

TITLE 363

WASHINGTON COUNTY

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**PART I. WASHINGTON COUNTY HOME RULE
CHARTER**

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CHAPTER 31. TOWNSHIP OF PETERS HOME RULE CHARTER

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Source

The provisions of this Chapter 31 adopted November 6, 1973, effective January 5, 1976, unless otherwise noted.

ARTICLE I. NAME, BOUNDARIES, AND POWERS

Sec.

- 31.1-101. Name and Boundaries.
- 31.1-102. Powers.
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§ 31.1-101. Name and Boundaries.

a. *Name.* Peters Township shall continue to be a municipal corporation under its present name of Peters Township. As used in this charter, the word “township” shall mean Peters Township in Washington County, Pennsylvania.

b. *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.

§ 31.1-102. Powers.

Peters Township may exercise any power and perform any function of government not denied by the Constitution of the United States, by the Constitution of Pennsylvania, by this charter, or by the General Assembly at any time.

§ 31.1-103. Construction.

The powers of Peters Township 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.

ARTICLE II. TOWNSHIP COUNCIL

Sec.

- 31.2-201. Composition, Eligibility, Election, and Terms.
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- 31.2-203. General Powers and Duties.
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- 31.2-208. Vacancies, Forfeiture of Office, Filling Vacancies.
- 31.2-209. Judge of Qualifications.
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- 31.2-213. Penalty.
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- 31.2-215. Recording of Ordinances and Resolutions.
- 31.2-216. Ordinances Requiring Prior Public Notice.
- 31.2-217. Codes of Technical Regulation.
- 31.2-218. Emergency Ordinances.

§ 31.2-201. Composition, Eligibility, Election, and Terms.

a. *Composition.* There shall be a Council of seven members elected by the qualified voters of Peters Township. Four Councilmen shall be elected by district and three Councilmen shall be elected at large.

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

c. *Election and Terms.* The regular election of Councilmen shall be held at the municipal election in the manner provided by the state election code. At the first election under this charter, two Councilmen shall be elected at large for two years. At the next regular municipal election, five Councilmen shall be elected, four by districts and one at large, for a term of four years. In similar manner thereafter, two Councilmen shall be elected at large, and then, five Councilmen, four by district and one at large, at alternate municipal elections.

Each of the Councilmen elected after the initial election shall serve for a term of four years. The terms of Councilmen shall begin on the first Monday of January of the year after their election.

§ 31.2-202. Compensation; Expenses.

The Council may determine the annual salary of Councilmen by ordinance, but not ordinance increasing such salary shall become effective until the date of commencement of the terms of Councilmen elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six months. Councilmen shall receive no other compensation, direct or indirect, for the performance of their duties: they shall receive no pensions, insurance or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties.

§ 31.2-203. General Powers and Duties.

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

§ 31.2-204. Prohibitions.

a. No Councilman shall hold any other elective or appointive township office nor be an employee of the township during his term of office as a member of Council.

b. In all matters the Council shall act as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the township manager or any other officer, or for the Council or any of its members to direct or request the appointment of any person to, or his removal from office, or to interfere in any way with the performance by such

officers of their duties. The Council and its members shall deal with the administrative service solely through the township manager and shall not give orders to any subordinates of the township manager, either publicly or privately. These prohibitions shall not pertain to the power of Council to approve the appointment of department heads or to make inquiries and investigations as provided in § 31.2-205.

§ 31.2-205. Inquiries and Investigations.

The Council may make investigations and inquiries into the affairs of the township and the conduct of any township department, office, commission, authority, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Council may seek a contempt citation from the Court if any person refuses to obey a lawful order issued in the exercise of these powers by Council.

Cross References

This section cited in 363 Pa. Code § 31.2-204 (relating to prohibitions).

§ 31.2-206. Manager.

The Council shall appoint a township manager. The offices of township manager and of township secretary may be held by the same person.

§ 31.2-207. Boards and Departments.

The Council shall continue or create and determine and define the powers and duties of administrative departments, boards, and offices as it may deem necessary for the proper and efficient conduct of the affairs of the township. Any department, board, or office so continued or created may, at any time, be abolished by the Council.

§ 31.2-208. Vacancies, Forfeiture of Office, Filling Vacancies.

a. *Vacancies.* The office of Councilman shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this charter, or by forfeiture of office.

b. *Forfeiture of Office.* A Councilman shall forfeit his office if he:

1. lacks at any time during his term of office any qualifications for the office prescribed by this charter or by law;
2. violates any express prohibition of this charter;
3. is convicted of a crime involving a felony or misdemeanor, as well as murder in the first degree;
4. is absent from three consecutive regular meetings of the Council without being excused by Council.

c. *Filling of Vacancies.* Council shall declare the office vacant at least ten (10) days before the office shall be filled by appointment. The Council shall, by

the vote of a majority of its remaining members, fill such vacancy within thirty (30) days thereafter, by electing a qualified person to serve until that first Monday of January when his successor, who shall have been elected by the qualified voters at the next municipal election held at least two hundred (200) days after such vacancy occurs, is duly sworn into office for the remainder of the term of the person originally elected to said office. If Council fails to fill a vacancy on Council within thirty (30) days of the occurrence of the vacancy, then the Court of Common Pleas shall, upon petition of ten (10) or more qualified electors, fill such vacancy by the appointment of a qualified person for the portion of the unexpired term as above provided.

If the number of Councilmen becomes less than 4, then the remaining members of Council shall fill the vacancies on Council in the manner set forth in the Charter.

§ 31.2-209. Judge of Qualifications.

The Council shall be the judge of the 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 newspaper of general circulation in the township at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review of the courts in accordance with existing law.

§ 31.2-210. Procedures.

a. *Oath of Office.* The Councilmen, prior to assuming office, shall take and shall sign an oath of office as shall from time to time be prescribed by the laws of the Commonwealth of Pennsylvania.

b. *Meetings.* The Council shall meet and organize itself during the first week of January of each year. The Council shall meet regularly at least twice in every month at such times and places as the Council may prescribe by rule. The Council shall elect one of their number chairman of Council and one vice chairman for the purpose of the conduct of meetings. All meetings of Council at which any formal or informal vote is taken shall be public. Special meetings may be held upon the call of the chairman or upon written request of four or more members of Council provided that at least 24 hours notice is given to each Councilman.

c. *Rules and Journal.* The Council shall determine its own rules and order of business and shall provide for the keeping of minutes of its proceedings. The minutes of the Council shall be a public record. The agenda of business of all meetings of Council shall be made public at least 24 hours prior to the convening of Council. An emergency item may be added to the agenda upon a majority vote, if such item concerns the public health and safety.

d. *Voting.* All voting of Council shall be public. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the minutes. Four members of Council shall constitute a quorum for official business, 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 Council. The action of a majority of the Councilmen present and entitled to vote, unless otherwise stated, shall be binding upon and constitute action of Council.

e. *Citizens' Right to Be Heard.* The Council shall provide reasonable opportunity for interested citizens to address the Council on matters of general or special concern. This opportunity may be afforded the public either at the regular meetings of Council or at meetings held specially for this purpose.

§ 31.2-211. 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 Council shall be by ordinance which:

1. Adopt or amend an administrative code or establish, alter or abolish any municipal department, office, or agency;
2. Adopt or amend a code establishing a personnel system;
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 (\$1.00) dollar per violation;
4. Levy taxes;
5. Grant, renew 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. Purchase, convey or lease or authorize the purchase, conveyance or lease of any lands or the township;
9. Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion;
10. Establish wages, hours, or fringe benefits of employees of the township.

§ 31.2-212. Procedure.

Each ordinance shall be introduced in writing and in the form required for final adoption. An ordinance may be introduced by any member of Council at any regular or special meeting of Council. An ordinance not requiring prior notice may be adopted at the same meeting at which it is introduced. A copy of such proposed ordinance shall be on file with the manager. The Council shall adopt, amend, or reject ordinances upon majority vote.

Cross References

This section cited in 363 Pa. Code § 31.2-218 (relating to emergency ordinances).

§ 31.2-213. Penalty.

The penalty for the violation of any ordinance shall not exceed five hundred (\$500) dollars for each violation, or thirty (30) days' imprisonment for unjustified 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 the 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.

§ 31.2-214. Publication and Effective Date of Ordinances.

After adoption, all ordinances shall be published one time in a newspaper of general circulation in the township. The full text of the ordinance need not be published; instead the title or a general summary of the substance of the ordinance will be sufficient to meet the publication requirement. 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 the laws of the Commonwealth of Pennsylvania.

§ 31.2-215. 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 resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the manager and all entries made therein shall be at the direction of the manager.

§ 31.2-216. Ordinances Requiring Prior Public Notice.

No final action shall be taken on the following types of ordinances and amendments thereto without public hearing thereon pursuant to at least ten (10) days' prior public notice published in a newspaper of general circulation 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. 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.)
6. Administrative code or amendment thereto;

7. Adoption with or without amendment of ordinances proposed under the initiative power;
8. Ordinances previously adopted or repealed under the referendum power;

§ 31.2-217. Codes of Technical Regulation.

The Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. Copies of any adopted code of technical regulation shall be made available by the manager for distribution at a reasonable price.

§ 31.2-218. Emergency Ordinances.

The Council may adopt emergency ordinances in conditions affecting life, health, property, or the public peace. Such emergency ordinances shall not levy taxes, grant, renew, or extend a franchise, regulate the rate charged by any public utility, or authorize the borrowing of money except as provided by the laws of the Commonwealth of Pennsylvania. An emergency ordinance shall be introduced in accordance with § 31.2-212 of this charter, except that it shall be designated as an emergency ordinance and shall contain a declaration stating the emergency that exists. The emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance 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, if the emergency still exists. An emergency ordinance may be repealed at any time.

ARTICLE III. TOWNSHIP MANAGER

Sec.

31.3-301. Qualifications.

31.3-302. Term of Office.

31.3-303. Acting Township Manager.

31.3-304. Powers and Duties of the Township Manager.

§ 31.3-301. Qualifications.

The township manager shall be appointed by the Council solely on the basis of his executive and administrative qualifications. He shall be eligible to be a member or associate member of the International City Managers Association or have equivalent background or experience. At the time of his appointment, he need not be a resident of Peters Township or of the Commonwealth of Pennsylvania. The manager shall not hold any elective governmental office or any political office.

§ 31.3-302. Term of Office.

The township manager shall be appointed for an indefinite term of office. He may be removed from office by a majority vote of the Council according to the following procedure:

1. A preliminary resolution shall be adopted by the Council which shall set the date for the manager's removal from office and may suspend him from his duties.
2. A written copy of the Council's resolution and the reasons for its adoption shall be given to the manager at least thirty (30) days before the effective date of removal.
3. The manager may reply in writing and may request a public hearing, which shall be held not less than 15 days nor later than 30 days after the filing of such a request.
4. After such a public hearing, if one is requested, and after full consideration, with or without cause, the Council may adopt a final resolution of removal by a majority vote of its members.
5. The Council shall continue to pay the manager his salary until the effective date of the final resolution of removal. The Council may also authorize payment of severance pay for the manager, not to exceed 3 months salary.

§ 31.3-303. Acting Township Manager.

The township manager may name a qualified administrative officer of the township to perform his duties during his temporary absence or disability. If he fails to name a deputy, or, if his absence or disability continues for more than thirty (30) days, the Council may appoint an officer of the township to perform the duties of the manager until he shall return or his disability cease.

§ 31.3-304. Powers and Duties of the Township Manager.

The township manager shall be the chief executive and administrative official of Peters Township. He shall be responsible for the administration of all township affairs assigned to him by the charter or by ordinance. He shall:

1. Execute all laws and ordinances of the township.
2. Appoint all department heads, with the approval of the Council, and have the power to remove them from office. He shall also appoint and have the power to remove a deputy manager and subordinate officers and employees as provided by this charter or by ordinance.
3. Negotiate contracts for the township, subject to the approval of the Council, make recommendations concerning the nature and location of township improvements, and execute township improvements franchise, as determined by the Council.

4. Assure that all terms and conditions imposed in favor of the township or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and shall call any violation to the attention of the Council.

5. Prepare an agenda for and attend all meetings of the Council with the right to take part in discussions, but without the right to vote. He shall cause to be prepared the background material necessary for Council deliberations.

6. Make such recommendations to the Council concerning policy formulation as he deems desirable and keep the Council and the public informed of the conduct of township affairs.

7. Prepare and submit the annual budget and budget message to the Council and administer the Council-approved budget.

8. Perform such other duties as may be required of the township manager by ordinance or resolution of the Council.

9. Be responsible to the Council for carrying out all policies established by it and for the proper administration of all affairs of the township within the jurisdiction of the Council of the township.

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS AND TAX COLLECTOR

Sec.

31.4-401. General Provisions.

31.4-402. Administrative Code.

31.4-403. Personnel System.

31.4-404. Existing Departments.

31.4-405. Legal Officer.

31.4-406. Township Tax Collector.

§ 31.4-401. General Provisions.

a. *Creation of Departments.* The Council may establish municipal departments, offices, or agencies in addition to those created by this charter and may prescribe the function 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 the manager, and such officer shall be subject to the direction and supervision of the manager. With the consent of Council, the manager may serve as the head of one or more departments, offices, or agencies or may appoint one person as the head of two or more departments.

§ 31.4-402. Administrative Code.

The Council shall adopt by ordinance an administrative code defining the responsibilities of municipal departments, offices, and agencies as it deems necessary and proper for the efficient conduct of municipal affairs.

§ 31.4-403. Personnel System.

The Council shall establish by ordinance a personnel system based upon merit, which system shall not be inconsistent with any statute heretofore enacted by the General Assembly affecting the rights, benefits, or working conditions of employees of the township. All appointments and promotions of municipal officers and employees shall be made solely on the basis of merit and fitness as demonstrated by examination or other evidence of competence. Such a personnel system shall include:

1. The classification of all 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 positions;
3. Methods for determining the merit and fitness of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force and removal of employees;
5. The hours of work, attendance regulations, and provisions for sick and vacation leave;
6. The policies and procedures governing persons holding provisional appointments;
7. The policies and procedures governing relationships with employee organizations;
8. Policies regarding in-service training program;
9. Grievance procedures, including procedures for the hearing of grievances by a personnel board, which may render advisory opinions based on its findings to the manager with a copy to the aggrieved employee;
10. Other practices and procedures necessary to the administration of the municipal personnel system.

§ 31.4-404. Existing Departments.

All departments, offices, and agencies in existence at the date of enactment of this charter unless contrary to this charter, shall continue to operate until the Council provides otherwise. All township employees shall continue employment upon the enactment of the charter.

§ 31.4-405. Legal Officer.

There shall be a legal officer, licensed to practice law in the Commonwealth of Pennsylvania, appointed by the Council, who shall serve as chief legal adviser to the Council, the manager, and all the municipal departments, offices, and agencies. The legal officer shall represent the township in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.

§ 31.4-406. Township Tax Collector.

a. The Township Tax Collector shall be appointed by Council upon the recommendation of the Township Manager.

b. The Tax Collector shall be considered a Department Head and shall be responsible for the operations of the Tax Office. The Tax Collector position may be held by the Township Treasurer or other Department Heads, as directed by Council in the Administrative Code.

c. The Tax Collector shall collect all taxes as authorized by Council, including, but not limited to the real estate tax and earned income tax.

d. The Township may negotiate with the Peters Township School District for the collection of taxes levied by the District.

Source

The provisions of this § 31.4-406 amended May 18, 1993, effective January 1, 1994. Immediately preceding text appears at serial page (107098).

ARTICLE V. FINANCIAL PROCEDURES

Sec.

31.5-501. Fiscal Year.

31.5-502. Submission of Budget and Budget Message.

31.5-503. Budget Message.

31.5-504. Budget.

31.5-505. Capital Program.

31.5-506. Public Record.

31.5-507. Council Action on Budget.

31.5-508. Council Action on Capital Program.

31.5-509. Lapse of Appropriations.

31.5-510. Administration of the Budget.

31.5-511. Independent Audit.

31.5-512. Limitations on Tax Rates.

§ 31.5-501. Fiscal Year.

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

§ 31.5-502. Submission of Budget and Budget Message.

Sixty days before the close of the fiscal year the township manager shall submit to the Council a budget for the next fiscal year and an accompanying budget message.

§ 31.5-503. Budget Message.

The manager's message shall explain the budget both in fiscal terms and in terms of the work to be done. It shall outline the proposed financial policies of the township for the next 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 thinks desirable.

§ 31.5-504. Budget.

The budget shall provide a complete financial plan of all township funds and activities for the next fiscal year and, except as required by law or this charter, shall be in the form the manager recommends or the Council requires. The manager shall organize the budget in the most feasible way, classifying expenditures by fund, organization unit, program, purpose or activity, and object.

The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed tax levies, and all proposed expenditures, including debt service for the next fiscal year; and shall provide comparative figures for actual and estimated income and expenditures of the current and of the preceding fiscal years. It shall show in separate sections:

1. Proposed expenditures for current operations during the next fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures; and
2. Proposed capital expenditures during the next fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each capital expenditure.

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

§ 31.5-505. Capital Program.

The township manager shall prepare and submit to the Council a five-year capital program at least two months prior to the final date for submission of the budget.

The capital program shall include at least the following:

1. A simple, clear, general summary of the detailed contents of the program;

2. The capital improvements pending or proposed for the next fiscal year, together with the estimated cost of each improvement and the proposed method for financing it;
3. The capital program proposed for the next four years following, together with the estimated cost of each improvement and the proposed method of financing it; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

§ 31.5-506. Public Record.

- a. Upon submission, the budget, capital program, and budget message shall be a public record in the office of the township manager and shall be open to public inspection. The manager shall at the same time make available copies of the proposed budget, capital program, and budget message for distribution to interested persons.
- b. Copies of the adopted budget and capital program shall also be public records and shall be made available to the public.

§ 31.5-507. Council Action on the Budget.

- a. *Public Hearing.* The Council shall hold a public hearing on the budget not less than two weeks after publication nor later than two weeks before adoption of the budget and shall consider fully the views of the citizens expressed at the hearing.
- b. *Adoption.* After the public hearing the Council shall adopt the budget by ordinance with or without amendment prior to the beginning of the fiscal year for which the budget has been prepared.
- c. *Amendment of the budget.* The Council may amend the budget by ordinance during the fiscal year for which the budget is adopted, providing that any amendment shall fall within the estimated income at the time of the amendment.
- d. *Appropriations.* Adoption of the budget and any amendments later made shall constitute appropriations for the expenditures included in the budget.

§ 31.5-508. Council Action on Capital Program.

- a. *Public Hearing.* The Council shall hold a public hearing on the capital program not less than two weeks after publication, nor later than two weeks before adoption of the capital program, and shall consider fully the views of the citizens expressed at the hearing.
- b. *Adoption.* The Council by ordinance shall adopt the capital program, with or without amendment after the public hearing and prior to the beginning of the next fiscal year.

§ 31.5-509. Lapse of Appropriations.

Unencumbered and unexpended appropriations shall lapse at the close of the fiscal year, but the Council may annually continue an appropriation for a capital expenditure until the purpose for which it was made has been accomplished.

§ 31.5-510. Administration of the Budget.

a. *Payment of funds.* No payment of any funds shall be made unless provided for in the budget and specifically approved by the Council; provided, however, that payroll and utility expenditures may be made at the direction of the township manager where based on a prior ordinance or contract. All checks or drafts of the township shall be signed by the manager or other officer designated by Council, and shall be counter-signed by a member of Council designated by Council.

b. The township manager shall prepare periodic reports on the budget during the fiscal year.

§ 31.5-511. Independent Audit.

The Council shall provide for an independent annual audit of all township accounts by a certified public accountant who has no personal interest, direct or indirect, in the fiscal affairs of the township or of any of its elected or appointed officers. The Council may provide for more frequent 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 Council and shall be published in a newspaper of general circulation by April 1st of the year following the fiscal year audited.

§ 31.5-512. Limitations on Tax Rates.

Rates of taxation may not be increased by the Council beyond the maximum rate that may be levied by second class townships in the Commonwealth of Pennsylvania as that rate is from time to time established by the General Assembly, except by referendum.

Cross References

This section cited in 363 Pa. Code § 31.7-701 (relating to general authority).

ARTICLE VI. PLANNING

Sec.

- 31.6-601. Administration.
- 31.6-602. Planning Commission.
- 31.6-603. Comprehensive Plan.
- 31.6-604. Implementation of the Comprehensive Plan.
- 31.6-605. Zoning Hearing Board.
- 31.6-606. Planning, Zoning, and Land Use Control Procedures.

§ 31.6-601. Administration.

The planning department of the township shall be under the direction of a qualified planner. He shall be appointed by the township manager with the approval of the Council and shall study and make recommendations on the physical development of the township, the adoption, revision, or implementation of the comprehensive plan, and the preparation and revision of the capital budget. He shall provide staff assistance and advice to the township planning commission in carrying out its responsibilities. He may also serve as assistant township manager or fill any other position if at any time the planning functions do not require his full time.

§ 31.6-602. Planning Commission.

There shall be a township planning commission of five members appointed by the Council to four-year staggered terms. Members of the commission shall be chosen from among the qualified voters of the township and shall hold no other township office. The commission may make recommendations to the township manager and the Council in all matters affecting the physical development of the township, shall be consulted on the comprehensive plan and its implementation, and shall exercise all other responsibilities as may be provided by general law or by ordinance.

§ 31.6-603. Comprehensive Plan.

The Council shall adopt and, from time to time, may modify a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the township. The comprehensive plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

The Council shall refer a proposed comprehensive plan or modification of the existing plan, as prepared by the planner, to the township planning commission for its recommendations. Following receipt of the recommendations of the planning commission, the Council shall hold a public hearing and shall thereafter adopt, modify, or reject the recommendations.

§ 31.6-604. Implementation of the Comprehensive Plan.

a. *Land use and development regulations.* The Council may by ordinance adopt land use and development regulations, including but not limited to, an official map and zoning and subdivision regulations.

b. *Urban development.* The Council may by ordinance provide for conservation, rehabilitation, and other programs for the achievement of the most appropriate use of land and for the alleviation or prevention of slums, obsolescence, blight, and other conditions of deterioration.

c. *Council action.* Before acting on any proposed ordinance concerning land use and development regulations, urban renewal, or expenditures for capital improvements, where such ordinance refers to a matter covered by the comprehensive plan, the Council shall refer the matter to the planning commission, which shall within a time specified by Council and prior to the public hearing on the proposed ordinance report its recommendations thereon. Upon adopting such ordinance, the Council shall report on the relationship between the ordinance and the comprehensive plan; in the event the ordinance does not accord with the comprehensive plan, the plan shall be deemed to have been amended by the adoption of the ordinance.

§ 31.6-605. Zoning Hearing Board.

The Council shall by ordinance establish a zoning hearing board and shall provide standards and procedures for the board to hear and determine appeals from administrative decisions, petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land, and such other matters as may be required by Council or by law.

§ 31.6-606. Planning, Zoning, and Land Use Control Procedures.

Unless otherwise provided by ordinance, the procedures specified in the laws of the Commonwealth governing planning, zoning, and land use control, as amended from time to time shall be applicable to all matters before the Council, planning commission, and zoning hearing board.

ARTICLE VII. INITIATIVE AND REFERENDUM

Sec.

31.7-701. General Authority.

31.7-702. Commencement of Proceedings; Petitioners' Committee; Affidavit.

31.7-703. Petitions.

31.7-704. Procedure after Filing.

31.7-705. Referendum Petitions; Suspension of Effect of Ordinance.

31.7-706. Action of Petitions.

31.7-707. Results of Election.

§ 31.7-701. General Authority.

a. *Initiative.* The qualified voters of Peters Township shall have 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, as provided in § 31.7-706(b), 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 officers or 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, as provided in § 31.7-706(b), for adoption or rejection by the voters of the township.

The power to require reconsideration shall not extend to the budget or capital program or to any ordinance relating to the appropriation of money, levy of taxes, or salaries of township officers or employees, except as provided in § 31.5-512.

§ 31.7-702. Commencement of Proceedings; Petitioners' Committee; Affidavit.

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. The petitioners' committee shall be responsible for circulating the petition and filing it in proper form within 60 days after filing the committee's affidavit.

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

§ 31.7-703. Petitions.

a. *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of Peters Township equal in number to 25% of those voting for the office of governor in the last gubernatorial election within Peters Township.

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 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 he personally circulated the paper, the number of signatures it contains, that all signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity to read the full text attached before signing the petition.

d. *Time for Filing Referendum Petition.* Referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

§ 31.7-704. Procedure after Filing.

a. Within 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 days after receiving the copy of the certificate. A supplementary petition shall comply with all the requirements of the original petition; within five 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 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.

§ 31.7-705. Referendum Petitions; Suspension of Effect 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. Thirty days have elapsed after a vote of the township on the ordinance.

§ 31.7-706. 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 60 days or fails to repeal the ordinance cited in the referendum petition within 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 not sooner than thirty (30) days from the date of the final Council action, 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 (10) 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.

Cross References

This section cited in 363 Pa. Code § 31.7-701 (relating to general authority).

§ 31.7-707. Results of Election.

a. *Initiative.* If a majority of the qualified electors voting 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 in the area of conflict.

b. *Referendum.* If a majority of the qualified electors voting 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 VIII. GENERAL PROVISIONS

Sec.

31.8-801. Personal Financial Interest.

31.8-802. Prohibitions.

31.8-803. Continuation of General Laws and Ordinances.

31.8-804. Charter Amendment.

31.8-805. Severability.

§ 31.8-801. 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 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 of an officer or employee in the making of such sale or in the making or performance of such contract. Any township officer or employee who wilfully violates the requirements of this section shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corpora-

tion contracting with or making a sale to the township shall render the contract or sale voidable by the township manager or the Council.

§ 31.8-802. Prohibitions.

a. No employee of the township shall take any active part in political campaigns or in political management, including the solicitation of political contributions, except with respect to the candidacy of himself or of a member of his immediate family.

b. A township employee shall resign his position before becoming a candidate for public office; a member of Council shall resign his office before becoming a candidate for any office other than the Council.

c. No person shall solicit political contributions for any candidacy or election issue from any employee of the township.

d. Officers and employees of the township may not accept gifts from any persons who may gain personally from any transaction with the township.

e. Any township officer or employee who wilfully violates the requirements of this section shall forfeit his office or position.

§ 31.8-803. Continuation of General Laws and Ordinances.

a. *Ordinances.* All ordinances, rules, and regulations of the township in force at the time the charter becomes effective and not in conflict with any provision of the charter shall continue in force until amended or repealed by the Council.

b. *Rights and Liabilities.* 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.

§ 31.8-804. Charter Amendment.

Amendments to this charter may be framed and proposed in accordance with the provisions of the laws of the Commonwealth governing home rule charters, as presently enacted or hereafter amended.

§ 31.8-805. Severability.

It is the intention of the electors of Peters Township that if this charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts of the charter, the remaining provisions of the charter shall be given full force and effect as completely as if the part or parts held invalid had not been included in the charter.

ARTICLE IX. SCHEDULE

Sec.

31.9-901. Election to Adopt Charter.

31.9-902. First Election.

31.9-903. Time of Taking Full Effect.

31.9-904. Initial Salary of Councilmen.

31.9-905. Initial Organization Meeting.

§ 31.9-901. Election to Adopt Charter.

This charter shall be submitted to a vote of the electors of Peters Township at the municipal election to be held on the 6th day of November, 1973.

§ 31.9-902. 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 Council may be conducted in accordance with the provisions of this charter. The first election shall be held at the municipal election in November, 1975.

§ 31.9-903. Time of Taking Full Effect.

This charter shall be in full effect for all purposes on the first Monday of January, 1976.

§ 31.9-904. Initial Salary of Councilmen.

Members of the Council shall receive compensation of fifteen (\$15.00) dollars for each regular meeting until such amount is changed by the Council in accordance with the provisions of this charter.

§ 31.9-905. Initial Organization Meeting.

On the first Monday of January, 1976, the members of the municipal Council shall assemble at the usual place of meeting and organize and choose one of their number as Chairman and one as Vice-Chairman.

PART V. BOROUGHES [Reserved]