

PART IV. TOWNSHIPS, SECOND CLASS

Chap. Sec.
31. TOWNSHIP OF KINGSTON HOME RULE CHARTER 31.1-101

**CHAPTER 31. TOWNSHIP OF
KINGSTON HOME RULE CHARTER**

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Source

The provisions of this Chapter 31 adopted May 21, 1974, effective January 5, 1976, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

- Sec.
31.1-101. Name.
- 31.1-102. Boundaries.

§ 31.1-101. Name.

Kingston Township shall continue to be a municipal corporation under its present name, "Kingston Township." As used in this charter, the word "Township" shall mean Kingston Township in Luzerne County, Pennsylvania.

§ 31.1-102. Boundaries.

The boundaries of the township shall be the actual boundaries of the township at the time this charter takes effect and as they may be lawfully changed thereafter.

ARTICLE II. POWERS OF THE TOWNSHIP

Sec.

31.2-201. Powers of the Township.

31.2-202. Construction.

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§ 31.2-201. Powers of the Township.

The township shall have all powers possible for it to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter.

§ 31.2-202. 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 the charter shall not be construed as limiting in any way the general power stated in this article.

§ 31.2-203. 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 III. BOARD OF SUPERVISORS

Sec.

31.3-301. Composition; Eligibility; Election and Terms.

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31.3-303. Chairman of Board of Supervisors.

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31.3-308. Township Clerk.

31.3-309. Investigations.

31.3-310. Procedure.

§ 31.3-301. Composition; Eligibility; Election and Terms.

(a) *Composition.* There shall be a board of supervisors of five members elected at large by the qualified voters of the township.

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

(c) *Election and Terms.* The regular election of supervisors shall be held on the general municipal election day as established from time to time by the laws

of the Commonwealth of Pennsylvania, commencing in the year 1975. At the first election under this charter (1975), three supervisors shall be elected; the two candidates receiving the greatest number of votes shall serve for terms of four years, and the one candidate receiving the next greatest number of votes shall serve for a term of two years. At the next regular election, two supervisors shall be elected, for terms of four years. Commencing at the next regular election and at all subsequent regular elections, either two or three supervisors shall be elected to serve terms of four years as required to replace supervisors whose terms are expiring and in order to maintain the number of supervisors at five.

§ 31.3-302. Compensation; Expenses.

The board of supervisors may determine the annual salary of supervisors by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of supervisors elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Supervisors shall receive reimbursement for their actual and necessary expenses incurred in the performance of their duties of office.

§ 31.3-303. Chairman of Board of Supervisors.

The board of supervisors shall elect from among its members officers of the township who shall have the titles of chairman and vice chairman, each of whom shall serve at the pleasure of the board of supervisors. The chairman shall preside at meetings of the board of supervisors, shall be recognized as head of the township government for all ceremonial purposes and by the governor for purposes of military law, but shall have no administrative duties. The vice chairman shall act as chairman during the absence or disability of the chairman.

§ 31.3-304. General Powers and Duties.

All powers of the township shall be vested in the board of supervisors, except as otherwise provided by law or this charter, and the board of supervisors shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the township by law.

§ 31.3-305. Prohibitions.

(a) *Holding Other Office.* Except where authorized by State or Federal law, no supervisor shall hold any other municipal office or employment during the term for which he was elected to the board of supervisors, and no former supervisor shall hold any compensated appointive township office or employment until one year after the expiration of the term for which he was elected to the board of supervisors.

(b) *Appointments and Removals.* Neither the board of supervisors nor any of its members shall in any manner dictate the appointment or removal of any township administrative officers or employees whom the township manager or

any of his subordinates are empowered to appoint, but the board of supervisors may express its views and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(c) *Interference with Administration.* Except for the purpose of inquiries and investigations under § 31.3-309, the board of supervisors 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 supervisors nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 31.3-306. Vacancies; Forfeiture of Office; Filling of Vacancies.

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

(b) *Forfeiture of Office.* A supervisor shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter or by law; (2) violates any express prohibition of this charter; (3) is convicted of a crime involving moral turpitude; or (4) fails to attend three consecutive regular meetings of the board of supervisors without being excused by the board of supervisors.

(c) *Filling of Vacancies.* If a vacancy shall occur in the office of the board of supervisors for any reason set forth in this charter, the remaining members of the board of supervisors shall fill such vacancy by appointing a person qualified under this charter to hold such office for the unexpired term thereof. If the board of supervisors shall refuse, fail or neglect, or be unable for any reason whatsoever, to fill such vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the board of supervisors or of any five (5) citizens of the township, fill the vacancy in such office by the appointment of a qualified resident of the township for the unexpired term of the office. Notwithstanding the requirement in section 310 that a quorum of the board of supervisors consists of three (3) members, if at any time the membership of the board of supervisors is reduced to less than three (3), the remaining members may by majority action appoint additional members to raise the membership to three (3).

Cross References

This section cited in 340 Pa. Code § 31.3-310 (relating to due procedure).

§ 31.3-307. Judge of Qualifications.

The board of supervisors 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 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 two (2) weeks in advance of the hearing. Decisions made by the board of supervisors under this section shall be subject to review by the courts.

§ 31.3-308. Township Clerk.

The board of supervisors may appoint an officer of the township who shall have the title of township clerk. The township clerk shall give notice of board of supervisors' meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned to him by this charter or by the board of supervisors.

§ 31.3-309. Investigations.

The board of supervisors 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 supervisors shall be guilty of a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300.00), or by imprisonment for not more than thirty (30) days, or both.

Cross References

This section cited in 340 Pa. Code § 31.3-305 (relating to prohibitions).

§ 31.3-310. Procedure.

(a) *Meetings.* The board of supervisors shall meet regularly at least once in every month at such times and places as the board of supervisors may prescribe by rule. Special meetings may be held on the call of the chairman or of three (3) or more members and upon no less than twenty-four (24) hours notice to each member. All meetings shall be public; however, the board of supervisors may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the board of supervisors except in public meeting.

(b) *Rules and Journal.* The board of supervisors shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) *Voting.* Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Three (3) members of the board of supervisors shall constitute a quorum, but a smaller number may adjourn from

time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the board of supervisors. No action of the board of supervisors, except as otherwise provided in the preceding sentence and in § 31.3-306, shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the board of supervisors.

ARTICLE IV. ORDINANCES AND REGULATIONS

Sec.

31.4-401. Action Requiring an Ordinance.

31.4-402. Ordinances in General.

31.4-403. Emergency Ordinances.

31.4-404. Codes of Technical Regulations.

31.4-405. Authentication and Recording; Codification; Printing.

Cross References

This article cited in 340 Pa. Code § 31.13-1309 (relating to temporary ordinances).

§ 31.4-401. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the township board of supervisors shall be by ordinance which:

- (1) Adopt or amend an 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;
- (4) Grant, renew or extend a franchise;
- (5) Authorize the borrowing of money;
- (6) Convey or lease or authorize the conveyance or lease of any lands of the township;
- (7) Adopt with or without amendment ordinances proposed under the initiative power; and
- (8) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article IX with respect to repeal of ordinances reconsidered under the referendum power. Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

§ 31.4-402. 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 Kingston hereby ordains ... " Any ordinance which repeals or amends an existing ordinance or part of the township administrative code 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 supervisors. Upon introduction of any ordinance, the township manager shall cause to be distributed a copy to each board member and to the chairman, shall file a copy in the office of the township manager and such other public places as the board of supervisors may designate, and shall publish the ordinance or a brief summary thereof, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the board of supervisors. The public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special board meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the board of supervisors 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 supervisors may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. Within thirty (30) days of the adoption of any ordinance, the clerk 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 thirty (30) days after adoption or at 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 340 Pa. Code § 31.4-404 (relating to codes of technical regulations).

§ 31.4-403. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the board of supervisors may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise or authorize the borrowing of money except as provided in § 31.7-707(d)(2). 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 exists 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, but the affirmative vote of at least three (3) members shall be required for adoption. After its adoption the ordinance shall be published and

printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 31.7-707(d)(2) shall automatically stand repealed as of the 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.

§ 31.4-404. Codes of Technical Regulations.

The board of supervisors may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of § 31.4-402 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the township clerk pursuant to § 31.4-405(a).

Copies of any adopted code of technical regulations shall be made available by the township clerk for distribution or for purchase at a reasonable price.

§ 31.4-405. Authentication and Recording; Codification; Printing.

(a) *Authentication and Recording.* The township clerk shall authenticate by his signature and record in full, in a properly indexed book kept for the purpose, all ordinances and resolutions adopted by the board of supervisors.

(b) *Codification.* Within three years after adoption of this charter, and at least every ten years thereafter, the board of supervisors shall provide for the preparation of a general codification of all township ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the board of supervisors by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Pennsylvania, and such codes of technical regulations and other rules and regulations as the board of supervisors may specify. This compilation shall be known and cited officially as the Kingston Township Code. Copies of the code shall be furnished to township officers, placed in libraries and public offices for free public reference, and made available for purchase by the public at a reasonable price fixed by the board of supervisors.

(c) *Printing of Ordinances and Resolutions.* The board of supervisors shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption; and the

printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the board of supervisors. Following publication of the first Kingston Township Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The board of supervisors shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Pennsylvania, or the codes of technical regulations and other rules and regulations included in the code.

Cross References

This section cited in 340 Pa. Code § 31.4-404 (relating to codes of technical regulations).

ARTICLE V. TOWNSHIP MANAGER

Sec.

31.5-501. Appointment; Qualifications; Compensation.

31.5-502. Removal.

31.5-503. Acting Township Manager.

31.5-504. Powers and Duties of Township Manager.

§ 31.5-501. Appointment; Qualifications; Compensation.

The board of supervisors shall 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. He need not be a resident of the township or state at the time of his appointment, but may reside outside the township while in office only with the approval of the board of supervisors.

§ 31.5-502. Removal.

The board of supervisors may remove the manager from office in accordance with the following procedures:

(1) The board of supervisors shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five (5) days after a copy of the resolution is delivered to the manager, he may file with the board of supervisors a written request for a public hearing. This hearing shall be held at a board meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The manager may file with the board of supervisors a written reply not later than five (5) days before the hearing.

(3) The board of supervisors 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 supervisors in suspending or removing the manager shall not be subject to review by any court or agency.

§ 31.5-503. Acting Township Manager.

By letter filed with the township clerk the manager shall designate, subject to approval of the board of supervisors, 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 supervisors 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.

§ 31.5-504. 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 supervisors for the administration of all township affairs placed in his charge by or under this charter. He shall have the following powers and duties:

- (1) He shall appoint and, when he deems it necessary for the good of the township, suspend or remove all township employees and appointive administrative officers, provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. 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, except as otherwise provided by this charter or by law.
- (3) He shall attend all board of supervisors' meetings 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 supervisors, 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 supervisors.
- (6) He shall submit to the board of supervisors and make available to the public a complete report on the finances and administrative activities of the township as of the end of each fiscal year, within forty-five (45) days of the end of such year.

(7) He shall make such other reports as the board of supervisors may require concerning the operations of township departments, offices and agencies subject to his direction and supervision.

(8) He shall keep the board of supervisors fully advised as to the financial condition and future needs of the township and make recommendations to the board of supervisors concerning the affairs of the township.

(9) He shall perform such other duties as are specified in this charter or as may be required by the board of supervisors.

ARTICLE VI. ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

Sec.

31.6-601. General Provisions.

31.6-602. Boards and Commissions.

31.6-603. Personnel System.

31.6-604. Legal Officer.

31.6-605. Planning.

§ 31.6-601. General Provisions.

(a) *Creation of Departments.* The board of supervisors may establish township 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.

(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 supervisors, the manager may serve as the head of one or more such departments, offices or agencies, or may appoint one person as the head of two or more of them.

§ 31.6-602. Boards and Commissions.

The board of supervisors may from time to time establish, by ordinance, various boards and commissions to act in an advisory capacity or to perform special functions. In all instances when such boards and commissions are constituted in the name of the township or directed to act on behalf of the township, the members thereof shall be appointed by the chairman of the board of supervisors, with the advice and consent of a majority of all the members of the board of supervisors. Except as may otherwise be provided by statute or by this charter, the chairman of the board of supervisors shall have authority to suspend or remove any member of such boards and commissions acting in the name or on behalf of the township.

§ 31.6-603. 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.* There shall be a personnel director, a position which may be filled by the manager as provided in section 601, or separately appointed by the manager, who shall administer the personnel system of the township.

(c) *Personnel Board.* There may be a personnel board consisting of five (5) members: the chairman of the board of supervisors, the township manager, and three members appointed by the board of supervisors for terms of three (3) years, from among the qualified voters of the township. The personnel director shall provide necessary staff assistance for the personnel board.

(d) *Personnel Rules.* The personnel director, if separately appointed, or the manager, shall prepare personnel rules. The manager shall refer such proposed rules to the personnel board, if established, which shall report its recommendations thereon. When approved by the manager, the rules shall be proposed to the board of supervisors, and the board of supervisors may by ordinance adopt them with or without amendment. These rules 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 appointment.
- (7) The policies and procedures governing relationships with employee organizations.
- (8) Policies regarding in-service training programs.
- (9) Grievance procedures, including procedures for the hearing of grievances by the personnel board, which may render advisory opinions based on its findings to the township manager with a copy to the aggrieved employee.
- (10) Other practices and procedures necessary to the administration of the township personnel system.

§ 31.6-604. Legal Officer.

There shall be a legal officer of the township, appointed by the board of supervisors, who shall serve as chief legal adviser to the board of supervisors, the

manager and all township departments, offices and agencies; shall represent the township in all legal proceedings; and shall perform any other duties prescribed by this charter or by ordinance.

§ 31.6-605. Planning.

The board of supervisors shall initiate planning for the township in accordance with the “Pennsylvania Municipalities Planning Code,” Act 247 of 1968, as amended.

ARTICLE VII. FINANCIAL PROCEDURES

Sec.

- 31.7-701. Fiscal Year.
- 31.7-702. Submission of Budget and Budget Message.
- 31.7-703. Budget Message.
- 31.7-704. Budget.
- 31.7-705. Capital Program.
- 31.7-706. Public Record.
- 31.7-707. Action on Budget.
- 31.7-708. Action of Capital Program.
- 31.7-709. Lapse of Appropriations.
- 31.7-710. Administration of Budget.
- 31.7-711. Independent Audit.
- 31.7-712. Fidelity Bonds.

§ 31.7-701. Fiscal Year.

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

§ 31.7-702. Submission of Budget and Budget Message.

On or before the 15th day of November of each year, the manager shall submit to the board of supervisors a budget for the ensuing fiscal year and an accompanying message.

§ 31.7-703. Budget Message.

The manager’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 reasons for such changes; summarize the township’s debt position; and include such other material as the manager deems desirable.

§ 31.7-704. 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 manager deems desirable or the board of supervisors may require. 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. The budget shall contain, inter alia, the following:

- (1) A general summary of its contents.
- (2) All estimated income, in detail, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- (3) All proposed expenditures, including debt service, for the ensuing fiscal year.
- (4) The number of proposed employees in every job classification.
- (5) 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) 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) 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.

§ 31.7-705. Capital Program.

- (a) *Submission to Council.* The manager shall prepare and submit to the board of supervisors a five-year capital program at least three (3) months prior to the final date for submission of the budget.
- (b) *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 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.
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

§ 31.7-706. 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, during regular business hours.

§ 31.7-707. Action on Budget.

(a) *Amendment Before Adoption.* After the public hearing, the board of supervisors 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.

(b) *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.

(c) *Tax Rates.* Immediately after the budget is finally adopted, the board of supervisors shall, by ordinance, set the tax rates and levy on the various subjects of taxation. The fixing of rates of taxation on the assessed valuation of all real property shall be in conformity with and subject to the Second Class Township Code as it may be amended from time to time. The board of supervisors shall determine the rate of all taxes which may be levied under the authority of the Local Tax Enabling Act, Act 511 of 1965, as amended.

(d) *Amendment After Adoption:*

(1) *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 supervisors, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.

(2) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the board of supervisors may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of section 403. To the extent that there are no available unappropriated revenues to meet such appropriations, the board of supervisors 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.

(3) *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 supervisors 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 supervisors 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.

(4) *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 supervisors may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(5) *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.

(e) *Appropriations.* Adoption of the budget and amendments thereof shall constitute appropriations for the expenditures set forth therein.

Cross References

This section cited in 340 Pa. Code § 31.4-403 (relating to emergency ordinance); and 340 Pa. Code § 31.7-710 (relating to administration of the budget).

§ 31.7-708. Action of Capital Program.

(a) *Notice and Hearing.* The board of supervisors 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 weeks after such publication, for a public hearing on the capital program.

(b) *Adoption.* The board of supervisors, by resolution, shall adopt the capital program, with or without amendment, after the public hearing and concurrently with action on the operating budget for the forthcoming fiscal year.

§ 31.7-709. 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 was made has been accomplished, but it shall lapse if three years pass without any disbursement from or encumbrance of the appropriation.

§ 31.7-710. Administration of the 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 peri-

ods 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 § 31.7-707(d).

(b) *Payment of Funds.* No payment of any funds of the township shall be made unless provided for in the budget and specifically approved by the board of supervisors; provided, however, that payroll and utility expenditures may be made at the direction of the manager where based upon a prior ordinance or contract. All checks or drafts of the township shall be signed by the manager and shall be counter-signed by the chairman or vice-chairman of the board of supervisors.

§ 31.7-711. Independent Audit.

The board of supervisors shall provide for an independent annual audit of all township revenues and accounts by a Certified Public Accountant who has no personal interest, direct or indirect, in the fiscal affairs of the township government or any of its elected or appointed officers. The board of supervisors may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the township shall be presented to the board of supervisors and published in a newspaper circulating generally in the township by April 1st of the year following the fiscal year audited.

§ 31.7-712. Fidelity Bonds.

Before entering upon the duties of their respective offices or positions, the township manager as well as any other officer, agent or employee of the township, as the board of supervisors may determine, shall execute and file with the township corporate surety bonds, conditioned for the honest and faithful performance of their respective duties, in such sums as shall be fixed by the board of supervisors. All such bonds and sureties thereon, before being accepted by the township, shall be approved by the township legal officer. The insurance carrier placing such bonds shall be determined by the board of supervisors and the premium therefore shall be paid by the township. Such bonds may provide for one or more additional obligees in the event that the officer bonded is acting in a dual or similar capacity with other political sub-divisions or governmental or quasi-governmental entities.

ARTICLE VIII. NOMINATIONS AND ELECTIONS

Sec.
31.8-801. Township Elections.

§ 31.8-801. Township Elections.

(a) *Regular Elections.* The regular township election shall be held as specified by the Pennsylvania Election Code.

(b) *Qualified Voters.* All citizens qualified by the constitution and laws of the State of Pennsylvania to vote in the township, and who satisfy the requirements for registration prescribed by law, shall be qualified voters of the township within the meaning of this charter.

(c) *Conduct of Elections.* The provisions of the general election laws of the State of Pennsylvania shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law.

ARTICLE IX. INITIATIVE AND REFERENDUM

Sec.

31.9-901. General Authority.

31.9-902. Commencement of Proceedings; Petitioners' Committee; Affidavit.

31.9-903. Petitions.

31.9-904. Procedure After Filing.

31.9-905. Referendum Petitions, Suspension of Effect of Ordinance.

31.9-906. Action on Petitions.

31.9-907. Results of Election.

Cross References

This article cited in 340 Pa. Code § 31.4-401 (relating to action requiring an ordinance).

§ 31.9-901. General Authority.

(a) *Initiative.* The qualified voters of the township shall have power to propose ordinances to the board of supervisors and, if the board of supervisors fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a township election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of township officers or employees.

(b) *Referendum.* The qualified voters of the township shall have power to require reconsideration by the board of supervisors of any adopted ordinance and, if the board of supervisors fails to repeal an ordinance so reconsidered, to approve or reject it at a township election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes.

§ 31.9-902. Commencement of Proceedings; Petitioners' Committee; Affidavit.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the township clerk an affidavit stating they will constitute the

petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

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

§ 31.9-903. Petitions.

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the township equal in number to at least fifteen (15) 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 ordinance 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 the 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 ordinance proposed or sought to be reconsidered.

(d) *Time for Filing Referendum Petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the board of supervisors of the ordinance sought to be reconsidered.

Cross References

This section cited in 340 Pa. Code § 31.9-904 (relating to procedure after filing).

§ 31.9-904. Procedure After Filing.

(a) *Certificate of Clerk; Amendment.* Within twenty (20) days after the petition is filed, the township clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of § 31.9-903(b) and (c) and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the

petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request board of supervisors' review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the board of supervisors and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Board of Supervisors' Review.* 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 days after receiving the copy of such certificate, file a request that it be reviewed by the board of supervisors. The board of supervisors shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the board of supervisors' 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 insufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

§ 31.9-905. Referendum Petitions; Suspension of Effect of Ordinance.

When a referendum petition is filed with the township clerk, the ordinance 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 supervisors repeals the ordinance, or
- (4) Thirty (30) days have elapsed after a vote of the township on the ordinance.

§ 31.9-906. Action on Petitions.

(a) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the board of supervisors 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 of supervisors fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days, or fails to repeal the referred ordinance within thirty (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 thirty (30) days and not later than one year from the date of the final board of supervisors' vote thereon. If no regular township election is to be held within the period prescribed in this subsection, the

board of supervisors 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 supervisors 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 preceding the day scheduled for a vote of the township by filing with the township clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force of effect and all proceedings thereon shall be terminated.

§ 31.9-907. Results of Election.

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance 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 ordinances of the same kind adopted by the board of supervisors. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE X. RECALL

Sec.

31.10-1001. Officers Subject to Recall.

31.10-1002. Recall Procedure.

31.10-1003. Notice to Incumbent.

31.10-1004. Recall Elections.

31.10-1005. Disqualification for Office.

31.10-1006. Limitations.

§ 31.10-1001. 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.

§ 31.10-1002. 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, his election district, 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 board of elections having jurisdiction over elections in the township. 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 number of signatures required thereon. The decision of the board of elections shall be subject to immediate review on appeal to the Court of Common Pleas.

§ 31.10-1003. Notice to Incumbent.

As soon as the board having jurisdiction over elections in the township has accepted a recall petition for filing and determined its validity and sufficiency, the chairman of the board shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

§ 31.10-1004. Recall Elections.

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 shall have been given to him, the board having jurisdiction over elections in the township 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 (10) 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 having jurisdiction thereon, unless such date is further postponed by order of court.

§ 31.10-1005. 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 years after his removal or resignation.

§ 31.10-1006. 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 also during the first year of such term.

ARTICLE XI. CONTRACTS

Sec.

- 31.11-1101. Requirements.
- 31.11-1102. Competitive Bids.
- 31.11-1103. Bidding Procedure.
- 31.11-1104. Exceptions to Competitive Bidding.
- 31.11-1105. Maximum Term of Certain Contracts.
- 31.11-1106. Eminent Domain.

§ 31.11-1101. Requirements.

All contracts of the township involving sums in excess of Two Thousand Five Hundred (\$2,500.00) Dollars shall be in writing and shall be executed on behalf of the township by the chairman of the board of supervisors or, in his absence, the vice chairman of the board of supervisors. The chairman of the board of supervisors shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the manager shall execute contracts on behalf of the township involving sums of less than Two Thousand Five Hundred (\$2,500.00) Dollars made pursuant to budget or other prior authorization. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any officer required to execute a written contract may request the township attorney to approve the same as to form.

§ 31.11-1102. Competitive Bids.

Except as otherwise provided in this charter, no contract for supplies, material, labor, franchise, or other valuable consideration, to be furnished to or by the

township, shall be authorized on behalf of the township, except with the best responsible bidder after competitive bidding.

§ 31.11-1103. Bidding Procedure.

The board of supervisors shall, by ordinance, establish a system of competitive bidding, including such definitions, publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver, and exceptions as it shall from time to time deem advisable.

§ 31.11-1104. Exceptions to Competitive Bidding.

Competitive bidding shall not be required under this charter for:

- (1) Labor or services rendered by any township officer or employee.
- (2) Labor, material, supplies, or services furnished by one township department to another township department.
- (3) Contracts for labor, material, supplies, or services available from only one vendor.
- (4) Contracts for labor, material, supplies, or services aggregating less than Two Thousand Five Hundred (\$2,500.00) Dollars for the item in the year supplied.
- (5) Contracts relating to the acquisition or use of real property.
- (6) Contracts for professional or unique services.
- (7) Contracts for insurance and surety company bonds.
- (8) Contracts for emergency repair of public works of the township.
- (9) Contracts with other governmental entities, authorities, agencies, of political sub-divisions.

§ 31.11-1105. Maximum Term of Certain Contracts.

The term of contracts for the purchase of supplies shall not exceed two years.

§ 31.11-1106. Eminent Domain.

The township shall have no authority to grant to others, by franchise, contract, or otherwise, its power and right of eminent domain.

ARTICLE XII. GENERAL PROVISIONS

Sec.

31.12-1201. Personal Financial Interest.

31.12-1202. Prohibitions.

31.12-1203. Charter Amendments.

31.12-1204. Separability.

§ 31.12-1201. Personal Financial Interest.

Any township officer or employee who has a substantial financial interest, direct or 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 participating in his capacity as a township officer or employee in the making of such sale or 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 and shall forfeit his office or position. Violation of this section with the knowledge express 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 township board of supervisors.

§ 31.12-1202. 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 solicit 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 this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars (\$300). Any person convicted under this section shall be ineligible for a

period of five 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.

§ 31.12-1203. Charter Amendment.

The terms of the “Home Rule Charter and Optional Plans Law,” Act 62 of 1972, as amended, shall govern any action to amend this charter.

§ 31.12-1204. Separability.

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

ARTICLE XIII. TRANSITION PROCEDURES

Sec.

- 31.13-1301. Rights and Liabilities of the Township.
- 31.13-1302. Ordinances to Remain in Force.
- 31.13-1303. Authority of Existing Elected Officials.
- 31.13-1304. Personnel System.
- 31.13-1305. Pending Actions and Proceedings.
- 31.13-1306. Continuance of Contracts, Public Improvements and Taxes.
- 31.13-1307. First Election.
- 31.13-1308. Time of Taking Full Effect.
- 31.13-1309. Temporary Ordinances.
- 31.13-1310. Initial Salary of Supervisors.
- 31.13-1311. Purpose of Schedule.

§ 31.13-1301. Rights and Liabilities of the Township.

The township shall continue to own, possess, and control all rights and property, of every kind and nature, owned, possessed or controlled by it when this charter takes effect, and shall be subject to all its debts, obligations, liabilities, and duties.

§ 31.13-1302. Ordinances to Remain in Force.

All ordinances, regulations and resolutions in force at the time this charter takes effect, which are not inconsistent with the provisions of this charter, shall remain and be in force until altered, modified or repealed by or under authority of this charter or ordinance.

§ 31.13-1303. Authority of Existing Elected Officers.

The supervisors in office at the time this charter becomes effective shall remain in office for the full terms for which they were originally elected. However, they

shall have the responsibilities, duties, compensation and authority only as set forth in and in pursuance of this charter. All other elected officials of the township in office at the time this charter becomes effective shall remain in office for the full term for which they were elected and they shall continue to perform the duties and receive the same compensation which they received prior to the adoption of this charter. However, should any of such other offices become vacant for any reason, the vacancies shall not be filled, but the duties of the offices shall, instead, pass to the persons designated in this charter.

§ 31.13-1304. Personnel System.

An employee holding a township position at the time this charter takes effect, who was serving in that same or 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 established pursuant to this charter.

§ 31.13-1305. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, pending at the time this charter shall take effect, brought by or against the township or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this charter or by anything herein contained.

§ 31.13-1306. Continuance of Contracts, Public Improvements and Taxes.

All contracts entered into by the township, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the township, which are uncollected at the time this charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

§ 31.13-1307. First Election.

At the time of its adoption, this charter shall be in effect to the extent necessary in order that the first election of members of the board of supervisors may be conducted in accordance with the provisions of this charter.

§ 31.13-1308. Time of Taking Full Effect.

This charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected board of supervisors on or after January 1, 1976.

§ 31.13-1309. Temporary Ordinances.

At its first meeting or at any meeting held within sixty (60) days thereafter, the board of supervisors may adopt temporary ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective township government. Every temporary ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for ordinances generally. A temporary ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at such later time preceding automatic repeal under this subsection as it may specify, and the referendum power shall not extend to any such ordinance. Every temporary ordinance, including any amendments made thereto after adoption, shall automatically stand repealed as of the 91st day following the date on which it was adopted, and it shall not be re-adopted, renewed or otherwise continued except by adoption in the manner prescribed in Article IV for ordinances of the kind concerned.

§ 31.13-1310. Initial Salary of Supervisors.

Members of the board of supervisors shall be compensated at the rate of Twenty-Five Dollars (\$25.00) per regularly scheduled and advertised meeting attended until such amount is changed by the board of supervisors in accordance with the provisions of this charter.

§ 31.13-1311. Purpose of Schedule.

The purpose of the foregoing provisions in this article is to provide a transition from the present government of the township of Kingston, Pennsylvania, to the new government provided for in this charter and to inaugurate the new government under the provisions of this charter. They shall constitute a part of this charter only to the extent and for the time required to accomplish that aim.

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