Township Zoning ordinance; and shall have the power to grant variances from and special exceptions to said zoning ordinance, and to interpret the language of said zoning ordinance; however the Zoning Board shall not have the power to pass upon the validity of any provision of said zoning ordinance.

The Zoning Board may grant a variance from the terms of the zoning ordinance as will not be contrary to the public health, safety, morals, and general welfare, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship to the land, and so that the spirit of the ordinance shall be observed and substantial justice done.

The Zoning Board may grant a special exception provided the zoning ordinance expressly allows said special exception, and provided further that the granting of the special exception does not adversely affect the public health, safety, morals, or general welfare.

In granting any variance or exception, the Zoning Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the zoning ordinance. The Zoning Board shall have the power of subpoena and the power to administer oaths in the performance of its duties, and shall have the power to prescribe its own rules of procedure.

#### **Cross References**

This section cited in 343 Pa. Code § 21.8-8.02 (relating to township planning commission).

### **ARTICLE IX. INITIATIVE AND REFERENDUM**

Sec.	
21.9-9.01.	General Authority.
21.9-9.02.	Commencement of Proceedings; Petitioners' Committee; Affidavit.
21.9-9.03.	Petitions.
21.9-9.04.	Procedure after Filing.
21.9-9.05.	Referendum Petitions; Suspension of Effect of Action.
21.9-9.06.	Action on Petitions.
21.9-9.07.	Results of Election.

**§ 21.9-9.01. General Authority.**

(a) *Initiative.* The qualified voters of the Township shall have the power to petition the Board of Township Commissioners to consider and take action on the subject matter of the petition; and, if the Board fails to so adopt the proposed action without any change in substance, the voters shall have the right to adopt or reject it at a Township election, provided that such power shall not extend to the budget or capital program or the levy of taxes.

(b) *Referendum.* The qualified voters of the Township shall have the power to require reconsideration by the Board of Township Commissioners of any action previously adopted by the Board; and, if the Board fails to repeal the subject matter sought to be reconsidered, the voters shall have the right to approve or reject it at a Township election, provided that such power shall not extend to the budget or capital program, to any emergency ordinance, to the levy of taxes, or to the salaries of any appointed Township officers or employees.

**§ 21.9-9.02. Commencement of Proceedings; Petitioners' Committee; Affidavit.**

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Township Secretary 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 action or citing the action sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the Township Secretary shall issue the appropriate petition blanks to the petitioners' committee.

**§ 21.9-9.03. Petitions.**

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the Township equal in number to at least ten (10%) per cent of the total number of qualified voters registered to vote at the last regular Township election.

(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 be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the action proposed or sought to be reconsidered.

(c) *Affidavit of Circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his presence, that he believes them to be the genuine signatures

of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the action proposed or sought to be reconsidered.

(d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within sixty (60) days after adoption by the Board of Township Commissioners of the action sought to be reconsidered.

#### Cross References

This section cited in 343 Pa. Code § 21.9-9.04 (relating to procedure after filing).

### § 21.9-9.04. Procedure after Filing.

(a) *Certificate of Township Secretary Amendment.* Within twenty (20) days after the petition is filed, the Township Secretary 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 if the petitioner's committee files a notice of intention to amend it with the Township Secretary within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of § 21.9-9.03 (b) and (c), and within five (5) days after it is filed the Township Secretary 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 sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request the Board of Township Commissioners review under subsection (b) of this Section within the time required, the Township Secretary shall promptly present his certificate to the Board of Township Commissioners and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Review by Board of Township Commissioners.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Board of Township Commissioners. The Board of Township Commissioners shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Board of Township Commissioners' determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court Review; New Petition.* A final determination as to the sufficiency of a petition shall be subject to Court review. A final determination or insufficiency, even if sustained upon Court review, shall not prejudice the filing of a new petition for the same purpose.

**§ 21.9-9.05. Referendum Petitions; Suspension of Effect of Action.**

When a referendum petition is filed with the Township Secretary, the action sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The Board of Township Commissioners repeals the action sought to be reconsidered, or
- (4) Thirty (30) days have elapsed after a vote of the Township on the action sought to be reconsidered.

**§ 21.9-9.06. Action on Petitions.**

(a) *Action by Board of Township Commissioners.* When an initiative or referendum petition has been finally determined sufficient, the Board of Township Commissioners shall promptly consider the proposed initiative action in the manner provided in Article III or reconsider the referred action by voting its repeal. If the Board of Township Commissioners fails to adopt a proposed initiative action without any change in substance within sixty (60) days or fails to repeal the referred action within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred action to the voters of the Township.

(b) *Submission to Voters.* The vote of the Township on a proposed or referred action shall be held not less than thirty (30) days and not later than one (1) year from the date of the final vote thereon by the Board of Township Commissioners. If no regular election is to be held within the period prescribed in this subsection, the Board of Township Commissioners shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the Board of Township Commissioners may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred action 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 preceding the day scheduled for a vote of the Township by filing with the Township Secretary a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**§ 21.9-9.07. Results of Election.**

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative action vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as action of the same kind adopted by the Board of Township Commissioners. If conflicting actions 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 electors voting on a referred action vote against it, it shall be considered repealed upon certification of the election results.

(c) *Re-enactment or Repeal.* The Board of Township Commissioners shall take no action inconsistent with an initiative action or referred action as approved or repealed by the voters for a period of two (2) years after said approval or repeal.

**ARTICLE X. TOWNSHIP TREASURER**

Sec.

21.10-10.01. Election, Term of Office, Qualifications, Vacancies and Compensation.

21.10-10.02. Duties.

**§ 21.10-10.01. Election, Term of Office, Qualifications, Vacancies and Compensation.**

(a) *Election and Term of Office.* The Township Treasurer shall be elected at large by the voters of the Township for a term of office of four (4) years.

(b) *Qualifications.* The Township Treasurer shall be a registered voter of the Township and shall be bondable in such amount as determined by the Board of Township Commissioners.

(c) *Vacancies.* The office of Township Treasurer shall become vacant upon his death, resignation, removal from office in any manner authorized by law, forfeiture of office, or lack of qualifications. Such vacancy shall be filled for the remainder of the unexpired term of office by a qualified person appointed by the Board of Township Commissioners.

(d) *Compensation.* The Township Treasurer shall receive such compensation as may be fixed by the Board of Township Commissioners.

**§ 21.10-10.02. Duties.**

The Township Treasurer shall be the tax collector for the Township, shall have charge of all Township monies from all sources, shall deposit the monies in such depositories as are designated by the Board of Township Commissioners, and shall perform such other duties as the Board of Township Commissioners may direct.

**ARTICLE XI. GENERAL PROVISIONS**

Sec.  
21.11-11.01. Personal Financial Interest.  
21.11-11.02. Prohibitions.  
21.11-11.03. Crimes and Offenses.  
21.11-11.04. Charter Amendment.  
21.11-11.05. Severability of Charter Provisions.

**§ 21.11-11.01. Personal Financial Interest.**

Any Township officer or employee who has a substantial financial interest; direct, indirect, or by reason of ownership of stock in any corporation; in any contract with the Township or in the sale of any land, material, supplies, or services to the Township or to a contractor supplying the Township shall make known that interest and shall refrain from voting upon or otherwise influencing or participating in his capacity as a Township officer or employee in the making or performance of such contract. Any Township officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position. Violation of this section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the Township shall render the contract or sale voidable by the Township Manager or the Board of Township Commissioners.

**§ 21.11-11.02. Prohibitions.**

(a) *Activities Prohibited.*

(1) No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any Township position or appointive Township administrative office because of race, sex, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any Township position or appointive Township administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive Township position.

(5) No person who holds any compensated appointive Township position shall make, solicit or receive any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs, or political campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

(b) *Penalties.* Any person who by himself or with others willfully violates any of the provisions of paragraphs one (1) through five (5) shall be guilty of a summary offense. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any Township office or position, and if an officer or employee of the Township, shall immediately forfeit his office or position.

**§ 21.11-11.03. Crimes and Offenses.**

(a) *In General.* Nothing contained in this Charter shall be construed as prohibiting the Township from enforcing any action or inaction which would constitute a criminal offense had this Charter not been adopted.

(b) *Summary Offenses.* The Board of Township Commissioners shall have the power to define summary offenses and provide for the enforcement thereof.

**§ 21.11-11.04. Charter Amendment.**

Amendments to this Charter shall be in the manner prescribed by law.

**§ 21.11-11.05. Severability of Charter Provisions.**

If any provision of this Charter is held invalid, for any reason whatsoever, the other provisions of the Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, for any reason whatsoever, the application of this Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE XII. TRANSITIONAL PROVISIONS**

Sec.	
21.12-12.01.	Officers and Employees.
21.12-12.02.	Departments, Offices and Agencies.
21.12-12.03.	Pending Matters.
21.12-12.04.	State and Municipal Laws.
21.12-12.05.	Schedule of Transition.

**§ 21.12-12.01. Officers and Employees.**

(a) *Rights and Privileges Preserved.* Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights and privileges of persons who are Township officers or employees at the time of its adoption.

(b) *Continuance of Office or Employment.* Except as specifically provided by this Charter, if at the time this Charter takes full effect a Township officer or

employee holds any office or position which is or can be abolished by or under this Charter, he shall continue in such office or position until his term of office expires or until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

(c) *Personnel System.* An employee holding a Township position at the time this Charter takes full effect, who was serving in that same or in a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to the personnel system provided for in § 21.6-6.02.

### § 21.12-12.02. Departments, Offices and Agencies.

(a) *Transfer of Powers.* If a Township department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the Township department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the Board of Township Commissioners.

(b) *Property and Records.* All property, records and equipment of any department, office or agency existing when this Charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the Board of Township Commissioners in accordance with this Charter.

### § 21.12-12.03. Pending Matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the Township department, office or agency appropriate under this Charter.

### § 21.12-12.04. State and Municipal Laws.

(a) *In General.* All Township ordinances, resolutions, and orders which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the Commonwealth of Pennsylvania permit, all laws relating to or affecting this Township or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

**§ 21.12-12.05. Schedule of Transition.**

(a) This Charter shall be presented to the voters of the Township for adoption or rejection at the General Primary Election to be held in May, 1974.

(b) In the event that this Charter is adopted by the voters of the Township, the following schedule of transition shall apply:

(1) Within thirty (30) days following the adoption of this Charter, the Board of Township Commissioners shall appoint nine (9) registered Township voters as a Commission to prepare and recommend to the Board of Township Commissioners an Administrative Code. The Administrative Code shall include the following:

(A) Provisions establishing Township Departments, their functions and duties,

(B) Provisions for entering into contracts including bidding procedures,

(C) Provisions for establishing special assessments, provided that all assessments be based upon the basis of benefit,

(D) Provisions for borrowing money, and

(E) Any other provisions which the Commission deems necessary.

(2) All elected Township officers, other than Township Commissioners, shall serve in their respective offices until their terms of office shall be filled in accordance with this Charter.

(3) The first election of a majority of Township Commissioners shall take place at the Municipal election to be held in November, 1975. Those remaining Township Commissioners shall continue to serve out their terms of office.

(4) Except as otherwise provided by this Charter, this Charter shall become fully effective on the first day of January, 1976. No action by the Board of Township Commissioners shall be valid after that date until an Administrative Code has been adopted, by ordinance, however, nothing contained in this Charter shall prevent adoption of an Administrative Code prior to that date.