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CHAPTER 31. TOWNSHIP OF RICHLAND HOME RULE CHARTER

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

ARTICLE I. NAME AND BOUNDARIES

- Sec.
31.1-101. Name.
- 31.1-102. Boundaries.
- 31.1-103. Definitions.

§ 31.1-101. Name.

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

§ 31.1-102. Boundaries.

The boundaries of the Township shall be the actual boundaries of the Township at the time this Charter takes effect and they may be lawfully changed thereafter by a majority vote of the registered voters of the Township.

§ 31.1-103. Definitions.

As used in this Charter, the word "Board" shall mean the Board of Township Supervisors.

ARTICLE II. POWERS OF THE TOWNSHIP

Sec.

31.2-201. Powers.

31.2-202. Construction.

31.2-203. Residual Powers in the Board of Township Supervisors.

§ 31.2-201. 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 § 31.2-202 (relating to construction).

§ 31.2-202. 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 anyway the general power stated in this article. All possible powers of the Township, except as limited in § 31.2-201 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.

§ 31.2-203. Residual Powers in the Board of Township 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 act of the General Assembly, unless otherwise specifically set forth in this Charter, shall be vested in the Township Board. The Supervisors shall be elected, shall organize, and shall function as provided in this Charter.

ARTICLE III. BOARD OF TOWNSHIP SUPERVISORS

Sec.

- 31.3-301. Board of Township Supervisors.
- 31.3-302. Terms.
- 31.3-303. Election.
- 31.3-304. Election Procedure.
- 31.3-305. Compensation.
- 31.3-306. Qualifications of Supervisors.
- 31.3-307. Authority.
- 31.3-308. Prohibitions.
- 31.3-309. Vacancies.
- 31.3-310. Filling of Vacancies.
- 31.3-311. Oath of Office.
- 31.3-312. Organization of the Board.

§ 31.3-301. Board of Township Supervisors.

There shall be a Board of five (5) Supervisors elected by the qualified voters of the Township. Four (4) to be elected, one (1) from each District, as now established, and one (1) to be elected from the Township at large.

§ 31.3-302. Terms.

The terms of all Supervisors shall have 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.

§ 31.3-303. Election.

The regular election of Supervisors shall be held on the general municipal election day as established from time to time by the laws of the Commonwealth of Pennsylvania commencing in the year 1975. The time of election of Supervisors from the four (4) districts and of the at-large Supervisor shall be in accordance with the initial schedule set forth in Transitional Provisions, § 31.15-1503.

§ 31.3-304. Election Procedure.

The procedure for nomination and election of Supervisors shall be as established by the general laws of the Commonwealth of Pennsylvania for municipal elections.

§ 31.3-305. Compensation.

Each Supervisor shall be paid at a rate of Twenty-Five (\$25.00) Dollars per meeting or such other sum as may be determined by proper ordinance; provided, however, that no ordinance increasing such salary shall become effective for at least four (4) years after the effective date of this Charter. No such increase in salary, however, shall become effective until the date of commencement of the

terms of the Supervisors elected at the next regular election after such salary increase has been adopted, provided that such election follows the adoption of such ordinance by at least one hundred eighty (180) days.

Supervisors shall receive no other compensation, direct or indirect, for the performance of their duties as Supervisors; they shall not be eligible for pensions, insurance or other forms of fringe benefits as are regular Township employees.

They shall be entitled to receive reimbursement for travel and other actual expense incurred when such travel and expense is authorized by the Board.

§ 31.3-306. Qualifications of Supervisors.

A Supervisor shall be a citizen of the United States, shall have been the resident of the Township for at least two (2) years immediately prior to the date of his/her election, and shall be at least twenty-one (21) years of age when elected to office.

§ 31.3-307. Authority.

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

§ 31.3-308. Prohibitions.

No Supervisor shall hold any other compensated Township office or employment during the term for which he/she is elected to the Board, and no Supervisor shall hold any compensated appointive Township office or employment, nor shall he/she act as a paid consultant to the Township, until after the expiration of the term for which he/she was elected to the Board.

§ 31.3-309. Vacancies.

The office of a Supervisor shall become vacant upon his/her death, resignation, removal from office in any manner authorized by law or this Charter, or forfeiture of his/her office, or for death or for failure to assume such office after election thereto within forty-five (45) days after the commencement of the term thereof. A Supervisor shall forfeit his/her office if he/she lacks at any time during his/her term of office any qualification for the office prescribed by this Charter or by law or is convicted of a felony or a crime involving moral turpitude or absent from three (3) consecutive regular meetings of the Board without being excused by the Board. In the case of failure of attendance, the Board shall declare such office vacant at least ten (10) days before the same shall be filled by appointment.

§ 31.3-310. Filling of Vacancies.

If a vacancy shall occur in the office of a Supervisor, the remaining Supervisors shall fill the vacancy by appointing a person from the district in which the vacancy occurs and otherwise qualified under the terms of this Charter to hold such office for the unexpired term thereof. If the vacancy occurs in the office of a Supervisor elected at large, then the Supervisors may appoint a person residing in any of the districts and otherwise qualified under this Charter to hold such office. If the Board shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Board or of any twenty-five (25) citizens of the Township, fill the vacancy in such office by the appointment of a qualified resident of the Township for the unexpired term of the office.

§ 31.3-311. Oath of Office.

The Supervisors, 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. Such oath may be taken and signed before any Judge, District Magistrate, 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.

§ 31.3-312. Organization of the Board.

The Board shall organize at 8:00 P.M. on the first Monday of January of each year, by electing one (1) of their number as Chairman, one (1) of their number as Vice Chairman, and select the Secretary, Treasurer and Solicitor. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Board may transact any further business it deems necessary or appropriate at the organization meeting.

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

Sec.

- 31.4-401. Meetings.
- 31.4-402. Records and Minutes.
- 31.4-403. Public Meetings.
- 31.4-404. Operating Rules.
- 31.4-405. Quorum.
- 31.4-406. Majority Action.
- 31.4-407. Form of Action by Board of Supervisors.
- 31.4-408. Citizens' Right to be Heard.

§ 31.4-401. Meetings.

It shall be the duty of the Board to meet statedly at least once a month. Notices of stated meetings and the agenda shall be posted in public view at the Municipal Building at least forty-eight (48) hours prior to such meeting. The Board may adjourn to a stated time for general business or for special business. If no quorum is present at a regular, adjourned, or special meeting, a majority of those who do meet shall set another date for the meeting and shall give twenty-four (24) hours prior notice of the new meeting date. Special meetings may be called by the Chairman of the Board or upon written request of at least two (2) of the members thereof. Members shall have at least twenty-four (24) 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.

§ 31.4-402. Records and Minutes.

The Board shall see that proper minutes of its proceedings are maintained and that such other records and books as are required or necessary in the performance of their duties are also maintained. All such minutes, records, and books shall be open for the inspection of any Township elector, or Township taxpayer, or his/her or its duly authorized representative, or any legally authorized person under the laws of the Commonwealth of Pennsylvania, at all reasonable times, and shall be submitted to the designated Township auditors when they meet to audit the accounts of the Treasurer and other Township officers. The Township Supervisors shall deliver such books, papers and accounts to their successors.

§ 31.4-403. Public Meetings.

All official meetings of the Board shall be open for public attendance. All official votes of the Board shall be taken openly.

§ 31.4-404. Operating Rules.

The Board shall, by ordinance, adopt rules of procedure for its meetings and for assignment of members to committees. Such rules shall be designed so as to assure full and equal participation in the deliberations of the Board by all of its members.

§ 31.4-405. Quorum.

A majority of the members of the Board shall constitute a quorum. The Board shall not conduct any business except in the presence of the quorum unless otherwise stated in this Charter. The Board shall not conduct any business except by an affirmative vote of the majority of the total Board.

§ 31.4-406. Majority Action.

The action of a majority of the Board shall be binding upon and constitute the action of the Board.

§ 31.4-407. Form of Action by Board of Supervisors.

Official actions of the Board 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 the Board shall be by resolution or motion, unless otherwise required in this Charter, or in the ordinance establishing the rules of supervisory 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 a roll call vote, and the vote of each member of the Board present shall be entered in the minutes of the meeting.

§ 31.4-408. Citizens' Right to be Heard.

The Board shall provide reasonable opportunity for interested citizens and taxpayers to address the Board on matters of general or special concern. This opportunity may be afforded the public either at the regular monthly supervisory meeting or at another regular monthly meeting specially set for this purpose.

ARTICLE V. ORDINANCES AND RESOLUTIONS

Sec.

- 31.5-501. Certain Specific Action Requiring an Ordinance.
- 31.5-502. Enacting Clause.
- 31.5-503. General Ordinance Requirements.
- 31.5-504. Penalty.
- 31.5-505. Publication and Effective Date of Ordinances.
- 31.5-506. Recording of Ordinances and Resolutions.
- 31.5-507. Ordinances Requiring Prior Public Notice.
- 31.5-508. Administration of Ordinances.

§ 31.5-501. Certain Specific Action 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 Board shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any Township department, office or agency.
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than One (\$1.00) Dollar per violation.
- (3) Levy taxes.
- (4) Grant, renew or extend a franchise.

- (5) Establish, alter or abolish rates charged for any utility or other service supplied by the Township.
- (6) Authorize the borrowing of money except for Tax Anticipation Loans.
- (7) Convey or lease or authorize the conveyance or lease of any lands of the Township.
- (8) Amend or repeal any ordinance previously adopted unless such previous ordinance action could have been taken by resolution or motion.
- (9) Establish wages, hours or fringe benefits of any employee of the Township.

§ 31.5-502. Enacting Clause.

The enacting clause of all ordinances shall be: "The Township of Richland hereby ordains:."

§ 31.5-503. General Ordinance Requirements.

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 municipality shall be affixed to the original copy of each ordinance. However, failure on the part of the presiding officer to sign an ordinance or have affixed the official seal shall not in anyway invalidate an otherwise valid ordinance.

§ 31.5-504. Penalty.

The penalty for the violation of any ordinance shall not exceed Five Hundred (\$500.00) Dollars 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 the Board to the extent of the maximum fine that may be levied by any noncharter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

Cross References

This section cited in 302 Pa. Code § 31.5-507 (relating to ordinances requiring prior public notice).

§ 31.5-505. Publication and Effective Date of Ordinances.

At least fifteen (15) days prior to adoption, all ordinances shall be published one (1) time in a newspaper circulating generally within the Township. The full text of the ordinance need not be published; instead the title and a general summary of the substance of the ordinance will be sufficient to meet publication requirements. The effective date of the ordinance shall be the date of adoption unless a later date is specified in the ordinance, or required by the laws of the Commonwealth of Pennsylvania.

§ 31.5-506. 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 within five (5) days of its adoption. The ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in custody and control of the Township Secretary and all entries made therein shall be at the direction of the Township Secretary.

§ 31.5-507. 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 fifteen (15) days prior to 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) New taxes or increases in the rate of existing taxes. No prior public notice shall be necessary for the re-enactment of taxes levied annually at the same rate.
- (6) Any ordinance imposing a penalty or fine, as authorized under § 31.5-504 of this Charter.

§ 31.5-508. Administration of Ordinances.

The responsibility for the administration for each respective ordinance shall be assigned to the Township office or Board appointed to deal with the particular ordinance so assigned.

ARTICLE VI. SUPERVISORY INQUIRIES AND INVESTIGATIONS

Sec.

- 31.6-601. Inquiries and Investigations.
- 31.6-602. Witness and Documents.
- 31.6-603. Oaths of Witnesses.
- 31.6-604. Witness Fees.

§ 31.6-601. Inquiries and Investigations.

The Board shall have power, by resolution, to authorize inquiries and investigations to be conducted by the entire body or by any of its committee in aid of its legislative powers and functions.

§ 31.6-602. Witnesses and Documents.

The Board may compel the attendance of witnesses and the production of books, papers or other evidence at any meeting of the Board or any committee thereof, and for that purpose may issue subpoenas, signed by the Chairman of the Board or the Chairman of the Committee, and cause the same to be served in any part of the Commonwealth of Pennsylvania.

§ 31.6-603. Oaths of Witnesses.

The presiding officer of the Board or any of its committees shall have the power to administer oaths to witnesses.

§ 31.6-604. Witness Fees.

No person residing outside the Township and subpoenaed as aforesaid shall be required to respond to the same until mileage and witness fees, equal to those then established by the Court of Common Pleas, shall have been first furnished to the witness.

ARTICLE VII. TAX COLLECTOR

Sec.

31.7-701. Election and Duties.

31.7-702. Compensation.

§ 31.7-701. Election and Duties.

At the municipal election as determined by the effective date of this Charter, tentatively 1977, and at the municipal election every four (4) years thereafter, the electors shall elect a Tax Collector to serve a term of four (4) years from the first day of January following such municipal election.

The Tax Collector shall collect all Township, School and any other taxes levied within the Township when authorized to do so by authorities empowered to levy taxes; the Tax Collector shall be bonded in the amount determined by the Board; and in addition to the powers, duties and responsibilities as established by the Act of Legislature, have all the powers, perform all duties, be subject to all the obligations and responsibilities for the collection of such taxes as are now invested and conferred upon, or imposed upon the collectors by law.

§ 31.7-702. Compensation.

The compensation of the Tax Collector shall be established by the Board, but not to exceed the amount as established by the Second Class Township Code under the uniform General State Law. In addition, the Tax Collector shall be allowed by the Board, actual and needful expenditures for printing, postage, books, blanks and forms.

ARTICLE VIII. TOWNSHIP SOLICITOR

Sec.

31.8-801. Appointment, Qualifications and Compensation.

31.8-802. Removal.

31.8-803. Delegation of Authority.

31.8-804. Duties of Solicitor.

§ 31.8-801. Appointment, Qualifications and Compensation.

The Board shall appoint a Township Solicitor at the organizational meeting each year and shall fix the compensation for serving the Board as needed and required. The Township Solicitor shall be a person learned in the law and with at least five (5) years experience in active legal practice in the Commonwealth of Pennsylvania.

§ 31.8-802. Removal.

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

§ 31.8-803. Delegation of Authority.

The Township Solicitor may from time to time perform his/her duties by delegation of authority to persons acting as his/her agents.

§ 31.8-804. Duties of Solicitor.

The Township Solicitor shall be the chief legal officer of the Township. He/she or his/her representative learned in the law shall attend all stated meetings of the Board. The Township Solicitor, when directed or requested to do so, shall prepare or approve such bonds, obligations, contracts, leases, conveyances, ordinances and assurances to which the Township may be a party; he/she shall commence and prosecute all actions brought by the Township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend all actions or suits against the Township, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances or accounts of the Township, may be brought in question before any court in the Commonwealth, and shall do every professional act incident to the office which he/she may be authorized or required to do by the Board or by any resolution. Solicitor shall, whenever required by the Board, furnish the Board with an opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

ARTICLE IX. TREASURER

Sec.

31.9-901. Appointment, Qualifications, and Compensation.

31.9-902. Removal.

31.9-903. Powers and Duties of the Township Treasurer.

§ 31.9-901. Appointment, Qualifications and Compensation.

The Board shall appoint a Township Treasurer for a term of one (1) year and fix the compensation. The person shall be appointed on the basis of qualification and experience in financial matters; shall be the resident of the Township at the time of the appointment.

§ 31.9-902. Removal.

The Board may remove the Treasurer at any time with or without cause.

§ 31.9-903. Powers and Duties of the Township Treasurer.

The Township Treasurer shall give bond, with a surety company or other company authorized by law to act as surety to be approved as to the amount thereof by and filed with the Board; shall receive all monies due the Township and deposit the same promptly upon receipt thereof in a bank, banking institution or trust company in the name of the Township; shall keep distinct and accurate accounts of all sums received from taxes and all other sources, which accounts shall be open to the inspection of the Supervisors, auditing firm and the taxpayers of the Township; shall pay out all monies received only on orders drawn by the Supervisors of the Township; shall annually state the accounts, and lay same, together with the vouchers, before the Township auditor for settlement; shall deliver to his/her successor in office all the books, papers and documents of the office; and pay such successor any balance of money belonging to the Township that may be in the Treasurer's hands.

ARTICLE X. SECRETARY

Sec.

31.10-1001. Appointment, Qualifications and Compensation.

31.10-1002. Removal.

31.10-1003. Powers and Duties of the Secretary.

31.10-1004. Assistant Secretary.

§ 31.10-1001. Appointment, Qualifications and Compensation.

The Board shall appoint a Township Secretary for a term of one (1) year and shall fix the compensation. The person shall be appointed on the basis of qualification and experience and shall be a resident of the Township at the time of appointment.

§ 31.10-1002. Removal.

The Board may remove the Secretary at any time with or without cause.

§ 31.10-1003. Powers and Duties of the Secretary.

The Secretary shall attend all meetings of the Board and shall keep full minutes of its proceedings; shall transcribe the by-laws, rules, regulations, resolutions and ordinances into appropriate books kept for those purposes; shall preserve the records and documents of the Township and shall have custody of the corporate seal; shall certify copies of any book, paper, record, by-law, rule, regulation, resolution, ordinance, or other proceeding of the Township under the seal of the Township; shall attest the execution of all instruments and record all ordinances; shall file of record proof of service of all notices required by law or ordinance and the certificate thereof shall be good evidence of such notice; shall deliver to the successor the seal and all the books, papers and other records and matters belonging to the Township.

§ 31.10-1004. Assistant Secretary.

The Board may, by resolution, appoint an Assistant Secretary, who shall, in the absence or disability of the Secretary, perform the duties and exercise the powers of the Secretary.

ARTICLE XI. POLICE DEPARTMENT

Sec.

- 31.11-1101. Responsibility.
- 31.11-1102. Control.
- 31.11-1103. Structure by Ordinance.
- 31.11-1104. Duties.
- 31.11-1105. Powers.

§ 31.11-1101. Responsibility.

The primary responsibility for the keeping of peace and order in the Township shall be in the Police Department.

§ 31.11-1102. Control.

The Police Department shall be under the jurisdiction and control of the Board. However, during a period of emergency affecting safety, health, and privacy of the public, when the Board is not in session, and subject to general rules and regulations of the Board, the Department shall be under the jurisdiction and control of the Chairman of the Board or such other Supervisor so designated.

§ 31.11-1103. Structure by Ordinance.

A Police Department shall be established by ordinance. The highest ranking Police Officer shall be designated the "Chief of Police." The ordinance creating

the Police Department shall establish all lower ranking officers and shall define their jurisdiction, authority and responsibility.

§ 31.11-1104. Duties.

It shall be the duty of the Police Department to preserve the public peace, prevent and detect crime, police the streets and highways, and enforce traffic statutes, ordinances and regulations relating thereto. The Police Department and its personnel shall at all times aid in the administration and enforcement within the Township of the laws of the United States of America and of the Commonwealth of Pennsylvania and the ordinance of the Township.

§ 31.11-1105. Powers.

Police Officers shall have all the powers and protection conferred by statute and ordinance upon members of the police force of the Township and upon Constables of the Commonwealth of Pennsylvania. They shall have the power to make lawful searches, seizures and arrests for violations of any statute or ordinance in force in the Township, to serve subpoenas when ordered to do so by their superior officers, and to do such other acts as may be required of them by statute or ordinance.

ARTICLE XII. BUDGET AND FISCAL MATTERS

Sec.

- 31.12-1201. Fiscal Year.
- 31.12-1202. Proposed Budget.
- 31.12-1203. Budget Content.
- 31.12-1204. Balanced Budget.
- 31.12-1205. Public Record.
- 31.12-1206. Adoption of Budget.
- 31.12-1207. Modification of Budget.
- 31.12-1208. Appropriations.
- 31.12-1209. Payment of funds.
- 31.12-1210. Independent Audit.
- 31.12-1211. Fidelity Bonds.
- 31.12-1212. Tax Limits and Borrowing Powers.

§ 31.12-1201. 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.

§ 31.12-1202. Proposed Budget.

On or before the 15th day of November of each year the Board shall cause to be prepared a proposed budget for the ensuing fiscal year. The budget shall contain an outline of the proposed financial policies of the Township for the ensuing

fiscal year. It shall indicate the major changes proposed from the current year in financial policies, expenditures and revenues, together with the reasons for such changes.

§ 31.12-1203. 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, shall be in such form as the Board may require. The budget shall be organized so as to use the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. The budget shall contain, inter alia, the following:

- (1) 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, departments and agencies, 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, detailed by offices, departments and agencies, when practicable, and the proposed method of financing each such capital expenditure.

§ 31.12-1204. Balanced Budget.

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

§ 31.12-1205. 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.

§ 31.12-1206. 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 ten (10) days.

§ 31.12-1207. Modification of Budget.

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

§ 31.12-1208. Appropriations.

Adoption of the budget and modifications thereof shall constitute appropriations for the expenditures set forth therein.

§ 31.12-1209. Payment of Funds.

No payment of any funds of the Township shall be made unless provided for in the budget and specifically approved by the Board; provided, however, that payroll and utility expenditures may be made at the direction of the Chairman of the Board where based upon a prior ordinance or contract. All checks or drafts of the Township shall be signed by the Treasurer and shall be countersigned by the Chairman, or in his absence, the Vice Chairman of the Board.

§ 13.12-1210. Independent Audit.

The Board shall provide for an independent annual post 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 government or any of its elected or appointed officers. The Board 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 and published in a newspaper circulating generally in the Township by April 1 of the year following the fiscal year audited.

§ 31.12-1211. Fidelity Bonds.

Before entering upon the duties of their respective officers or positions, the Township Treasurer, as well as any other officer, agent or employee of the Township as the Board may determine, shall execute and file with the Township corporate surety bonds, conditioned for the honest and faithful performance of their respective duties, in such sums as shall be fixed by the Board. 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 Board and the premium therefor shall be paid by the Township. Such bonds may provide for one (1) or more additional obligees in the event that the officer bonded is acting in a dual or similar capacity with other political subdivisions or governmental or quasi governmental entities.

§ 31.12-1212. Tax Limits and Borrowing Powers.

In all matters of taxation, borrowing of money (temporary or by issuance of bonds), the Board shall be governed by the limits as established by the Legislature for Second Class Township and uniform General State Law.

ARTICLE XIII. CONTRACTS

Sec.

- 31.13-1301. Requirements.
- 31.13-1302. Competitive Bids.
- 31.13-1303. Bidding Procedure.
- 31.13-1304. Exceptions of Competitive Bidding.
- 31.13-1305. Maximum Term of Certain Contracts.
- 31.13-1306. Eminent Domain.
- 31.13-1307. Officials with Personal Interest in Contracts.

§ 31.13-1301. Requirements.

All contracts of the Township involving sums in excess of Fifteen Hundred (\$1,500.00) Dollars shall be in writing and after approval by the Board shall be executed on behalf of the Township by the Chairman of the Board or, in his/her absence, the Vice Chairman of the Board. The Chairman of the Board shall also execute all contracts, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Chairman of the Board, or in his/her absence, the Vice Chairman of the Board, shall execute contracts on behalf of the Township involving sums of less than Fifteen Hundred (\$1,500.00) Dollars made pursuant to prior approval of the Board. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any person required to execute a written contract may request the Township Solicitor to approve the same as to form.

§ 31.13-1302. Competitive Bids.

Except as otherwise provided in this Charter, no contract for supplies, material, labor, franchise, or other valuable consideration, to be furnished to or by the Township, shall be authorized on behalf of the Township except with the best responsible bidder after competitive bidding.

§ 31.13-1303. Bidding Procedure.

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

§ 31.13-1304. Exceptions of Competitive Bidding.

Competitive bidding shall not be required under this Charter for:

- (1) Labor or services rendered by any Township officer or employee.
- (2) Labor, material, supplies, or services furnished by one (1) Township department to another Township department.
- (3) Contracts for labor, material, supplies, or services available from only one (1) vendor.
- (4) Contracts for labor, material, supplies or services whenever the aggregate amount involved does not exceed the amount where advertising and bidding is not required by the Township of the Second Class under the Pennsylvania Second Class Township Code, as that Code now exists and as it may be amended from time to time in the future.
- (5) Contracts relating to the acquisition or use of real property.
- (6) Contracts for professional or unique services.
- (7) Contracts for emergency repair of public works of the Township.
- (8) Contracts with other governmental entities, authorities, agencies, or political subdivisions.

Source

The provisions of this § 31.13-1304 amended May 19, 1981, effective May 19, 1981.

§ 31.13-1305. Maximum Term of Certain Contracts.

The term of contracts for the purchase of supplies shall not exceed two (2) years.

§ 31.13-1306. Eminent Domain.

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

§ 31.13-1307. Officials with Personal Interest in Contracts.

No Supervisor, nor any other Township officer or employee, shall solicit, benefit by, or be financially interested, directly or indirectly, to any appreciable degree, in any contract for the purchase of property or services (except for the services for which he/she is specifically retained), to be paid from the Township treasury.

ARTICLE XIV. RECALL

Sec.

- 31.14-1401. Officers Subject to Recall.
- 31.14-1402. Recall Procedure.
- 31.14-1403. Notice to Incumbent.
- 31.14-1404. Recall elections.
- 31.14-1405. Disqualification for Office.
- 31.14-1406. Limitations.

§ 31.14-1401. Officers Subject to Recall.

Any person holding an elective office of the Township, whether by election, succession or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this article.

§ 31.14-1402. Recall Procedure.

A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty-five (35%) percent of the registered voters of the district from which the incumbent was elected or, if the incumbent was elected at large, then thirty-five (35%) percent of the registered voters of the Township at large. Every recall petition shall name the office and officer against whom it is directed.

Each elector signing a recall petition shall add to his/her signature his/her occupation, his/her residence, his/her election district, and the date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are registered electors of the Township, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing to the Board of Electors having jurisdiction over elections in the Township. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the Board of Elections shall have authority to pass upon the validity of the petition and the validity and number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas.

§ 31.14-1403. Notice to Incumbent.

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

§ 31.14-1404. Recall Elections.

If the incumbent against whom a recall petition is directed does not resign from his/her office within ten (10) days after notice of the filing of such petition shall have been given to him/her, the Board having jurisdiction over elections in the Township shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the ten

(10) days have expired, the recall question shall be placed before the electors at such an election. Otherwise a special recall election shall be fixed by such Board for a date not earlier than thirty (30) days nor later than ninety (90) days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election, and thereupon the election shall not be held.

The following question shall be presented to each elector in the recall election:

“Shall (name of officer) be recalled and removed from the office of (name of office)?”

The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote “yes” or “no” on the question.

If a majority of the registered electors who vote on a question at a recall election shall vote “yes”, the incumbent shall be deemed recalled and removed from office. But if less than a majority of such registered electors vote “yes”, then he/she shall remain in office.

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

§ 31.14-1405. 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/her has been filed, shall be eligible for election or appointment to any office of the Township.

§ 31.14-1406. Limitations.

No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine (9) months of the term of his/her office or within nine (9) months after an unsuccessful recall election against him/her, but an officer who has been re-elected for a successive term shall be subject to recall also during the first year of such term.

ARTICLE XV. TRANSITIONAL PROVISIONS

Sec.

31.15-1501. Ordinances, Regulations and Resolutions.

31.15-1502. Personnel, Boards and Commissions.

31.15-1503. Initial and Transitional Elections Under New Charter.

§ 31.15-1501. Ordinances, Regulations and Resolutions.

All ordinances, regulations, resolutions and any pending matters shall continue at the time this Charter takes effect, which are not inconsistent with the provi-

sions of this Charter, shall remain in force until altered, modified or repealed by, or under, authority of § 31.15-1502.

§ 31.15-1502. Personnel, Boards and Commissions.

All personnel, boards and commissions shall continue to function and serve after the effective date of this Charter. They shall continue until such time as they are changed by ordinance or resolution.

Cross References

This section cited in 302 Pa. Code § 31.15-1501 (relating to ordinances regulations and resolutions).

§ 31.15-1503. Initial and Transitional Elections Under New Charter.

At the time of the first election of supervisors to serve under this Charter, four (4) supervisors shall be elected, one (1) from each of the four (4) districts. The supervisors so elected from districts one (1) and three (3) shall serve for a period of four (4) years. The supervisors so elected from districts two (2) and four (4) shall serve for a period of two (2) years. Thereafter all supervisors elected by virtue of this Charter shall be elected for a term of four (4) years. The supervisors presently in office shall serve until the expiration of their terms as supervisors at large. A total of six (6) supervisors, four (4) to be elected by district initially as above indicated, and the two (2) supervisors elected under the old Charter who are completing their terms of office shall, serve during the first two (2) years under this Charter; at such time two (2) supervisors shall be elected from districts two (2) and four (4) for a regular (4) year term and one (1) of the terms of the supervisors elected under the old Charter shall expire, leaving a total of four (4) supervisors elected by district and the one (1) remaining supervisor elected under the old Charter serving at large. The first supervisor at large to be elected after the enactment of this Charter shall be elected for a term of four (4) years beginning at the time of expiration of the term of the last remaining supervisor elected under the old Charter.

Cross References

This section cited in 302 Pa. Code § 31.3-303 (relating to election).

ARTICLE XVI. GENERAL PROVISIONS

Sec.

- 31.16-1601. Severability.
- 31.16-1602. Effective Date.
- 31.16-1603. Administrative Code.
- 31.16-1604. Amendments.

§ 31.16-1601. 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 hereof, 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.

§ 31.16-1602. Effective Date.

This Charter shall become effective and shall be deemed operative on the first Monday of January of the year 1976, following its approval by the electors of the Township.

§ 31.16-1603. Administrative Code.

Within six (6) months from the effective date of this Charter, the Board shall by ordinance adopt an administrative code defining the responsibilities of the various officers and agencies as it deems necessary and proper for the efficient conduct of Township affairs.

§ 31.16-1604. Amendments.

This Charter may be amended in the manner provided by law; if and when permitted by law this Charter may be amended by ordinance proposed by the Board, or by petition signed by twenty-five (25%) per cent of the qualified voters of the Township; however, both proposals by ordinance and petition must be approved by a majority of voters on the proposed amendment when it is placed on the ballot for voter consideration.

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