

PART III. TOWNSHIPS, FIRST CLASS

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CHAPTER 21. TOWNSHIP OF O'HARA HOME RULE CHARTER

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Source

The provisions of this Chapter 21 adopted November 6, 1973, effective January 5, 1976, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

- Sec.
 21.1-101. Name.
 21.1-102. Boundaries.

§ 21.1-101. Name.

The Township of O'Hara shall continue to be a municipal corporation under its present name, "Township of O'Hara." As used in this Charter, the word "Township" shall mean the Township of O'Hara in Allegheny County, Pennsylvania.

§ 21.1-102. 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.

21.2-201. Powers.

21.2-202. Construction.

21.2-203. Residual Powers in the Township Council.

§ 21.2-201. Powers.

The Township has, and may exercise, any power, and may perform any function not denied by the Constitution of Pennsylvania, by this Charter, or by the General Assembly at any time.

Cross References

This section cited in 302 Pa. Code § 21.2-202 (relating to construction).

§ 21.2-202. Construction.

The powers of the Township under this Charter shall be construed broadly 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. All possible powers of the Township, except as limited in § 21.2-201 above, are to be considered as if specifically and individually set forth in this article, whether such powers are presently available to the Township or may hereafter from time to time become available.

§ 21.2-203. Residual Powers in the Township Council.

All powers of the Township, including any such power which may hereafter be conferred on the Township by amendment of the Constitution of the United States or of the Constitution of Pennsylvania or of this Charter or by act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the Township Council. The Council shall be elected, shall organize, and shall function as provided in this Charter.

ARTICLE III. TOWNSHIP COUNCIL

Sec.

21.3-301. Composition.

21.3-302. Terms.

21.3-303. Election.

21.3-304. Qualifications of Council Members.

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- 21.3-306. Authority.
- 21.3-307. Prohibitions.
- 21.3-308. Vacancies.
- 21.3-309. Filling of Vacancies.
- 21.3-310. Organization of Council.
- 21.3-311. Presiding Officer of Council.

§ 21.3-301. Composition.

There shall be a Township Council of seven (7) members. Two shall be nominated and elected by the qualified voters of the Township at large, and one shall be nominated and elected by the qualified voters of each of the five wards of the Township. As of the effective date of this Charter, the boundaries of the five wards shall be those already established.

Within the year following that in which the federal decennial census is officially reported, and at such other times as the Council shall deem necessary, the Township shall be reapportioned into wards which shall be composed of compact and contiguous territory as nearly equal in population as practicable. The Council shall provide by ordinance procedures for the redistricting of the Township.

§ 21.3-302. Terms.

The terms of all Council members shall be four (4) years, commencing at 8 p.m. on the first Monday of January following the year in which they are elected; except that a Council member appointed to fill a vacancy shall serve only until his successor is elected, and that a Council member elected to fill a vacancy shall serve only for the balance of the unexpired term.

§ 21.3-303. Election.

The regular election of Council members shall be held on the regular 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 the two at-large members shall be elected to a four year term, and Council members from the First, Third, and Fifth Wards shall be elected to a two year term. At the next regular municipal election all five Council members elected by wards shall be elected for the full four year terms. At all subsequent regular municipal elections, the designated Council members shall be elected for full four year terms.

§ 21.3-304. Qualifications of Council Members.

A Council member shall be a citizen of the United States, shall be a resident of the Township, shall be a registered voter, and shall be a resident of the ward he represents if elected from a ward.

§ 21.3-305. Compensation.

Each Council member shall receive compensation at the rate of seventy-five dollars (\$75.00) per month. Council members shall receive no other compensation, direct or indirect, for the performance of their duties; they shall receive no pension, insurance or other forms of fringe benefits. They shall, however, be entitled to their actual and necessary expenses incurred in the performance of their duties. Expenses shall be fully disclosed. Any change in compensation for Council members shall be made only by ordinance submitted to the voters of the Township for approval or disapproval before becoming effective.

§ 21.3-306. Authority.

All Council authority shall be asserted by the Council as a body only. No individual Council member shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by the Council acting as a body.

§ 21.3-307. Prohibitions

(a) *Holding Other Office.* No Council member shall hold any other Township office or employment, compensated or uncompensated, nor may any Council member act as head of any administrative department. No former Council member shall hold an appointed Township office or employment, nor shall he act as a paid consultant to the Township, until after the expiration of his full term of office.

(b) *Appointments and Removals.* Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any Township officers or employees whom the Manager is empowered to appoint, but the Council has the right to discuss with the Manager anything pertaining to the appointment and removal of such officers and employees.

(c) *Interference with Administration.* Except for the purpose of inquiries and investigations, the Council or its members shall deal with Township officers or employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 21.3-308. Vacancies.

(a) *Vacancies.* The office of a Council member shall become vacant upon his death, resignation, or forfeiture of his office.

(b) *Forfeiture of Office.* A Council member 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 felony or a crime of moral turpitude, (4) shall be absent from three consecutive regular meetings of the Council without being

excused by the Council. In the case of failure of attendance, the Council shall declare such office vacant at least (10) days before the same shall be filled by appointment.

(c) *Judge of Eligibility.* The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office.

§ 21.3-309. Filling of Vacancies.

A vacancy in the Council for any reason set forth in this Charter shall be filled for the remainder of the unexpired term, if any, at the next election (falling at least seventy (70) days after the vacancy occurs). Council by a majority vote of its remaining members shall appoint a qualified person, from the same political affiliation as the person being replaced, to serve until the next General Municipal Election.

If the Council shall refuse, fail or neglect, or be unable for any reason whatsoever, to fill such vacancy within thirty-one (31) days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Council 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 or Ward.

Source

The provisions of this § 21.3-309 amended November 8, 1983, effective November 8, 1983.

Cross References

This section cited in 302 Pa. Code § 21.3-311 (relating to presiding officer of council).

§ 21.3-310. Organization of Council.

The Township Council shall organize at 8:00 p.m. on the first Monday of January of each even numbered year, or if the first Monday is a legal holiday, the meeting shall take place the first day following. The Council may transact any business it deems necessary or appropriate at the organization meeting.

§ 21.3-311. Presiding Officer of Council.

(a) *President.* The presiding officer shall be known as the President of Council. The President of Council shall be the member at-large receiving the greatest number of votes in the regular municipal election. The President of Council shall preside at meetings of Council, shall have a voice and vote in its proceedings, and shall be recognized as the head of the Township government for ceremonial purposes, but shall have no administrative duties.

(b) *Vice President.* The Vice President of Council shall be the member at-large receiving the second greatest number of votes in the regular municipal election. The Vice President of Council shall act as President in the absence or disability of the President.

(c) *Vacancy.* In case the office of the President of Council shall become vacant, the Vice President shall become President during the remainder of the unexpired term of the President. The Council shall then appoint from its members a new Vice President, and the vacancy on Council shall be filled as provided in § 21.3-309 of this Charter. If the office of Vice President should become vacant, then the Council shall appoint a new Vice President from its members for the remainder of the unexpired term of the Vice President.

ARTICLE IV. OPERATION AND PROCEDURES OF TOWNSHIP COUNCIL

Sec.

21.4-401. Meetings.

21.4-402. Records.

21.4-403. Public Meetings.

21.4-404. Operating Rules.

21.4-405. Quorum.

21.4-406. Majority Action.

21.4-407. Form of Action by Council.

21.4-408. Citizens' Right to be Heard.

21.4-409. Inquiries and Investigations.

§ 21.4-401. Meetings.

(a) Regular meetings of the Council shall be held at least once a month at a regularly scheduled time which shall be publicly announced following the January organization meeting. Council may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held.

(b) Special meetings may be called by the President of Council or upon written request of a majority of the members thereof. Members shall have at least forty-eight (48) hours' notice of such special meetings. The notice shall state whether it is for general or special purposes, and if it is for special purposes, the notice shall contain a statement of the nature of the business to be considered. Presence at a meeting constitutes waiver of notice. In the case of a special meeting called solely to consider an emergency ordinance, as much notice as is possible shall be provided.

§ 21.4-402. Records.

Council shall make and preserve minutes and records of its official proceedings. These records shall be open for public inspection during regular business hours.

§ 21.4-403. Public Meetings.

All official meetings of the Council shall be open for public attendance, and shall be publicly announced in advance of the meeting date. All official votes of the Council shall be taken openly.

§ 21.4-404. Operating Rules.

Council shall, by ordinance, adopt rules of procedure for its meetings. Such rules shall be designed so as to assure full and equal participation in the deliberations of the Council by all of its members. Council may establish such *ad hoc* committees as may from time to time be deemed necessary to perform a particular function, or study a matter of special concern. No more than three (3) Council members shall sit on a committee. This provision shall not be interpreted to prohibit Council from appointing citizens to a committee. Council is not bound by the recommendations of any committee, nor shall any Council action require the approval of any committee before or after the fact.

§ 21.4-405. Quorum.

A majority of the members of Council shall constitute a quorum. The Council shall conduct no business except in the presence of a quorum.

§ 21.4-406. Majority Action.

No action of Council shall be valid or binding unless adopted by the majority of the total members of Council, or as otherwise stated in this Charter.

§ 21.4-407. Form of Action by Council.

Official actions of Council may be taken by adoption of an ordinance, of a resolution, or by motion. All ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by ordinance. All other actions of Council shall be by resolution or motion, unless otherwise required in this Charter, or in the ordinance establishing the rules of Council procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each member of Council shall be entered in the minutes of the meeting.

§ 21.4-408. Citizens' Right to be Heard.

Council shall provide reasonable opportunity for interested citizens and taxpayers to address the Council on matters of general or special concern. The opportunity may be afforded the public either at the regular monthly meeting or at another public monthly meeting specially set for this purpose. Citizens requesting to speak on an ordinance or resolution shall be provided a reasonable opportunity to speak before the ordinance or resolution is passed.

§ 21.4-409. Inquiries and Investigations.

The Council shall have power, by resolution, to appoint committees or commissions of its own members or of citizens to conduct inquiries and investigations into the conduct of any officer or department, or any matter relating to the welfare of the Township, and shall delegate to such committees or commission such powers of inquiry as the Council may deem necessary.

ARTICLE V. ORDINANCES AND RESOLUTIONS

Sec.

- 21.5-501. Certain Specific Actions Requiring an Ordinance.
- 21.5-502. General Ordinance Requirements.
- 21.5-503. Penalty.
- 21.5-504. Publication and Effective Date of Ordinances.
- 21.5-505. Recording of Ordinances and Resolutions.
- 21.5-506. Ordinances Requiring Prior Public Notice.
- 21.5-507. Emergency Ordinances.

§ 21.5-501. Certain Specific Actions Requiring an Ordinance.

In addition to any other actions required by law or by this Charter to be taken by ordinance, those actions of the Township Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any Township office, position, or department.
- (2) Adopt or amend a code establishing a personnel system for the Township.
- (3) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than One Dollar (\$1.00) per violation.
- (4) Levy taxes.
- (5) Grant, review or extend a franchise.
- (6) Establish, alter or abolish rates charged for any utility or other service supplied by the Township.
- (7) Authorize the borrowing of money.
- (8) Convey or lease, or authorize the conveyance or lease, of any lands of the Township.
- (9) Establish wages, hours or fringe benefits of any employees of the Township.
- (10) Provide for any question to be submitted to the voters of the Township for approval or disapproval.
- (11) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.

§ 21.5-502. General Ordinance Requirements.

(a) *Form.* Every proposed ordinance shall be introduced in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Township of O'Hara hereby ordains:"

(b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, copies shall be distributed to each Council member and to the Manager, and copies of the proposed ordinance shall be made available to the public. No ordinance shall be introduced and passed at the same meeting of Council.

(c) *Contents.* Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting where final action thereon was taken. The official seal of the Township shall be affixed to the original copy of each ordinance. However, failure on the part of the presiding officer to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.

§ 21.5-503. Penalty.

The penalty for the violation of any ordinance shall not exceed five hundred dollars (\$500.00) for each violation, or thirty (30) days' imprisonment in default of payment of fine. However, any ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such. The limit of fines may be increased by Council to the extent of the maximum fine that may be levied by any non-charter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

§ 21.5-504. Publication and Effective Date of Ordinances.

After adoption, all ordinances shall be published one time in a newspaper circulating generally within the Township. The full text of the ordinance need not be published; instead the title and general summary of the substance of the ordinance will be sufficient to meet publication requirement, and notice of the place where the ordinance is on file and may be examined must be given. Publication shall occur within thirty (30) days of the enactment of the ordinance. The effective date of the ordinance shall be the publication date unless a later date is specified in the ordinance or required by general law.

§ 21.5-505. Recording of Ordinances and Resolutions.

All ordinances and resolutions of the Township shall be entered verbatim in permanent separate record books for ordinances and resolutions. No ordinance shall be considered in force until the same is recorded in the ordinance book. The ordinance book and the resolution book shall be open and available for public

inspection during regular business hours. These books shall be in the custody and control of the Township Manager and all entries therein shall be at the direction of the Manager.

§ 21.5-506. Ordinances Requiring Prior Public Notice.

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon and at least ten (10) days' prior public notice thereof published in a newspaper circulating generally in the Township.

- (1) Zoning ordinance and amendments thereto.
- (2) Adoption of the zoning map and amendments thereto.
- (3) Subdivision regulations.
- (4) Land development and land use regulations.
- (5) Building Code and amendments thereto.
- (6) New taxes or increases in the rates of existing taxes. No prior public notice shall be necessary for the reenactment of taxes levied annually at the same rate.

If, in considering the enactment of an amendment to the zoning ordinance, it appears that the area as described in the proposed amendment will be either enlarged or diminished, or if the zoning district classification in the proposed zoning ordinance amendment is proposed to be changed in any way, then in that event there will have to be a new public hearing and a new published public notice as herein before described.

§ 21.5-507. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances. 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 at the meeting at which it is introduced. It may become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61) day following the date on which it was adopted. 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 302 Pa. Code § 21.18-1807 (relating to temporary ordinances).

ARTICLE VI. TOWNSHIP MANAGER

Sec.

- 21.6-601. Appointment, Qualifications and Compensation.
- 21.6-602. Powers and Duties of the Township Manager.
- 21.6-603. Removal.
- 21.6-604. Acting Manager.

§ 21.6-601. Appointment, Qualifications and Compensation.

The Council shall appoint a Township Manager and shall fix his compensation. The Manager shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his training and/or experience in municipal management. He need not be a resident of the Township or the State at the time of his appointment.

§ 21.6-602. 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 Council for the administration of all Township affairs placed in his charge. He shall have the following powers and duties:

- (1) He shall direct and supervise the administration of all departments and offices except as otherwise provided by this Charter or by general law.
- (2) He shall appoint, and when he deems it necessary for the good of the service, suspend or remove all Township employees and appointed administrative officers on the basis of merit and civil service system principles, except as otherwise provided by 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.
- (3) He shall see that all laws and provisions of the Charter and acts of Council subject to enforcement by him or by officers subject to his supervision and direction are faithfully executed.
- (4) He shall attend all Council meetings and shall have the right to take part in discussions, but shall not vote.
- (5) He shall prepare and submit the annual budget and capital expenditures program to the Council together with explanatory comment, and shall administer the approved budget.
- (6) He shall submit to the Council 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.
- (7) He shall make such other reports as the Council may require concerning the operations of departments and offices subject to his direction and supervision.
- (8) He shall keep the Council and public informed as to the conduct of Township affairs.

(9) He shall negotiate and sign contracts for the Township subject to the approval of the Council.

(10) He shall perform the duties of the Township secretary in causing appropriate records to be made, preserved and certified, as required by law or other action of Council. He shall attest the execution of all instruments and record all ordinances, and he shall have custody of the municipal corporate seal. He shall, where required, acknowledge and execute documents as Township secretary.

(11) He shall have the duty to sign such papers, obligations and documents that are properly presented to him as may be required by law.

(12) He shall collect and receive for the Township treasury all taxes, fees, assessments or charges that are levied or established by the Township for general or special purposes unless Council shall designate another person or agency to collect such taxes. If a school district or other taxing body empowered to collect taxes within the Township shall enter into agreement with the Township for the collection of said taxes, the Manager shall collect such taxes unless Council shall designate another person or agency. The Manager shall receive no special compensation as tax collector, and any payments by a school district or other taxing body for collection of taxes shall accrue to the Township and not to the Manager.

(13) He shall have authority to represent the Township in deliberations with other governmental bodies and, subject to final ratification of Council, to negotiate inter-governmental cooperation agreements pursuant to Section 5 of Article IX of the Constitution of the Commonwealth of Pennsylvania.

(14) He shall perform such other duties as are designated by the Council.

§ 21.6-603. Removal.

The Council may remove the Manager at any time, with or without cause.

§ 21.6-604. Acting Manager.

The Manager may designate, in writing, an employee of the Township to exercise the duties of Manager during his temporary absence or disability. During such absence or disability, the Council 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.

ARTICLE VII. TOWNSHIP SOLICITOR

Sec.

21.7-701. Appointment, Qualifications and Compensation.

21.7-702. Powers and Duties of the Township Solicitor.

21.7-703. Access to Records.

21.7-704. Removal.

§ 21.7-701. Appointment, Qualifications and Compensation.

The Council shall appoint a Township Solicitor for an indefinite term and shall fix his compensation. The Township Solicitor shall be a person learned in law with at least five (5) years' experience in active legal practice in the Commonwealth of Pennsylvania.

§ 21.7-702. Powers and Duties of the Township Solicitor.

The Township Solicitor shall be the chief legal officer of the Township. He shall have the following powers and duties:

(1) He shall, whenever required, furnish his opinion on any question of law to the Council, to the Manager, and to all Township boards and commissions, which may be submitted in their official capacities.

(2) He shall supervise, direct and control the law matters of the Township. No official or official body of the Township shall employ additional counsel in pursuance of their official capacities without approval of the Council, except that independent counsel shall not be denied to any board or commission should Council bring any legal action against said board or commission.

(3) He shall commence and prosecute all legal actions brought by the Township, as well as defend all actions or suits against the Township whether brought against the Township generally or against a Township officer in pursuance of his official duties.

(4) He shall prepare or approve all contracts, bonds and other instruments in which the Township is concerned.

(5) Upon request of the Council or the Manager, he shall prepare or assist in preparing any ordinance or resolution for presentation to the Council.

(6) The Township Solicitor may from time to time perform his duties by delegation of authority to persons acting as his agents.

§ 21.7-703. Access to Records.

The Township Solicitor shall have the right of access at all times to the records of any officer, department, board or commission of the Township.

§ 21.7-704. Removal.

The Council may remove the Township Solicitor at any time, with or without cause.

ARTICLE VIII. ADMINISTRATIVE DEPARTMENTS

Sec.

21.8-801. General Provisions.

21.8-802. Administrative Code.

§ 21.8-801. General Provisions.

The Council shall by ordinance create any office, position or department, and determine the powers and duties of the same, as may be deemed necessary for the proper and efficient conduct of the affairs of the Township. Any office, position or department so created may at any time be abolished by Council.

§ 21.8-802. Administrative Code.

The Council shall adopt by ordinance an administrative code which shall provide for administrative procedures not otherwise provided for in this Charter or by general law.

Cross References

This section cited in 302 Pa. Code § 21.18-1803 (relating to time limitation for adopting administrative code).

ARTICLE IX. CITIZEN BOARDS AND COMMISSIONS

Sec.

21.9-901. General Provisions.

21.9-902. Planning and Zoning.

§ 21.9-901. General Provisions.

Council shall create a Planning Commission, a Zoning Hearing Board, a Parks and Recreation Commission, and such other citizen boards and commissions as required by this Charter, by general law, or as Council may deem appropriate. It is the intent of this Charter that, where practicable, each such board and commission include one citizen from each of the wards of the Township.

Regulations and procedures of such boards and commissions shall be included in the administrative code.

Boards and commissions which are advisory in nature shall make recommendations to the Manager and to the Council, but shall have no authority to give orders to any Township employee.

§ 21.9-902. Planning and Zoning.

Procedures specified in the Pennsylvania Municipal Planning Code as amended from time to time shall be applicable to all matters before the Planning Commission or the Zoning Hearing Board.

ARTICLE X. TREASURER

- Sec.
- 21.10-1001. Election.
- 21.10-1002. Term.
- 21.10-1003. Qualifications.
- 21.10-1004. Powers and Duties of the Treasurer.
- 21.10-1005. Compensation.
- 21.10-1006. Vacancy.

§ 21.10-1001. Election.

There shall be a Treasurer elected by the qualified voters of the Township at large on the regular municipal election day established by law, commencing in the year 1977.

§ 21.10-1002. Term.

The term of the Treasurer shall be four (4) years, commencing the first Monday of January following the year in which he is elected, except that a Treasurer appointed to fill a vacancy shall serve only for the balance of the unexpired term.

§ 21.10-1003. Qualifications.

The Treasurer shall be a qualified voter of the Township who shall be learned and knowledgeable in financial matters.

§ 21.10-1004. Powers and Duties of the Treasurer.

The Treasurer shall have responsibility to review, investigate and report on the fiscal operation and affairs of the Township. He shall have the following powers and duties:

- (1) He shall be responsible for establishing all accounting policies, methods, and procedures.
- (2) He shall have control of the accounts of all Township departments engaged in the collection, receipt, or disbursement of public moneys and the management or custody thereof.
- (3) He shall see to the prompt deposit of Township moneys from all sources in a banking institution or trust company in the name of the Township.
- (4) He shall have prepared all checks or drafts for the payment or transfer of Township moneys.
- (5) He shall disburse Township moneys only upon order, the form thereof to be prescribed by Council, designating the appropriation out of which such order shall be paid. No such order shall be paid unless there is sufficient unencumbered money in the respective appropriation to pay the item, making due allowance for whatever specific discretionary latitude the Council may grant the Township Manager in executing the budget.

(6) He may require evidence that the amount to be paid on any order is due to the person to be paid, and that the supplies or services to be paid for have been furnished or delivered according to law and the terms of the contract.

(7) He shall investigate any financial matter requested of him by the Council or the Manager.

(8) He shall cause to be made such examinations and internal audits of the financial and business records of the Township as dictated by good business methods and practices.

(9) He shall prepare for Council regular monthly statements of Township finances, and shall furnish reports to the Council and Township Manager to facilitate effective monitoring of the execution of the budget.

(10) He may evaluate physical inventories and investigate related matters.

(11) He shall cooperate and work with the Township Manager and Council in the preparation and adoption of the annual budget and of long range plans, particularly with regard to projections of revenues, expenditures, and cash flow.

(12) He shall advise the Township Manager and the Council on auditing and accounting provision of contracts, leases, and agreements entered into by the Township.

(13) He shall review all Township insurance, including employees' indemnity bonds, and recommend to Council adequate safe-guards for the properties and business of the Township.

(14) He shall suggest plans to Council, as often as he deems expedient or Council shall direct, for the investment of Township funds and improvement of Township finances.

(15) He shall advise Council concerning adoption or amendment of the Purchasing Code.

(16) He may delegate actual performance of such of his duties as he deems appropriate. Such delegation will not diminish any of his responsibility. He may designate, in writing, an officer of the Township to exercise the duties of Treasurer during his temporary absence or disability, subject to approval of the Council.

(17) He shall render to Council, whenever requested, an account of his transactions as Treasurer.

(18) He shall exhibit the books and accounts to Council, and for audit, and make them available to the public during regular business hours.

(19) He shall annually state his accounts and present them together with the books and vouchers for audit.

(20) He shall perform such other duties of a fiscal nature as are designated by Council.

§ 21.10-1005. Compensation.

The Treasurer shall receive such compensation as ordained by Council from time to time; provided, he shall receive a minimum of two hundred dollars

(\$200.00) per month. No ordinance changing his compensation shall become effective until the date of commencement of the term of the Treasurer elected at the next regular municipal election after such compensation change. The Treasurer shall be entitled to actual and necessary expenses incurred in the performance of his duties.

§ 21.10-1006. Vacancy.

The Council may fill any vacancy occurring in the office of Township Treasurer by death, resignation, removal from the Township, or otherwise. The person so appointed shall hold office for the balance of the unexpired term. If Council shall refuse, fail, neglect, or be unable to fill such vacancy within thirty-one (31) days after the vacancy shall occur, then the Court of Common Pleas shall, upon the petition of Council or of any five citizens of the Township, fill the vacancy by appointment of a qualified resident of the Township.

ARTICLE XI. AUDITORS

Sec.

- 21.11-1101. Election.
- 21.11-1102. Term.
- 21.11-1103. Qualifications.
- 21.11-1104. Meetings.
- 21.11-1105. Powers and Duties.
- 21.11-1106. Compensation.
- 21.11-1107. Vacancies.
- 21.11-1108. Independent Post Audit.

§ 21.11-1101. Election.

There shall be three (3) Auditors elected by the qualified voters of the Township at large. One Auditor shall be elected every two years on the regular municipal election day established by law.

§ 21.11-1102. Term.

The term of the Township Auditors shall be six (6) years, commencing the first Monday of January following the year of election, except for an Auditor filling a vacancy.

§ 21.11-1103. Qualifications.

The Auditor shall be a qualified voter of the Township and shall not be a Township employee nor hold any other appointive or elective office in the Township.

§ 21.11-1104. Meetings.

The Auditors shall meet annually on the day following the first meeting of Council in January. They shall meet subsequently as necessary to fulfill the duties and responsibilities of their office. Two Auditors shall constitute a quorum.

§ 21.11-1105. Powers and Duties.

The Auditors shall have the following powers and duties.

(1) They shall annually audit, settle, and adjust the accounts of the Council, Township Manager, Treasurer, and all other persons receiving and disbursing, or authorizing the disbursement of moneys of the Township during the preceding fiscal year, unless an independent audit is authorized by the Township Council for a particular fiscal year.

(2) The Auditors shall complete their audit, settlement, and adjustment within as short a time as possible, and shall file copies thereof with the Manager and such other officials as required by general law, by April first following the close of the fiscal year. The Auditors' report and financial statement, highlighting any discrepancies or unusual finds, shall be signed by all the Auditors. The report shall be duly verified by the oath of one of the Auditors, and made available to the public. Publication of a concise financial statement shall be made, within ten (10) days after completion, in a newspaper circulating generally within the Township.

(3) They shall audit specific accounts of the Township when requested in writing by the Council. Such special audits shall require not more than five (5) days in any fiscal year, and the results of such audits shall be available to the public.

§ 21.11-1106. Compensation.

Each Auditor shall receive a per diem rate set by Council of not less than ten dollars (\$10.00) for each day necessarily employed in the duties of his office, to be paid out of funds of the Township. A day shall consist of not less than five (5) hours in the aggregate. In completing their annual audit, the Auditors shall not be employed more than thirty (30) days.

§ 21.11-1107. Vacancies.

When a vacancy occurs in the office of Township Auditor, the Court of Common Pleas shall, upon the petition of the Council or of five (5) qualified voters, appoint a suitable person to fill such vacancy until the next General Municipal Election at least seventy (70) days after the vacancy occurs, at which time the qualified voters of the Township shall elect a replacement to fill the office for the balance of the unexpired term.

Source

The provisions of this § 21.11-1107 amended November 8, 1983, effective November 8, 1983.

§ 21.11-1108. Independent Post Audit.

An independent post audit shall be conducted every year of the Township's financial records by a certified public accountant or accounting firm which has no personal interest, direct or indirect, in the fiscal affairs of the Township government or any of its officers. The independent auditor shall be appointed by Council.

Source

The provisions of this § 21.11-1108 adopted May 21, 1991.

ARTICLE XII. BUDGET AND FISCAL MATTERS

Sec.

- 21.12-1201. Fiscal Year.
- 21.12-1202. Submission of Budget and Budget Messages.
- 21.12-1203. Budget Message.
- 21.12-1204. Budget.
- 21.12-1205. Public Record.
- 21.12-1206. Adoption of Budget.
- 21.12-1207. Amendment of Budget.
- 21.12-1208. Appropriations.
- 21.12-1209. Audit.
- 21.12-1210. Fidelity Bonds.
- 21.12-1211. Tax Levies.

§ 21.12-1201. Fiscal Year.

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

§ 21.12-1202. Submission of Budget and Budget Messages.

On or before the first day of November of each year the Manager shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

§ 21.12-1203. 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 the reasons for such changes, summarize the Township's debt position, and include such other material as the Manager deems desirable.

§ 21.12-1204. 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 Council 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, as a minimum the following:

- (1) It shall begin with a general summary of its contents.
- (2) It shall show in detail all estimated income, indicating the existing and proposed tax levies, as well as other assessments, fees and charges.
- (3) It shall show all proposed expenditures, including debt service, for the ensuing fiscal year.
- (4) It shall show the number of proposed employees in every job classification.
- (5) It shall be so arranged as to show comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.
- (6) It shall indicate proposed expenditures during the ensuing fiscal year, detailed by offices and departments, in terms of their respective work programs and the methods of financing such expenditures.
- (7) It shall indicate proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditure.
- (8) It shall project a capital expenditures program for a three to five year period, including the proposed method of financing. If a capital reserve is to be established, the requirements for use of such funds shall be set forth in advance by the Council.

The total of proposed expenditures shall not exceed the total of estimated receipts and accumulated surplus.

§ 21.12-1205. 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.

§ 21.12-1206. 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 twenty (20) days.

§ 21.12-1207. Amendment of Budget.

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

§ 21.12-1208. Appropriations.

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

§ 21.12-1209. Audit.

Results of the annual audit and a financial statement of the fiscal affairs of the Township shall be presented to Council by April first of the year following the fiscal year audited.

The Council shall provide for an independent audit, if none has been conducted in the preceding four (4) years, of all Township revenues and accounts by a public accounting firm with no personal interest, direct or indirect, in the fiscal affairs of the Township government or any of its officers.

§ 21.12-1210. Fidelity Bonds.

Before entering upon the duties of their respective offices or positions, the Township Manager and Treasurer as well as any other officer, agent or employee of the Township as the Council 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 Council. All such bonds and sureties thereon, before being accepted by the Township, shall be approved by the Township Solicitor. The agency placing such bonds shall be determined by the Council and the premium therefor 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.

§ 21.12-1211. Tax Levies.

The Council shall levy taxes only in accordance with general law. The maximum annual tax rate for general Township purposes on taxable real estate valuation shall not exceed the limit of twenty (20) mills without submitting a change in maximum rate to the voters of the Township for approval or disapproval. In addition to the tax for general Township purposes, Council shall have authority, when necessary, to impose an additional annual tax on taxable real estate valuation sufficient to pay interest on indebtedness and sinking fund charges.

ARTICLE XIII. CONTRACTS

Sec.

- 21.13-1301. Requirements.
- 21.13-1302. Purchasing Code.
- 21.13-1303. Purchasing Code Amendments.
- 21.13-1304. Eminent Domain.

§ 21.13-1301. Requirements.

Council shall establish by ordinance the procedures and authority for the execution of contracts by the Township. This ordinance shall be a Purchasing Code which shall be a distinct section of the Administrative Code. All contracts for supplies, material, labor, services or other valuable consideration shall be in accordance with this Purchasing Code.

§ 21.13-1302. Purchasing Code.

The Purchasing Code shall establish a system of competitive bidding, including such definitions, publication requirements, terms, regulations, exceptions and authority as shall be consistent with good and acceptable business practice.

The Purchasing Code shall include, but not be limited to the following:

- (1) The authority of the Manager shall be defined in terms of dollar limit, type, and duration of contracts which he may execute on behalf of the Township pursuant to budget or other prior authorization.
- (2) Authorization for contracts for the construction of public capital improvements shall be given by ordinance.
- (3) The President of Council, or in his absence, the Council's designated substitute shall execute all contracts regardless of amount for the purchase, sale, lease, or use of real estate.
- (4) All other contracts where authority is not granted to the Manager or where special authorization by ordinance is required shall be executed by the President of Council, or in his absence, the Council's designated substitute.
- (5) The Treasurer's involvement and duties in connection with Township contracts shall be defined, including the necessary interfaces with the Council or Manager prior to, during, or after contract awards. Such duties may involve the auditing, accounting or payment provisions.
- (6) Provision shall be made for review of a contract by the Solicitor prior to execution at the option of the person required to authorize the contract.
- (7) Except as specifically provided for in the Purchasing Code, all contracts shall be awarded to the lowest responsible bidder after competitive bidding in accordance with formal bidding procedures.
- (8) Prior approval of the Council shall be required for any solicitation of bids from a single source.
- (9) The requirements for executing the following types of controls shall specifically be covered.

- a) Labor or services rendered by any Township employee or elected official.
- b) Contracts for professional services.
- c) Contracts for the acquisition or use of real property.
- d) Contracts for emergency repairs to public works.
- e) Contracts for labor, material or supplies available from only one vendor.
- f) Contracts for labor, material, supplies or services aggregating less than an amount specified in the Purchasing Code for the item in the year supplied.
- g) Contracts with other governmental entities, authorities, agencies, or political sub-divisions.
- h) Contracts awarding franchises.
- i) Contracts with terms exceeding one year.

§ 21.13-1303. Purchasing Code Amendments.

Amendments to the Purchasing Code shall be by ordinance. The effective date of any ordinance amending the Purchasing Code shall not be sooner than thirty (30) days after passage of the ordinance.

§ 21.13-1304. 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 XIV. PERSONNEL

Sec.

- 21.14-1401. General Provisions.
- 21.14-1402. Civil Service Commission.
- 21.14-1403. Personnel System.
- 21.14-1404. Collective Bargaining Agreements.
- 21.14-1405. Civil Service Employee Pension Benefits.

§ 21.14-1401. General Provisions.

The Council shall establish, by ordinance, a personnel system for the Township based upon merit principles. This personnel system shall be incorporated in a Personnel Code which shall be a distinct section of the Administrative Code.

§ 21.14-1402. Civil Service Commission.

(a) *Election.* The Personnel Code shall provide for a Civil Service Commission consisting of five members who shall serve without compensation. One member shall be nominated and elected by the qualified voters of each of the five wards of the Township. The terms of office shall be four years. At the first election under this charter, members from the First, Third, and Fifth Wards shall be elected for a four year term; members from the Second and Fourth Wards shall

be elected for a two year term. At all subsequent regular municipal elections, Civil Service Commission members shall be elected for the full four year terms. Vacancies in an unexpired term shall be filled by the Council by appointment for the remainder of the term. If Council shall refuse, fail, neglect, or be unable to fill such vacancy within thirty-one (31) days after the vacancy shall occur, then the Court of Common Pleas shall, upon petition of Council or of any five citizens of the Township, fill the vacancy by appointment of a qualified resident of the Ward.

(b) *Qualifications.* A Civil Service Commissioner shall be a qualified voter of the Township and a resident of the ward he represents.

(c) *Prohibitions.* No member of the Civil Service Commission shall hold other elective office or hold appointive office in the Township or be an employee of the Township. No member shall be a member of a local, state, or national committee of a political party or be an officer in any partisan political club or organization.

(d) *Powers and Duties.* The Civil Service Commission shall have the following powers and duties:

(1) They shall advise Council and the Manager on the preparation of policies, procedures and regulations of the personnel system.

(2) They shall hear appeals in cases involving Township employees who have been suspended, demoted or removed, except for employees represented by collective bargaining agreements which provide for grievance procedures dealing with suspension, demotion or removal. If the Civil Service Commission determines that such action was taken fairly and in accordance with Township policies and procedures, they shall sustain the action. If the Civil Service Commission fails to uphold the action, then the employee shall be reinstated with full pay for the period for which he was suspended, removed, or demoted, and no charges shall be officially recorded against his record.

(3) They shall hear grievances and render advisory opinions based on their findings to the Manager with a copy to the aggrieved employee.

(4) They shall perform such other duties with reference to the personnel system, not inconsistent with this Charter as Council may require by ordinance.

§ 21.14-1403. Personnel System.

The Personnel Code as established by Council shall include as a minimum the following provisions:

(a) All appointments and promotions of employees below the level of department head shall be made solely on the basis of merit and fitness as demonstrated by examination or other evidence of position competence.

(b) If the Personnel Code should provide any basis other than competitive examination for appointment or promotion to the level of department head, then it shall provide that employees at the level of department head may be replaced at the discretion of the Manager. However, if the department head

replaced was an employee in said department prior to his appointment to the level of department head, he shall have the right to reappointment to the highest position which he formerly held, or to the position of his replacement, whichever is higher. Any provision of the Personnel Code inconsistent with the conditions of employment of any incumbent department head at the time the personnel system is adopted shall not be applicable to said incumbent but only to his successors.

(c) The Personnel Code shall contain the written policies, procedures and regulations of the personnel system prepared by the Manager, with the advice of the Civil Service Commission, and adopted with or without amendment by the Council. These rules shall include:

(1) The classification of all Township positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification whenever warranted by changed circumstances.

(2) A pay plan for all Township positions excluding that of Manager.

(3) Methods for determining the merit and fitness of candidates for employment or for promotion.

(4) The policies and procedures regulating reduction in force and disciplinary action, including suspension, demotion and removal of employees. No employee shall be suspended, demoted or removed because of political affiliation.

(5) A provision that no employee of the Township shall make, solicit or receive any contribution to the campaign funds of any candidate for Township office or take part in the political campaign of any candidate for Township office, but he may exercise his right as a citizen to express his opinions and to cast his vote.

(6) Grievance procedures, including procedures for the hearing of grievances.

(7) Training and developing employees to assure continuing high quality performance.

(8) The hours of work, attendance regulations, vacation leave and holidays, and provisions for overtime compensation.

(9) The policies and procedures governing persons holding provisional appointments.

(10) Other practices and procedures necessary to the administration of the Township personnel system.

§ 21.14-1404. Collective Bargaining Agreements.

Any provision regarding appointment, removal, promotion, compensation, grievance procedure, or other working condition, provided for or arrived at by collective bargaining shall supercede and nullify any corresponding provision of the Township personnel system. In particular, an employee covered by grievance

procedures or provisions for disciplinary action or removal in a collective bargaining agreement shall not also have the right of appeal to the Civil Service Commission.

§ 21.14-1405. Civil Service Employee Pension Benefits.

Civil Service employees shall not be entitled to any pension benefits in excess of those permitted under the laws of the Commonwealth of Pennsylvania applicable to non-home rule municipalities and including but not limited to Act 600 of 1956 (1956, May 29, P. L. (1955) 1804; 53 P. S. § 769).

Source

The provisions of this § 21.14-1405 amended November 5, 1996.

ARTICLE XV. INITIATIVE AND REFERENDUM

Sec.

- 21.15-1501. General Authority.
- 21.15-1502. Commencement of Proceedings.
- 21.15-1503. Petitions.
- 21.15-1504. Procedure after Filing.
- 21.15-1505. Referendum Petitions. Suspension of Ordinance.
- 21.15-1506. Action of Petitions.
- 21.15-1507. Results of Election.

§ 21.15-1501. General Authority.

(a) *Initiative.* The qualified voters of the Township shall have the power to propose ordinances to the Council by an initiative petition. If the Council fails to adopt the proposed ordinance without any change in substance, the ordinance shall be placed on the ballot at a regular or special election for adoption or rejection by the voters of the Township. The power of initiative shall not extend to the budget or capital program or to any ordinance relating to appropriation of money, levy of taxes, or salaries of Township employees.

(b) *Referendum.* The qualified voters of the Township shall have the power to require the Council to reconsider any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the ordinance shall be placed on the ballot at a regular or special election for adoption or rejection by the voters of the Township. The power to require reconsideration shall not extend to the budget or capital program, any emergency ordinance, or any ordinance relating to appropriation of money, or levy of taxes.

§ 21.15-1502. Commencement of Proceedings.

Any five qualified voters may begin initiative or referendum proceedings by filing with the Township Manager an affidavit stating that they will constitute the petitioners' committee, stating their names and addresses and the address to

which all notices to the committee are to be sent. The affidavit shall also include the full text of the proposed ordinance or cite the ordinance sought to be reconsidered. A filing fee of \$15.00 shall be paid by the petitioners' committee to cover expenses to the Township. Promptly after the affidavit of the petitioners' committee is filed, the Township Manager shall issue appropriate petition blanks to the committee. The petitioners' committee shall be responsible for circulating the petition and filing it in proper form within sixty (60) days after filing the committee's affidavit.

§ 21.15-1503. Petitions.

(a) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the Township equal in number to twenty-five (25%) per cent of the total number of qualified voters registered to vote at the last regular municipal 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 must be executed in ink or indelible pencil and must be followed by the date of the signature and address of the person signing. The full text of the ordinance proposed or sought to be reconsidered must be contained within or attached to each paper of the petition throughout its circulation.

(c) *Affidavit.* Each paper of the petition shall have attached to it when it is filed an affidavit of the circulator which states that to the best of his knowledge the persons whose signatures appear on the petition are registered voters of the Township, that their residences are correctly given, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that they signed with full knowledge of the contents of the petition.

(d) *Time for Filing Referendum Petition.* Referendum petitions must be filed no later than sixty (60) days after publications of the ordinance sought to be reconsidered.

§ 21.15-1504. Procedure after Filing.

(a) *Certification.* Within twenty (20) days after the petition is filed, the Township Manager shall certify its sufficiency, specifying in exactly which ways if any, it is deficient, and shall immediately 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 Manager within two days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of the certificate. Such supplementary petition shall comply with all the requirements of the original petition; within five (5) days after it is filed, the Township Manager

shall again certify the sufficiency of the amended petition and promptly send a copy of this certificate to the petitioners' committee by registered mail as in the case of the original petition.

(b) *Council Review.* If no certification is received by the petitioners' committee within the specified time, they may request a review by the Council. If a petition has been certified insufficient and the petitioners' committee does not file a notice of intention to amend the petition, or if an amended petition has been certified insufficient, the petitioners' committee may, within two days after receiving the copy of the certificate, file a request that the certificate be reviewed by Council. The Council shall review the certificate at its next meeting after the filing of the request and approve or disapprove it.

(c) *Court Review.* A final determination as to the sufficiency 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.

§ 21.15-1505. Referendum Petitions. Suspension of Ordinance.

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

1. There is a final determination of the insufficiency of the petition, or
2. The petitioners' committee withdraws the petition, or
3. The Council repeals the ordinance, or
4. Upon certification of the election results.

§ 21.15-1506. Action of Petitions.

(a) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the same manner as other ordinances or reconsider the ordinance cited in the referendum petition by voting its repeal. If the Council fails to adopt the proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the ordinance cited in the referendum petition within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or cited ordinance to the voters of the Township.

(b) *Submission to the Voters.* The vote of the Township on a proposed or cited ordinance shall be held, at the earliest available election, in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania. Copies of the proposed or cited ordinance shall be available to the public at least ten days before the scheduled election and 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 in the Township on the petition. No petition shall be withdrawn except by

written request signed by four members of the petitioners' committee. Upon filing of a withdrawal request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ 21.15-1507. Results of Election.

(a) *Initiative*. If a majority of the qualified voters on the question vote in favor of the proposed initiative ordinance, the ordinance 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 Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum*. If a majority of the qualified voters on the question vote in favor of repeal of the ordinance cited in the referendum petition, the ordinance shall be considered repealed upon certification of the election results.

ARTICLE XVI. RECALL

Sec.

- 21.16-1601. Officers Subject to Recall.
- 21.16-1602. Commencement of Proceedings.
- 21.16-1603. Petitions.
- 21.16-1604. Procedure after Filing.
- 21.16-1605. Notice to Incumbent.
- 21.16-1606. Recall Elections.
- 21.16-1607. Disqualification for Office.
- 21.16-1608. Limitations.

§ 21.16-1601. Officers Subject to Recall.

Any person holding a Township elective office, except for members of the Civil Service Commission, 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.

§ 21.16-1602. Commencement of Proceedings.

Any five qualified voters of the Township may begin recall proceedings by filing with the Township Manager an affidavit stating that they will constitute the petitioners' committee, stating their names and addresses and the address to which all notices to the committee are to be sent. The affidavit shall also name the office and the officer against whom the recall petition is directed. A filing fee of \$15.00 shall be paid by the petitioners' committee to cover expenses to the Township. The petitioners' committee shall be responsible for circulating the petition and filing it in proper form within sixty (60) days after filing the com-

mittee's affidavit. Promptly after the affidavit of the petitioners' committee is filed, the Township Manager shall issue the appropriate petition blanks to the committee.

§ 21.16-1603. Petitions.

(a) *Number of Signatures.* For an elective office of the Township at large recall petitions must be signed by qualified voters of the Township equal in number to thirty-five percent (35%) of the total number of qualified voters registered to vote at the last regular municipal election. For a Council member elected from a ward of the Township, recall petitions must be signed by qualified voters of that particular ward of the Township equal in number to thirty-five (35%) percent of the total number of qualified voters registered to vote at the last regular municipal 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 must be executed in ink or indelible pencil and must be followed by the date of the signature and the address of the person signing. The name of the office and officer against whom the recall petition is directed must be contained within each paper of the petition throughout its circulation.

(c) *Affidavit.* Each paper of the petition shall have attached to it when it is filed an affidavit of the circulator which states that to the best of his knowledge the persons whose signatures appear on the petition are registered voters of the Township, or of the ward in the case of a Council member elected by ward, that their residences are correctly given, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that they signed with full knowledge of the contents of the petition.

§ 21.16-1604. Procedure after Filing.

(a) *Certification.* Within twenty (20) days after the petition is filed, the Township Manager shall certify its sufficiency, specifying in exactly which ways if any, it is deficient, and shall immediately 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 Manager within two days after receiving the copy of the certificate and files a supplementary petition upon additional paper within ten (10) days after receiving the copy of the certificate. Such supplementary petition shall comply with all the requirements of the original petition; within five (5) days after it is filed, the Township Manager shall again certify the sufficiency of the amended petition and promptly send a copy of this certificate to the petitioners' committee by registered mail as in the case of the original petition.

(b) *Court Review.* A final determination as to the sufficiency 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.

§ 21.16-1605. Notice to Incumbent.

As soon as the Township Manager has determined the validity and sufficiency of a recall petition, he shall notify the incumbent named in the petition. Upon receipt of such notice, the incumbent may resign from his office, and thereupon the recall proceedings shall terminate.

§ 21.16-1606. Recall Elections.

If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after such notice from the Manager shall have been given to him, the Manager shall arrange for the earliest available election to be held, in accordance with the provisions of the election laws of the Commonwealth of Pennsylvania. 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 recall question shall be placed before the voters of the entire Township for an official elected at large, whereas the recall question shall be placed before the voters of the ward for a Council member elected from that ward.

The following question shall be presented to each registered voter 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 voter to vote “Yes” or “No” on the question.

If a majority of the registered voters 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 voters shall vote “No” he shall remain in office.

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

§ 21.16-1607. 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 appointment to any office of the Township within two (2) years after his removal or resignation.

§ 21.16-1608. 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 office for which he was elected. Any person holding an elective office shall be subject to removal from office at a recall election only one time during one term of office.

ARTICLE XVII. GENERAL PROVISIONS

Sec.

- 21.17-1701. Effective Date.
- 21.17-1702. Severability.
- 21.17-1703. Reference to General Laws.
- 21.17-1704. Charter Amendment.
- 21.17-1705. Election Procedures.
- 21.17-1706. Oath of Office.
- 21.17-1707. Restrictions on Holding Other Office.
- 21.17-1708. Prohibition of Activities.
- 21.17-1709. Conflict of Interest.

§ 21.17-1701. Effective Date.

This Charter shall become effective and shall be deemed operative for all purposes on and after the date and time of the first meeting of the newly elected Council on the first Monday of January of the year 1976. However, following its adoption, this Charter shall be in effect to the extent necessary in order that the first election of members of the Township Council may be conducted in accordance with provisions of this Charter. The first election shall be held on the regular municipal election date in November 1975. The first election of members of the Civil Service Commission shall be conducted in accordance with the provisions of this Charter, and one Auditor shall be elected, on the regular municipal election date in November 1975.

§ 21.17-1702. Severability.

It is the intention of the voters of the Township that 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.

§ 21.17-1703. Reference to General Laws.

All references to general laws contained in this Charter refer to the general laws of the Commonwealth of Pennsylvania and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections of any rearrangement of the general laws enacted subsequent to the adoption of the Charter.

§ 21.17-1704. Charter Amendment.

Amendments to this Charter may be proposed and adopted in accordance with the laws of the Commonwealth of Pennsylvania.

§ 21.17-1705. Election Procedures.

The procedure for nomination and election of all elected Township officials provided for in this Charter shall be established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

§ 21.17-1706. Oath of Office.

All elected officials, prior to assuming office, shall take and sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania. Such oath may be taken and signed before any judge, justice of the peace or notary public of the Commonwealth of Pennsylvania, and no person shall be permitted to assume such office until the oath, in written form, is filed with the Township.

§ 21.17-1707. Restrictions on Holding Other Office.

No person may concurrently hold more than one public elective office within or outside the Township, except that a person holding such office may be a member of the Township committee of any political party.

§ 21.17-1708. Prohibition of Activities.

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

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 fraud preventing the impartial execution of such provisions, rules and regulations.

Any person who, by himself, or with others, willfully violates any of these provisions, shall be guilty of a summary offense, and upon conviction thereof shall be punishable by a fine of not more than three hundred (\$300.00) dollars or by imprisonment for not more than thirty (30) days, or both.

§ 21.1709. Conflict of Interest.

In any case where an employee or any person serving the Township, in an elected or appointed capacity, knows, or by the exercise of reasonable diligence

could know, that he could benefit either financially or in any other material manner, either directly or indirectly, by:

- (1) Any contract for the sale or furnishing of any property for the use of the Township,
- (2) Any services to be rendered for the Township except for the service for which he is specifically retained,
- (3) Provisions of any ordinance or resolution, he shall notify the Council in writing. In case the interested person is a member of Council, he shall refrain from voting upon said matter.

Any person who shall violate the provisions of this section shall be liable to the Township, shall be removed from office or position, and shall be guilty of a summary offense, and upon conviction thereof, shall be punishable by a fine of not more than three hundred (\$300.00) dollars or by imprisonment for not more than thirty (30) days, or both.

ARTICLE XVIII. TRANSITIONAL PROVISIONS

Sec.

- 21.18-1801. Rights and Liabilities of the Township.
- 21.18-1802. Continuation of Ordinances.
- 21.18-1803. Time Limitation for Adopting Administrative Code.
- 21.18-1804. Authority of Existing Elected Officials.
- 21.18-1805. Members of Boards and Commissions.
- 21.18-1806. Preservation of Employee Rights and Privileges.
- 21.18-1807. Temporary Ordinances.

§ 21.18-1801. 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.

§ 21.18-1802. Continuation of Ordinances.

All ordinances, resolutions, rules, and regulations, or portions thereof, in force when this Charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded, or expired by their own terms. All ordinances and resolutions in continued effect as of the effective date of this Charter shall be construed as if enacted under this Charter, but as of the date of their original enactment.

§ 21.18-1803. Time Limitation for Adopting Administrative Code.

Within one hundred eighty (180) days after the effective date of this Charter, Council shall enact an administrative code, as provided in § 21.8-802 of this Charter, which shall include within it both a purchasing code and a personnel code.

§ 21.18-1804. Authority of Existing Elected Officials.

Township Commissioners in office at the time this Charter becomes effective shall remain in office as members of the Township Council 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 and receive the same compensation for the full term for which they were elected, and they shall assume the new duties as provided in this Charter. For the remainder of his unexpired term, the Treasurer shall continue to be the tax collector for the Township.

§ 21.18-1805. Members of Boards and Commissions.

Members of boards and commissions in office at the time this Charter becomes effective shall remain in office for as long as their respective terms of appointment shall continue, unless and until a board or commission shall be abolished, combined with another agency, or reconstituted, in which case, the members thereof shall vacate their respective offices upon notice from Council to do so.

§ 21.18-1806. Preservation of Employee Rights and Privileges.

Nothing in this Charter shall affect or impair the rights or privileges of persons who are Township employees at the time of its adoption. Any employee holding a Township position at the time this Charter takes full 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 provided for in this Charter.

§ 21.18-1807. Temporary Ordinances.

At the first meeting of the Township Council held under the provisions of this Charter, or any meeting held within sixty (60) days thereafter, the Council 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. Every temporary ordinance shall be plainly labeled as such, and shall be adopted and repealed in the same manner prescribed for emergency ordinances in § 21.5-507 of the Charter.

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