

**CHAPTER 37. TOWNSHIP OF PINE
HOME RULE CHARTER**

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Source

The provisions of this Chapter 37 adopted November 5, 1991, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

Sec.
37.1-101. Name.

§ 37.1-101. Name.

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

ARTICLE II. POWERS OF THE TOWNSHIP

Sec.
37.2-201. Powers.
37.2-202. Construction.
37.2-203. Residual Powers in the Board of Supervisors.

§ 37.2-201. Powers.

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

Cross References

This section cited in 302 Pa. Code § 37.2-202 (relating to construction).

§ 37.2-202. 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 § 37.2-201, 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 become available.

§ 37.2-203. Residual Powers in the Board of Supervisors.

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 an act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the Township Board of Supervisors.

Cross References

This section cited in 302 Pa. Code § 37.3-305 (relating to legislative powers of the Board of Supervisors).

ARTICLE III. BOARD OF SUPERVISORS

Sec.

- 37.3-301. Board of Supervisors.
- 37.3-302. Terms of Supervisors.
- 37.3-303. Qualifications of Supervisors.
- 37.3-304. Authority of the Board of Supervisors.
- 37.3-305. Legislative Powers of the Board of Supervisors.
- 37.3-306. Duties of the Board of Supervisors.
- 37.3-307. Prohibitions Applicable to Supervisors.

§ 37.3-301. Board of Supervisors.

The Board of Supervisors shall consist of five (5) Supervisors who shall be elected by the qualified voters of the Township. All such Supervisors shall be elected at large.

§ 37.3-302. Terms of the Supervisors.

The terms of all Supervisors shall be four (4) years, commencing at 8:00 p.m. on the first Monday of January following the year in which they are elected, except that a Supervisor appointed to fill a vacancy shall serve only for the balance of the unexpired term.

§ 37.3-303. Qualifications of Supervisors.

A Supervisor shall be a citizen of the United States, 21 years of age, a resident of the Township for at least two (2) years immediately prior to the date of the primary election for the office of Supervisor in the year he or she is seeking office, and a registered elector of the Township.

§ 37.3-304. Authority of the Board of Supervisors.

All supervisory authority shall be asserted by the Board of Supervisors only. An individual Supervisor shall not have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by the Board of Supervisors acting as a body.

§ 37.3-305. Legislative Powers of the Board of Supervisors.

Pursuant to § 37.2-203, the Board of Supervisors shall make and adopt all such ordinances, resolutions, by-laws, rules and regulations as may be deemed necessary or expedient for the proper management, care and control of the Township, its finances, its commerce, its environment and its citizens.

§ 37.3-306. Duties of the Board of Supervisors.

(1) The Board of Supervisors shall meet annually in January of each year and organize itself by electing one of its members as Chairman and such other officers as deemed necessary who shall hold such offices at the pleasure of the Board of Supervisors. The Board of Supervisors shall meet thereafter at least monthly. The Board of Supervisors may transact any business it deems necessary or appropriate at any of its meetings including the organization meeting.

(2) The Board of Supervisors shall appoint a Township Manager and shall delegate to him all or any part of the Board of Supervisors' administrative functions.

(3) The Board of Supervisors may create and fill such Township offices and employment, on such terms, conditions and compensation as it deems necessary for the efficient administration of the Township.

(4) In adopting, readopting or amending any comprehensive plan, pursuant to the Pennsylvania Municipalities Planning Code or in adopting, readopting or amending any zoning, land use, or subdivision ordinance, the Board of Supervisors shall review, consider and may integrate the findings and conclusions of the Environmental Advisory Council.

(5) The Board of Supervisors shall adopt an Administrative Code:

a. Establishing and defining the administrative organization of the Township, the duties and responsibilities of the Township Manager in addition to those stated in § 37.5-501(3), job title of positions in the Township and the function and size of each agency, board, commission, committee, council department or office created pursuant to Article VIII of this Charter; and

- b. Establishing procedures providing for the purchase, sale, or lease of personal and real property, goods, labor, franchise, and services furnished to or by the township. All such purchases shall be on the basis of the lowest responsible bid after competitive bidding and further establish such exceptions thereto as deemed necessary and proper by the Board of Supervisors with due assurance for controls on spending and safeguards against special interest; and
 - c. Establishing the procedures for the introduction of, deliberation about, enactment of, public notification and recording of any Township legislation not inconsistent with this Charter; and
 - d. Providing for the delegation of all or part of the Board of Supervisors' administrative powers, as the Board of Supervisors may deem appropriate.
- (6) The Board of Supervisors shall have the continuing authority, by amendment of the Administrative Code:
- a. To make changes in the delegation of administrative powers; and
 - b. To change the duties or responsibilities of the Township Manager except as provided for in § 37.5-501(3) or make any changes in its administrative organization or operating procedures.
- (7) The Board of Supervisors shall adopt the Administrative Code one (1) year from the effective date of the Charter.
- (8) Supervisors may be found to have neglected their duties upon failure to attend three consecutive public meetings (including work sessions) or two consecutive business meetings of the Board of Supervisors. Upon failure of attendance, a majority of the remaining Supervisors may declare a vacancy and fill same pursuant to Article XII hereof.
- (9) A Supervisor's participation in a public meeting via speaker telephone shall not constitute attendance at such meeting for purposes of this Article.

Source

The provisions of this § 37.3-306 amended April 4, 2000. Immediately preceding text appears at serial pages (165593) to (165594).

§ 37.3-307. Prohibitions Applicable to Supervisors.

- (1) No Supervisor shall hold any compensated Township office, employment or position during the term for which each such supervisor is elected to the Board of Supervisors.
- (2) No former Supervisor shall hold any compensated Township office, employment or position, nor shall any such Supervisor act as a paid consultant to the Township until one year after the expiration of the term for which such supervisor was elected to the Board of Supervisors.

**ARTICLE IV. OPERATION AND PROCEDURES OF
BOARD OF SUPERVISORS**

Sec.

37.4-401. Notice of Public Meetings.

37.4-402. Quorum Required to Transact Business and the Recording of Board Votes.

37.4-403. Citizens' Right To Be Heard.

37.4-404. Legislative Subject Matter and Enactment.

37.4-405. Compilation of Ordinances.

§ 37.4-401. Notice of Public Meetings.

In addition to notices required by law, the Board of Supervisors, not less than three days prior to its next meeting, shall post a notice of such meeting, along with the agenda for such meeting and the minutes of the last prior meeting at the Municipal Building so that each such notice, agenda and minutes may be viewed at any time by any person. In addition, each such notice, agenda and minutes shall be similarly posted at other public places to be designated.

§ 37.4-402. Quorum Required to Transact Business and the Recording of Board Votes.

(1) The Board of Supervisors may transact its business only if a quorum is present. A quorum constitutes the presence of three (3) of five (5) Supervisors.

(2) The affirmative vote of three (3) Supervisors is necessary to bind the Board of Supervisors.

(3) The subject of each Board of Supervisors' vote and the aye or nay vote of each Supervisor thereon shall be recorded in the minutes of the Board of Supervisors' meetings.

§ 37.4-403. Citizens' Right to be Heard.

(1) The Board of Supervisors shall provide a reasonable opportunity for citizens and taxpayers to address the Board of Supervisors on matters of general or special concern. This opportunity shall be afforded such people either at the regular meeting of the Board of Supervisors or, if necessary, at a meeting specially scheduled.

(2) Citizens may compel the Board of Supervisors to hold a special meeting on a topic of concern on petition of 50 or more citizens all of whom must be registered to vote in Pine Township.

§ 37.4-404. Legislative Subject Matter and Enactment.

(1) The following actions of the Board of Supervisors shall be taken by ordinance:

a. Adoption of the Administrative Code; and

b. Adoption of tax levies and authorization for service charges, impact fees and assessments; and

c. All other actions that are legislative in nature including but not limited to those that affect or regulate the conduct of the public; that create any long-term, permanent physical change; that establish any right or privilege; or that amend or repeal any previously enacted ordinance.

(2) All proposed ordinances, unless otherwise provided by law, shall be published in a newspaper circulating generally in the township not more than sixty days nor less than seven days prior to the date of the final vote on such ordinance by the Board of Supervisors. Public notices of any proposed ordinance shall include either the full text thereof or the title and a brief summary thereof sufficient to reasonably identify the content thereof and a reference to a place where copies of the proposed ordinance may be examined.

(3) Except as required by the laws of Pennsylvania, this Charter, or as specified in the ordinance, all ordinances shall take effect on the tenth (10th) day after passage, except that the following ordinances shall take effect immediately: any budget adopted by the Board of Supervisors and any ordinance adopted by a majority of the members of the Board of Supervisors declaring that the ordinance deals with an emergency.

(4) All other actions shall be taken by resolution or motion.

§ 37.4-405. **Compilation of Ordinances.**

The Board of Supervisors shall publish and regularly update a compilation, with index, of this Charter and all Township ordinances including the Administrative Code required by this Charter.

ARTICLE V. TOWNSHIP ADMINISTRATION

Sec.

37.5-501. Township Manager.

37.5-502. Township Solicitor.

37.5-503. Township Engineer.

§ 37.5-501. **Township Manager.**

(1) The Manager shall be the chief administrative officer of the Township. The Manager shall be responsible to the Board of Supervisors for the administration of all municipal affairs assigned by this Charter, by the Administrative Code, and by the Board of Supervisors.

(2) Appointment, Qualifications and Compensation.

The Board of Supervisors shall appoint a Township Manager to serve for such period as it deems appropriate and shall fix the compensation for such service. The Township Manager shall be an individual who has demonstrated administrative and managerial skills in government.

(3) The Manager shall have at least the following powers and duties:

- a. To appoint, promote, demote, suspend or remove all Township employees, except as otherwise provided by law or this Charter; and
- b. To supervise and manage the day-to-day fiscal affairs of the Township; and
- c. To direct and supervise Township personnel; and
- d. To prepare and submit the annual operating budget to the Board of Supervisors; and
- e. To serve as the Township's Secretary and Treasurer; and
- f. To collect all taxes due the Township; and
- g. To cause appropriate records to be made, preserved and certified, as required by law or by the Board of Supervisors; and
- h. To attend all Board of Supervisors' meetings and shall have the right to take part in discussions, but shall not vote; and
- i. To acknowledge where authorized and execute documents on behalf of the Township; and
- j. To enforce the ordinances and regulations of the Township; and
- k. To perform such other duties as may be assigned by the Board of Supervisors.

Cross References

This section cited in 302 Pa. Code § 37.3-306 (relating to duties of the Board of Supervisors).

§ 37.5-502. Township Solicitor.

(1) *Duties of Solicitor.* The Township Solicitor shall be the chief legal officer of the Township.

(2) *Appointment, Qualifications and Compensation.* The Board of Supervisors shall appoint a Township Solicitor at the organizational meeting each year and shall fix the compensation for serving the Board of Supervisors as needed and required. The Township Solicitor may be an individual or a law firm, but whoever is appointed or designated from the law firm shall be a person learned in the law, admitted to the practice of law in accordance with the Pennsylvania Bar Admission Rules and who has had at least five (5) years experience in active legal practice in the Commonwealth of Pennsylvania.

(3) *Special Situations.* Upon the recommendation of the Township Solicitor, the Board of Supervisors may employ other lawyers in connection with any specific legal matter involving the Township, any of its officials, official bodies or agencies.

§ 37.5-503. Township Engineer.

(1) *Duties.* All of the engineering affairs of the Township shall be under the general supervision of the Township Engineer. The Township Engineer shall render such engineering services as may be necessary or desirable and in the best interests of the Township.

(2) *Appointment, Qualifications and Compensation.* The Board of Supervisors shall appoint a Township Engineer at the organizational meeting each year and shall fix the compensation for serving the Board of Supervisors as needed and required. The Township Engineer may be an individual or an engineering firm, but whoever is appointed or designated from the engineering firm shall be a person who is licensed to practice engineering in Pennsylvania and who has had at least five (5) years experience in active civil engineering work.

(3) *Special Situations.* Upon the recommendation of the Township Engineer, the Board of Supervisors may employ other engineers in connection with any specific engineering matter involving the Township, any of its officials, official bodies or agencies.

ARTICLE VI. BUDGET AND FISCAL MATTERS

Sec.

37.6-601. Operating Budget.

37.6-602. Proposed Budget.

37.6-603. Operating Budget Content.

37.6-604. Independent Audit.

§ 37.6-601. Operating Budget.

There shall be an annual balanced operating budget. The Board of Supervisors shall adopt an operating budget before the end of each fiscal year.

§ 37.6-602. Proposed Budget.

(1) On or before the second (2nd) Monday of the eleventh month of each fiscal year the Township Manager shall cause to be prepared and presented a proposed operating budget for the ensuing fiscal year unless the date of presentation is changed by ordinance.

(2) Such proposed budget shall be subject to inspection for twenty (20) days from the date it is presented.

(3) On the date the proposed operating budget is presented, the Board of Supervisors shall cause a summary of such budget and the date on which such budget is to be considered for approval to be advertised in a newspaper of general circulation in the Township.

§ 37.6-603. Operating Budget Content.

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, or by law, shall be in such form as the Board of Supervisors may require. The budget shall be organized so as to use the most feasible listing of expenditures classified by fund, organizational unit, program, purpose and object. The budget shall contain, as a minimum, the following:

- a. A general summary of its contents indicating the major changes proposed from the current year in financial policies, expenditures and revenues, together with the reasons for such change; and
- b. All estimated income in detail, indicating the existing and proposed tax levies, as well as other assessments, fees and charges; and
- c. All proposed expenditures, including debt service, for the ensuing fiscal year; and
- d. The number of proposed employees in every job classification; and
- e. Comparative figures for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures of the preceding fiscal year.

§ 37.6-604. Independent Audit.

The Board of Supervisors shall provide for an independent annual audit of all Township accounts by a Certified Public Accountant registered in Pennsylvania or a firm of certified public accountants registered in Pennsylvania who shall be retained each year and who has no personal interest, direct or indirect, in the fiscal affairs of the Township government or any of its elected or appointed officers. The Board of Supervisors may provide for more frequent audits, as well as special audits, as it deems necessary. The results of the annual audit and a financial statement of the fiscal affairs of the Township shall be presented to the Board of Supervisors and published in summary form in a newspaper circulating generally in the township not later than four months from the end of the fiscal year audited.

ARTICLE VII. CITIZEN PARTICIPATION

Sec.

37.7-701. General.

37.7-702. Initiative.

37.7-703. Referendum.

37.7-704. Limitations on Initiative and Referendum.

37.7-705. Procedure for Initiative and Referendum.

§ 37.7-701. General.

The Board of Supervisors shall protect and promote the right of citizens to participate in a positive and constructive manner in the government of the Township.

§ 37.7-702. Initiative.

The registered electors of the Township have the power to propose, to the Board of Supervisors, ordinances related to local issues subject to limitations stated in § 37.7-704. If the Board of Supervisors fails to adopt an ordinance so proposed, the registered electors shall have the power to adopt or reject it at an election.

§ 37.7-703. Referendum.

The registered electors of the Township shall, subject to limitations stated in § 37.7-704, have the power to require reconsideration by the Board of Supervisors of any ordinance, related to local issues including but not limited to a reconsideration of any legislation which requires or causes a 30% or more increase in the Township's tax revenues in any fiscal year. If the Board of Supervisors fails to repeal an ordinance so reconsidered, the registered electors shall have the power to approve or reject it at an election.

§ 37.7-704. Limitations on Initiative and Referendum.

The powers of Initiative and Referendum shall not extend to legislation regarding the following:

- a. The filing and collection of municipal tax claims or liens and the sale of real or personal property in satisfaction thereof; and
- b. The procedures in the exercise of the powers of eminent domain, and the assessment of damages and benefits for property taken, injured or destroyed; and
- c. Boundary changes of municipalities; and
- d. Regulation of public schools; and
- e. The registration of electors and the conduct of elections; and
- f. The fixing of subjects of taxation; and
- g. The fixing of the rates on nonproperty or personal taxes levied upon nonresidents; and
- h. The assessment of real or personal property and persons for taxation purposes; and
- i. Defining or providing for the punishment of any felony or misdemeanor; and
- j. Municipal planning under the provisions of the act of July 31, 1968 (P. L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code."

Cross References

This section cited in 302 Pa. Code § 37.7-702 (relating to initiative); and 302 Pa. Code § 37.7-703 (relating to referendum).

§ 37.7-705. Procedure for Initiative and Referendum.

(1) Any five registered electors may commence initiative or referendum proceedings by giving notice to the Township Secretary that they have formed a Circulation Committee and such notice shall contain a copy of the proposed ordinance or the ordinance to be repealed.

(2) Said Circulating Committee shall circulate a petition:

- a. Containing the proposed ordinance or the ordinance to be repealed; and

b. Shall obtain the signatures, names and addresses of Pine Township electors in such number which equals 35% of the total number of voters who voted in the most recent past general election for Governor.

(3) Each petition shall have at the end thereof the affidavit of the circulator as is required pursuant to the election laws of Pennsylvania.

(4) Any such petition shall not be circulated for more than forty-five days from the date the Township Secretary was given notice of the intent to commence initiative or referendum proceedings.

(5) Upon the successful completion of the circulation, the petition shall be presented to the Board of Supervisors which shall have sixty (60) days to act thereon.

(6) If no action is taken the Circulation Committee shall submit, at Township expense, the petitions to the Allegheny County Election Department no earlier than the 13th Tuesday and no later than the 7th Tuesday prior to any primary or any general or municipal election so that the initiative or referendum may be placed on the ballot for voters' consideration.

ARTICLE VIII. BOARDS AND COMMISSIONS

Sec.

37.8-801. General.

37.8-802. Composition.

37.8-803. Organization.

37.8-804. Planning Commission.

37.8-805. Zoning Hearing Board.

37.8-806. Environmental Advisory Council.

Cross References

This article cited in 302 Pa. Code § 37.3-306 (relating to duties of the Board of Supervisors).

§ 37.8-801. General.

(1) The Board of Supervisors has the power, by ordinance or resolution, to create, modify or abolish any agency, board, commission, committee, department or office of the Township not required by law or this Charter.

(2) With respect to each such created entity, the Board of Supervisors shall state its organization, purpose and function consistent with this Charter and applicable state law.

§ 37.8-802. Composition.

The number, qualifications and term of the members of any agency, board, committee, commission, council, department or office shall be determined by the Board of Supervisors, except where stated otherwise in this Charter. The Board of Supervisors shall appoint, suspend or remove any member of any such entity by a majority vote of the five members of the Board of Supervisors. Each

appointment shall be preceded by announcement of openings at a public meeting held not less than thirty days prior to the appointment. No citizen appointed or serving on such bodies shall hold more than two appointive Township offices.

§ 37.8-803. Organization.

Each agency, board, committee, commission, or council shall organize itself from among its members within thirty days from the date of the appointment of its initial membership and annually thereafter. The officers elected shall include a Chairman, a Secretary and other officers considered appropriate by the membership. Each agency, board, committee or commission shall keep records of its proceedings and shall report to the Board of Supervisors as it may require.

§ 37.8-804. Planning Commission.

The Planning Commission shall be empowered by and shall function in accordance with the Pennsylvania Municipalities Planning Code. The Planning Commission shall prepare a comprehensive plan in accordance with the Pennsylvania Municipalities Planning Code and, in preparing such plan, the said commission shall review, consider, and may integrate the findings and conclusions of the Environmental Advisory Council. The Planning Commission shall review, consider, and may integrate into any comprehensive plan the mandate of this Charter regarding the Environmental Bill of Rights.

§ 37.8-805. Zoning Hearing Board.

The Zoning Hearing Board shall be empowered by and shall function in accordance with the Pennsylvania Municipalities Planning Code.

§ 37.8-806. Environmental Advisory Council.

The Board of Supervisors shall create and maintain an Environmental Advisory Council pursuant to Pennsylvania Act No. 148 of December 21, 1973.

ARTICLE IX. ENVIRONMENTAL BILL OF RIGHTS

Sec.
37.9-901. Environmental Bill of Rights.

§ 37.9-901. Environmental Bill of Rights.

The people of Pine Township have a right to clean air, pure water, and to the preservation of the natural, residential, scenic, historic and esthetic values of the environment. Those public and natural resources of the watersheds, especially including the essential water supply, are the common property of all the people including generations yet to come.

ARTICLE X. TRANSITIONAL PROVISIONS

Sec.

37.10-1001. Ordinances, Regulations and Resolutions.

37.10-1002. Township Personnel and Organizations.

§ 37.10-1001. Ordinances, Regulations and Resolutions.

All ordinances, regulations and resolutions and any pending matters, which are not inconsistent with the provisions of this Charter, shall remain in force until altered, modified or repealed by the Board of Supervisors.

§ 37.10-1002. Township Personnel and Organizations.

All officers, employees, agencies, boards, commissions, and councils shall continue to function and serve after the effective date of this Charter until the expiration of their terms, thereafter the powers and duties of each such officer, employee, agency, board and commission shall be exercised in accordance with the provisions of this Charter.

ARTICLE XI. OFFICES ABOLISHED

Sec.

37.11-1101. Township Auditor Abolished.

37.11-1102. Township Tax Collector Abolished.

Cross References

This article cited in 302 Pa. Code § 37.3-306 (relating to duties of the Board of Supervisors).

§ 37.11-1101. Township Auditor Abolished.

The office of Township Auditor created by the Second Class Township Code is hereby abolished.

§ 37.11-1102. Township Tax Collector Abolished.

The office of Township Tax Collector created by the Second Class Township Code is hereby abolished.

ARTICLE XII. GENERAL PROVISIONS

Sec.

37.12-1201. Severability.

37.12-1202. Effective Date.

37.12-1203. Initial and Transitional Elections Under the Charter.

37.12-1204. Vacancy in Office of Supervisor.

37.12-1205. Amendment of Charter.

§ 37.12-1201. Severability.

It is the intention of the electors of the 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 of parts thereof, 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 herein.

§ 37.12-1202. Effective Date.

This Charter shall become effective and shall be deemed operative on the first Monday of January of the year 1992, following its approval by the electors of the Township.

§ 37.12-1203. Initial and Transitional Elections Under the Charter.

The first election of supervisors under this Charter shall be held at the municipal election immediately following the effective date of this Charter. At the time of the 1993 municipal election, two (2) supervisors shall be elected to a two (2) year term and in the 1995 election, three (3) supervisors shall be elected to a four (4) year term. In the 1997 election, two (2) supervisors shall be elected to a four (4) year term.

§ 37.12-1204. Vacancy in Office of Supervisor.

If the electors of Pine Township shall fail to choose a supervisor(s) or if any person(s) elected to the office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the township, or otherwise, a majority of the remaining supervisors may appoint a successor and upon their failure to make such appointment within thirty days after the vacancy occurs, the remaining members of the board of supervisors shall petition the Court of Common Pleas to fill the vacancy. In the case where three or more vacancies occur, the Court of Common Pleas shall fill such vacancies upon presentation of a petition signed by not less than fifteen registered electors of the township. In all cases, the successor(s) so appointed shall hold the office until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

§ 37.12-1205. Amendment of Charter.

This Charter may be amended in accordance with the Pennsylvania Election Code and the Home Rule Charter and Optional Plans Law.

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