

THE CHARTER CHARTER¹

¹ Editor's note: In preparing the Charter for inclusion in the book containing the Code of the Township of Upper St. Clair (the Township Code), certain nonsubstantive changes and corrections were made so as to provide for greater ease of reference and use, including numbering and indexing. Certain other stylizations have also been made so as to provide greater consistency between the Township Code and the Charter. Grammatical corrections, including punctuation and spelling, are indicated by individual editor's notes within the text of the Charter. General changes and stylizations include:

- A. Numbering. Primary Article and section numbers have not been changed except to prefix "C" to each section number and except to replace the word "section" with the appropriate symbol (§). Internal section numbering has been standardized in conformity with the Township Code. Primary paragraphs or subsections within a section which were designated by capital letters (ABC, etc.) have been renumbered to conform with a standard legal numbering system. All subsections now have a numerical designation. For example, previous §130.3.A(1)(a) is now 130.3.1.1.1.
- B. Clarification of numbers. Each number which is written out in the text has been clarified in its Arabic numeral equivalent in parentheses, and vice versa. Dollar amounts and percentages have been clarified similarly, with the clarification appearing after the entire unit, as written out.
- C. Deletion of last comma in series. In conformance with the Township Code, and since there was not consistency throughout the original Charter, commas appearing before "and" or "or" at the end of a series have been deleted in all cases, unless the sense of the sentence required otherwise.
- D. Capitalization. In conformance with the Township Code, certain words are not capitalized unless used in a specific title; these include the words "township", "commonwealth" and "ward". The word "Manager" has been consistently capitalized, as have "Commissioner," "Planning Board" and "Zoning Hearing Board," as these are the titles of specific offices or agencies of township government.

ARTICLE I
Name and Boundaries

- § C-101. Name.
- § C-102. Boundaries.

ARTICLE II
Power of the Township

- § C-201. Powers.
- § C-202. Construction.
- § C-203. Intergovernmental relations.

ARTICLE III
Board of Commissioners

- § C-301. Legislative powers.
- § C-302. Composition.
- § C-303. Terms.
- § C-304. Election.
- § C-305. Election procedure.
- § C-306. Salary.
- § C-307. Eligibility of Commissioners.
- § C-308. Authority.
- § C-309. Prohibitions.
- § C-310. Vacancies.
- § C.311. Filling of vacancies.
- § C.312. Oath of office.
- § C.313. Organization of Board.

ARTICLE IV
Operation and Procedures of the Board of Commissioners

- § C-401. Meetings.
- § C-402. Records.
- § C-403. Public meetings.
- § C-404. Operating rules.
- § C-405. Quorum.
- § C-406. Majority action.
- § C-407. Form of action by Board of Commissioners.
- § C-408. Citizen's right to be heard.

ARTICLE V
Ordinances and Resolutions

- § C-501. Certain specific action requiring an ordinance.
- § C-502. General ordinance requirements.
- § C-503. Penalty.
- § C-504. Publication and effective date of ordinances.
- § C-505. Recording of ordinances and resolutions.
- § C-506. Ordinances requiring prior public notice.

**ARTICLE VI
Township Manager**

- § C-601. Appointment, qualifications and compensation.
- § C-602. Powers and duties of the Township Manager.
- § C-603. Removal.
- § C-604. Acting Township Manager.
- § C-605. Assistant Manager.

**ARTICLE VII
Township Attorney**

- § C-701. Appointment, qualifications and compensation.
- § C-702. Removal.
- § C-703. Delegation of authority.
- § C-704. Powers and duties of the Township Attorney.
- § C-705. Access to records.

**ARTICLE VIII
Administrative Departments and Regulations**

- § C-801. General provisions.
- § C-802. Administrative Code.

**ARTICLE IX
Budget and Fiscal Affairs**

- § C-901. Fiscal year.
- § C-902. Submission of budget and budget messages.
- § C-903. Budget message.
- § C-904. Budget.
- § C-905. Public record.
- § C-906. Adoption of budget.
- § C-907. Amendment of budget.
- § C-908. Appropriations and levy.
- § C-909. Payment of funds.
- § C-910. Independent audit.
- § C-911. Fidelity bonds.

ARTICLE X
Contracts

- § C-1001. Requirements.
- § C-1002. Competitive bids.
- § C-1003. Bidding procedure.
- § C-1004. Exceptions to competitive bidding.
- § C-1005. Maximum term of certain contracts.
- § C-1006. Eminent domain.
- § C-1007. Officials with personal interest in contracts.
- § C-1008. Borrowing.

ARTICLE XI
Personnel

- § C-1101. General provisions.
- § C-1102. Civil service employee pension benefits.

ARTICLE XII
Recall

- § C-1201. Officers subject to recall.
- § C-1202. Recall procedure.
- § C-1203. Notice to incumbent.
- § C-1204. Recall elections.
- § C-1205. Disqualification for office.
- § C-1206. Limitations.

ARTICLE XIII
Succession

- § C-1301. Rights and liabilities of the township.
- § C-1302. Authority of existing elected officers.
- § C-1303. Continuation of ordinances.

ARTICLE XIV
Initiative and Referendum

- § C-1401. General authority.
- § C-1402. Commencement of proceedings; petitioner's committee; affidavit.
- § C-1403. Petitions.
- § C-1404. Procedure after filing.
- § C-1405. Referendum petitions; suspension of effect of ordinance.
- § C-1406. Action on petitions.
- § C-1407. Results of election.

**ARTICLE XV
Planning**

- § C-1501. Planning administration.
- § C-1502. Planning, zoning and land use procedure.

**ARTICLE XVI
General Provisions**

- § C-1601. Severability.
- § C-1602. Intention of Charter.
- § C-1603. Gender, singular and plural construction.
- § C-1604. Captions
- § C-1605. Charter amendment.
- § C-1606. Effective date.

[HISTORY: Adopted by referendum of the voters of the Township of Upper St. Clair 11-6-73, effective 1-5-76. Amendments noted where applicable.]

General References

Administrative Code—See Part II of the Township Code.

**ARTICLE I
Name and boundaries**

- § C-101. Name.

The Township of Upper St. Clair shall continue to be a municipal corporation under its present name, “Township of Upper St. Clair,” As used in this Charter, the word “township” shall mean the Township of Upper St. Clair in Allegheny County, Commonwealth of Pennsylvania (commonwealth).

- § C-102. Boundaries

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

**ARTICLE II
Powers of the township**

- § C-201. Powers.

The township shall have all powers possible for a township to have under the Constitution and laws of this commonwealth and not denied by the Constitutions of the United States and this commonwealth and this Charter; and the township shall have the power to perform any function not specifically denied by such instrumentalities.

§ C-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 Charter. All possible powers of the township, except as limited in § C-201 above, are to be considered as if specifically and individually set forth in this Charter², whether such powers are presently available to the township or may hereafter from time to time become available.

§ C-203. Intergovernmental relations.³

The township may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or civil divisions or agencies thereof, the United States or any agency thereof, and any local or regional intergovernmental council or agency.

ARTICLE III
Board of Commissioners⁴

§ C-301. Legislative powers.

The legislative powers and functions of the township government shall be vested in and exercised by the Board of Township Commissioners.⁵ The term “Board of Commissioners”⁶ shall mean the Board of Township Commissioners.

§ C-302. Composition.

There shall be a Board of seven (7) Township Commissioners. Two (2) shall be elected by the qualified voters of the township at large and one (1) shall be elected by the qualified voters of each of the five (5) wards in the township. The wards shall be established by ordinance by dividing the township into five (5) compact and contiguous geographic areas as nearly equal in population as practicable.⁷

² Editor’s Note: In the original, the comma is omitted.

³ Editor’s Note: See also Ch. 27, Intergovernmental Agencies, of the Township Code.

⁴ Editor’s Note: See also Ch. 19, Commissioners, Board of, of the Township Code. In the original, the title of this Article is “Township Commission,” but since that term is not used elsewhere in the Charter, the title has been changed to provide consistency.

⁵ Editor’s Note: See also Ch. 31, Ordinances and Codes, of the Township Code.

⁶ Editors’ Note: In the original, the quotation marks are omitted.

⁷ Editors’ Note: See Ch. 9, Wards, of the Township Code for the ordinance describing the present five (5) wards.

§ C-303. Terms.

- A. The terms of all Commissioners shall be four (4) years, commencing at a time to be established by Ordinance of the Board of Commissioners on the first Monday of January following the year in which they are elected, except that a Commissioner appointed to fill a vacancy shall serve only until the first Monday in January following the next municipal election. [Amended 7-6-92 by Ord. No. 1545]
- B. The term of a Commissioner replacing the appointed Commissioner shall be for the remainder of the term of the commissioner originally elected.

§ C-304. Election.

- A. The regulation election of Commissioners shall be held on the municipal election day as established from time to time by the laws of the commonwealth.
- B. At the first election under this Charter,⁸ two (2) Commissioners shall be elected at large; the Commissioner receiving the greatest number of votes shall serve for a term of four (4) years, and the Commissioner receiving the next greatest number of votes shall serve for a term of two (2) years. Commencing at the next regular municipal election and at all subsequent regular municipal elections, each “at-large” Commissioner shall be elected for a full four-year term.⁹
- C. In addition to the at-large Commissioners, at the first election under this Charter one (1) Commissioner in each ward shall be elected in the First, Third and Fifth Wards of the township, each for a four-year term. The two (2) Commissioners for the Second and Fourth Wards of the township shall be elected at the next regular municipal election occurring two (2) years after the adoption of this Charter, and shall be elected for a four-year term.¹⁰

§ C-305. Election procedure.

The procedure for nomination and election of Commissioners shall be established by the general laws of the commonwealth for municipal elections.

§ C-306. Salary.

- A. Each Commissioner shall receive a salary not to exceed two thousand dollars

⁸ Editors' Note: In the original, the comma is omitted.

⁹ Editors' Note: In the original, the terms “at-large” and “four-year” are not hyphenated.

¹⁰ Editor's Note: In the original, the terms “at-large” and “four-year,” as used in this subsection, are not hyphenated.

(\$2,000.) per annum until the township population exceeds twenty-five thousand (\$25,000),¹¹ or such lesser sum as the Commissioners shall from time to time ordain.¹² No ordinance increasing any salary of a Commissioner shall become effective for at least four (4) years after the effective date of this Charter, and no such increase in salary shall become effective until the date of commencement of the term of Commissioners elected at the next regular election after such salary increase, provided that such election follows the adoption of such ordinance by at least four (4) months. Commissioners 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 as Commissioners and as performance of their duties as Commissioners and as delegates to duly authorized conventions, both approved by a two-thirds vote of the Board of Commissioners. When the population exceeds twenty-five thousand (25,000), the salary may be increased to three thousand dollars (\$3,000.) per annum.

- B. The township may purchase indemnification and liability insurance to protect the Commissioners from personal liability in the performance of their duties, but the purchase of such insurance shall not be considered a fringe¹³ benefit under this section.¹⁴

§ C-307. Eligibility of Commissioners.

A Commissioner shall be a citizen of the United States, shall have been a resident of the township for at least one (1) year prior to the date of the primary election in which he is a candidate and shall be a qualified voter of the township at the time of his candidacy and during his term.¹⁵ No person shall serve in more than one (1) Commissioner position at any one time.

§ C-308. Authority.

All Commissioner authority shall be asserted only by the Board of Commissioners. No individual Commissioner shall have any authority whatsoever under this Charter unless such authority is specifically delegated by the Charter or by the Board of Commissioners, acting as a body,¹⁶ to a committee of one (1) or more Commissioners.

§ C-309. Prohibitions.¹⁷

¹¹ Editor's Note: In the original, the comma is omitted.

¹² Editor's Note: For current ordinance provisions pertaining to Commissioners' salary, see § 19.2 of Ch. 19, Commissioners, Board of, of the Township Code.

¹³ Editor's Note: The original reads "fling."

¹⁴ Editor's Note: See also § 19.3 of Ch. 19, Commissioners, Board of, of the Township Code.

¹⁵ Editor's Note: In the original, commas are included following "candidate" and the second occurrence of "township."

¹⁶ Editor's Note: In the original, commas are omitted before and after the phrase "acting as a body."

¹⁷ Editor's Note: See also Ch. 29, Ethics, Code of, of the Township Code.

- A. Holding other office. Except where authorized by law, no Commissioners shall hold any other township office or employment during the term for which he was elected to the Board of Commissioners, and no former Commissioner shall hold any compensated appointive township office or employment until one (1) year after the expiration of the term for which he was elected to the Board of Commissioners. Any elected or appointed position for the township shall be considered an office of the township.
- B. Appointments and removals. Neither the Board of commissioners nor any of its members shall in any manner dictate the appointment or removal of any township administrative officers or employees whom the Manager or any of his subordinates are empowered to appoint, but the Commissioners may express their views to the Manger and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.
- C. Interference with administration. Except for the purpose of formal inquiries and investigations, the Board of Commissioners or its members shall deal with the township officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Board of Commissioners nor its members shall give orders to any such officer or employee, either publicly or privately.

§ C-310. Vacancies.

The office of Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or this Charter, forfeiture of his 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 Commissioner shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law; or he is convicted of a felony of the first, second or third degree, or a misdemeanor of the first, second or third degree, or first degree murder; or he fails to attend at least three (3) consecutive stated monthly meetings of the Board of Commissioners without being excused by the Commissioners at a public meeting. In the case of failure of attendance, the Commissioners shall declare such office vacant and provide public notice of such vacancy at least ten (10) days before the vacancy shall be filled by appointment.

§ C-311. Filling of vacancies.

If a vacancy shall occur in the office of Commissioner for any reason set forth in this Charter, the remaining members of the Board of Commissioners shall fill such vacancy by appointing a person qualified under this Charter to hold such office. If the Board of Commissioners shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs,¹⁸ then the Court of Common Pleas shall, upon petition of the Board of Commissioners or of any five (5) citizens of the township

¹⁸ Editor's Note: In the original, the comma is a semicolon.

(for a Commissioner at large) or of the designated ward,¹⁹ fill the vacancy in such office by the appointment of a qualified resident of the township (for a Commissioner at large) or of the designated ward. The term of all appointees shall be as provided in § C-303 of this Charter.

§ C-312. Oath of office.

Each Commissioner, 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. Such oath may be taken and signed before any judge, magistrate or notary public of the commonwealth; and no person shall be permitted to assume such office until the oath, in written form, is filed with the township.

§ C-313. Organization of Board.

The Board of Commissioners shall organize at 7:30 p.m.²⁰ on the first Monday of January of each even-numbered year, by electing one (1) of its number as President and one (1) of its number as Vice President, both of whom shall hold such offices at the pleasure of the Board of Commissioners.²¹ If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Board of Commissioners may transact any further business it deems²² necessary or appropriate at the reorganization meeting. If either office is vacated for any reason at any time, the vacancy shall be filled at the next monthly meeting.

ARTICLE IV
Operation and Procedures of the Board of Commissioners²³

§ C-401. Meetings.²⁴

It shall be the duty of the Board of Commissioners to meet statedly at least once a month. The Board of Commissioners may adjourn to a stated time for general business or for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held. Special meetings may be called by the President of the Board of Commissioners or upon written request of at least one third (1/3) of the members thereof. Members and the public 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. Presence at a meeting constitutes waiver of notice.

¹⁹ Editor's Note: In the original, the comma is omitted and "ward" is capitalized.

²⁰ Editor's Note: The meeting time was changed from 8:00 p.m. to 7:30 p.m. by Ordinance No. 1569, enacted January 4, 1993, codified at Chapter 19, Section 19.5.3.

²¹ Editor's Note: For provisions pertaining to the duties of the President and Vice President, see § 19.4 of Ch. 19, Commissioners, Board of, of the Township Code. In the original, "even-numbered" is not hyphenated and the phrase "its number" is "their number," as used in this sentence.

²² Editor's Note: In the original, the phrase "it deems" is "they deem."

²³ Editor's Note: See also Ch. 19, Commissioners, Board of, of the Township Code.

²⁴ Editor's Note: See also § 19.5 of Ch. 19, Commissioners, Board of, of the Township Code.

§ C-402. Records.

The Board of Commissioners shall make and preserve minutes and records of its special or monthly proceedings. These records shall be open for public inspection during reasonable hours. Records shall be preserved for such periods as may be determined by ordinance.²⁵

§ C-403. Public meetings.

All official meetings of the Board of Commissioners for general or special business shall be open for public attendance. All official votes of the Board of Commissioners shall be taken openly.

§ C-404. Operating rules.

The Board of Commissioners shall, by ordinance, adopt rules of procedure for its meetings and for the conduct of the township's business.²⁶ Such rules shall be designed so as to assure full and equal participation in the deliberations of the Board of Commissioners by all of its members.

§ C-405. Quorum.

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

§ C-406. Majority action.

- A. The action of a majority of the Commissioners present and entitled to vote, unless otherwise stated in this Chapter or in this section, shall be binding upon and constitute the action of the Board of Commissioners.
- B. The affirmative vote of a majority of all the members of the Board of Commissioners shall be necessary in the following actions:
 - (1) All matters requiring prior public notice and public hearing as outlined in § C-506 of this Charter.
 - (2) All ordinances increasing the indebtedness of the township by more than one hundred thousand dollars (\$100,000.).
 - (3) The appoint of a Manager.

²⁵ Editor's Note: For provisions pertaining to public access to records and preservation of records, see Ch. 11, Administrative General Provisions, §§ 11.6 and 11.7.

²⁶ Editor's Note: For current rules and procedures, see § 19.1 of Ch. 19, Commissioners, Board of, of the Township Code.

- (4) Approval of contracts in excess of fifty thousand dollars (\$50,000.).
- (5) Hiring of any personnel related by blood or marriage to any of the Commissioners.

§ C-407. Form of action by Board of Commissioners.²⁷

Official actions of the Board of Commissioners may be taken by adoption of an ordinance or resolution,²⁸ 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 of Commissioners shall be by resolution or motion, unless otherwise required by this Charter²⁹ or by the ordinance establishing the rules of procedure for the Board of Commissioners.³⁰ However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by ordinance. All final action in adopting ordinances or resolutions shall be by roll call vote, and the vote of each Commissioner shall be entered in the minutes of the meeting. An abstention by a member who is present at a meeting shall be considered an affirmative vote unless the member has disqualified himself from consideration of the action before discussion or vote, stating his reasons.

§ C-408. Citizens' right to be heard.

The Board of Commissioners shall provide reasonable opportunity for interested citizens and taxpayers to address the Board of Commissioners on matters of general or special concern. This opportunity may be afforded the public either at the monthly Board of Commissioners' meeting or at a special meeting for this purpose.³¹

**ARTICLE V
Ordinances and Resolutions³²**

§ C-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 of Commissioners shall be by ordinance which:

- A. Adopt or amend the Administrative Code or establish, alter or abolish any department, office or agency.³³

²⁷ Editor's Note: See also Ch. 29, Ethics, Code of, and Ch. 99, Personnel System, of the Township Code.

²⁸ Editor's Note: See also Article V of this Charter and Ch. 91, Ordinances and Codes, of the Township Code, of the Township code. In the original, the phrase "by adoption of an ordinance or resolution" reads "by adoption of an ordinance, of a resolution..."

²⁹ Editor's Note: In the original, a comma appears after the word "Charter."

³⁰ Editor's Note: See Ch. 19, Commissioners, Board of (§ 19.8 in particular), and also Ch. 91, Ordinances and Codes, of Township Code.

³¹ Editor's Note: See also § 19.7 of Ch. 19, Commissioners, Board of, of the Township Code.

³² Editor's Note: See also Ch. 91, Ordinances and Codes, of the Township Code.

- B. Adopt or amend a code establishing a personnel policy for the township.³⁴
- C. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed, except for fines of less than one dollar (\$1) per violation.³⁵
- D. Levy taxes.³⁶
- E. Grant, renew or extend a franchise.³⁷
- F. Establish, alter or abolish rates charged for any utility or other service supplied by the township.
- G. Authorize the borrowing of money.
- H. Convey or lease or authorize the conveyance or lease of any lands of the township.
- I. Amend or repeal any ordinances previously adopted.
- J. Adopt the township budget.³⁸
- K. Are otherwise required to be taken by ordinance by any other existing or established law.³⁹

§ C-502. 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, and the Township Secretary⁴⁰ shall attest the signature of the presiding officer. However, failure on the part of the presiding officer to sign an ordinance shall not in any way invalidate an otherwise valid ordinance.

§ C-503. Penalty.

³³ Editor's Note: The Administrative Code appears as Part II (Chapters 11 through 99) of the Township Code.

³⁴ Editor's Note: See Ch. 99, Personnel System, of the Township Code.

³⁵ Editor's Note: See Ch. 5, Enforcement of Ordinances; Penalties, of the Township Code.

³⁶ Editor's Note: See Ch. 118, Taxation, of the Township Code.

³⁷ Editor's Note: See Ch. A137, Franchise Ordinances, of the Township Code for a listing of franchises which have been granted by ordinance.

³⁸ Editor's Note: For additional provisions pertaining to the township budget, see Article IX of this Charter. The original reads: "Adoption of Township budget."

³⁹ Editor's Note: The original reads: "Such other action as requires an ordinance..."

⁴⁰ Editor's note: Pursuant to § C-601 of this Charter, the office of the Township Secretary and Township Manager are held by the same person.

The penalty for the violation of any ordinance shall not exceed five hundred dollars (\$500.) for each violation, or thirty (30) days imprisonment in 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 Board of Commissioners to the extent of the maximum fine that may be levied by any non-charter municipality in the commonwealth as that limit is from time to time established by the General Assembly.⁴¹

§ C-504. Publication and effective date of ordinances.

After 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 or a general summary of the substance of the ordinance will be sufficient to meet 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 ordinance⁴² or required by the laws of the commonwealth.⁴³

§ C-505. Recording of ordinances and resolutions.

All ordinances and resolutions of the township shall be entered verbatim in permanent separate record books for ordinances and resolutions. No ordinance shall be considered in force until the same is recorded in the ordinance book. The ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the Township Manager and all entries made therein shall be at the direction of the Manager. At the time any such ordinance is entered into the ordinance book, the same shall be codified;⁴⁴ and a topical index shall be maintained by the Township Manager for such purposes.

§ C-506. Ordinances requiring prior public notice.

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

- A. Zoning Ordinance and amendments thereto.⁴⁵
- B. Adoption of the Zoning Map and amendments thereto.⁴⁶

⁴¹ Editor's Note: For current maximum penalties established by the Board of Commissioners for ordinance violations generally, see Ch. 5, Enforcement of Ordinances; Penalties, of the Township Code.

⁴² Editor's Note: The original includes a comma after the word "ordinance."

⁴³ Editor's Note: For additional provisions pertaining to the publication of ordinances and their effective date, see § 32.1.6 and 7 of Ch. 31, Ordinances and Codes, of the Township Code.

⁴⁴ Editor's Note: For the ordinance adopting an ordinance codification for the Township of Upper St. Clair, see Ch. 1, Adoption of Township Code, of the Township Code.

⁴⁵ Editor's Note: See Ch. 130, Zoning, of the Township Code for the current Zoning Ordinance, as amended.

- C. Subdivision Regulations.⁴⁷
- D. Land development and land use regulations.⁴⁸
- E. Ordinance fixing the rate of taxation on real estate. No prior public notice shall be necessary for the reenactment of any other taxes levied annually at the same rate, but a public hearing shall be required if the tax rates are increased.
- F. Annual budget hearing prior to adoption.
- G. Where public hearing is required or prior advertising of an ordinance is required pursuant to any presently existing statute or which may hereinafter be enacted by statute⁴⁹ or ordinance of the Board of Commissioners.

ARTICLE VI Township Manager⁵⁰

§ C-601. Appointment, qualifications and compensation.

The Board of Commissioners shall appoint a Township Manager for an indefinite term and shall fix his compensation. The Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the township at the time of his appointment, but he may reside outside the township while in office only with the approval of the Board of Commissioners. The offices of Township Manager and Township Secretary shall be held by the same person.

§ C-602. Powers and duties of the Township Manager.

The Township Manager shall be the chief administrative officer of the township. He shall be responsible to the Board of Commissioners for the administration of all township affairs. He shall have the following powers and duties:

- A. He shall appoint, suspend or remove all township employees, except as otherwise provided by law or this Charter.⁵¹

⁴⁶ Editor's Note: For adoption of the current Zoning Map, see Ch. 130, Zoning, of the Township Code. A table of Zoning Map amendments is included at the end of that chapter.

⁴⁷ Editor's Note: For current subdivision regulations, see Ch. 114, Subdivision and Land Development of the Township Code.

⁴⁸ Editor's Note: For current land development and land use regulations, see Ch. 114, Subdivision and Land Development, of the Township Code.

⁴⁹ Editor's Note: The original reads "stutute."

⁵⁰ Editor's Note: See also Ch. 29, Manager and Assistant Manager, of the Township Code.

⁵¹ Editor's Note: For provisions pertaining to the appointment, suspension or removal of township employees, see Ch. 99, Personnel System, of the Township Code.

- B. He, or an officer designated by him, shall collect and receive, account for and deposit into the township treasury all taxes, fees, assessments or charges that are levied or established by the township for general or special purposes. He shall negotiate with the School District to act as a collecting agent for other taxes, as allowed by the laws of the commonwealth,⁵² when such collection shall be in the best interests of the citizens of the township, and all fees for such collections shall be paid to the township treasury. All funds and fees collected shall be deposited into the township treasury not later than the first business day following the day in which they are received.
- C. He shall perform the duties of the Secretary of the township in causing appropriate records to be made preserved and certified, as required by law or other action of the Board of Commissioners. He shall attest the execution of all instruments and record all ordinances and he shall have custody of the municipal corporate seal, as herein provided, and all official township records.
- D. He shall direct and supervise the administration of all departments, offices and agencies, except as otherwise provided by this Charter or by law.⁵³
- E. He shall attend all Board of Commissioners' meetings and shall have the right to take part in discussions, but he shall not vote. He shall prepare the agenda of each meeting and shall post same at the township bulletin board at least twenty-four hours (24) hours before the meeting.
- F. He shall prepare and submit the annual budget and capital expenditure program to the Board of Commissioners.⁵⁴
- G. He shall submit to the Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the township as of the end of each fiscal year.
- H. He shall make such other reports as the Board of Commissioners may require concerning the operations of township departments, offices and agencies subject to his direction and supervision.
- I. He shall, where required, acknowledge and execute documents as Secretary of the township.
- J. He shall have the duty, through the proper department, to preserve order in the township.

⁵² Editor's Note: The original omits commas after the words "taxes" and "commonwealth."

⁵³ Editor's Note: For provisions pertaining to the administration of township departments, see Ch. 21, Departments of Government, of the Township Code.

⁵⁴ Editor's Note: For provisions pertaining to the budget, see Article IX of this Charter; for provisions pertaining to the capital improvement program, see Ch. 25, Fiscal Affairs, of the Township Code.

- K. He shall have the duty, through the proper departments or subordinates, to enforce the ordinances and regulations of the township.
- L. He shall have the duty to sign such papers, contracts, obligations and documents that are properly presented to him as required by law⁵⁵ or this Charter.
- M. With the consent of the Board of Commissioners, he shall have the authority to represent the township in deliberations with other governmental bodies⁵⁶ or councils, subject to final ratification of any action taken.
- N. He shall have the authority, subject to the final ratification of the Board of Commissioners, to negotiate intergovernmental cooperation agreements pursuant to the Constitution of the commonwealth.⁵⁷
- O. Any emergency powers that the Board of Commissioners may establish by ordinance to suppress mobs, riots or tumultuous assemblies, or to give aid and relief as a result of any disaster or other emergency, shall devolve upon the Manager through the proper department or subordinate.⁵⁸

§ C-603. Removal.

- A. The Board of Commissioners may remove the Manager at any time, with or without cause. If the Manager believes that he has been unjustly removed, he shall have the right to ask for a hearing before the Board of Commissioners by written notice to the President of the Board of Commissioners. Said notice shall be filed within five (5) days from the date of his removal, and said notice shall request a public hearing and state the reasons for the request. The Board of Commissioners shall, within fifteen (15) days, hold a public hearing on the matters set forth in the written notice, and the Board of Commissioners, by a majority vote of all the Commissioners, shall arrive at its decision within five (5) days from the date of the hearing and shall submit same, in writing, to the Manager.
- B. The action of the Board of Commissioners before hearing (if no hearing is requested) or after hearing (if a hearing is requested as above set forth),⁵⁹ in suspending or removing the Manager, shall not be subject to review by any court or other agency.

⁵⁵ Editor's Note: The original includes a comma following "law."

⁵⁶ Editor's Note: The original includes a comma following "bodies."

⁵⁷ Editor's Note: See Ch. 27, Intergovernmental Agencies, of the Township Code.

⁵⁸ Editor's Note: The original includes a comma following the words "Commissioners" and "riots," and omits the word "or" following "riots," the word "to" before "give" and the comma following "emergency."

⁵⁹ Editor's Note: In the original, the comma is omitted.

- C. The above provisions for a hearing shall apply to the Manager only and not to any Assistant Manager or Acting Manager, who may be removed at any time, with or without cause and without hearing.

§ C-604. Acting Township Manager.

The Manager may designate, in writing, an employee of the township to exercise the duties of manager during his temporary absence or disability, subject to approval of the Board of Commissioners. During such absence or disability, the Board of Commissioners may revoke such designation at any time and appoint another officer of the municipality to serve until the Manager shall return or his disability shall cease.

§ C-605. Assistant Manager.

The Board of Commissioners, by ordinance, may create the office of one (1) or more Assistant Managers. The qualifications for any Assistant Manager shall be such as shall be determined by ordinance when the office is created.⁶⁰

**ARTICLE VII
Township Attorney⁶¹**

§ C-701. Appointment, qualifications and compensation.

The Board of Commissioners shall appoint a Township Attorney for an indefinite term and shall fix his compensation. He shall be an official of the township and shall be appointed either on a full-time basis or a part-time basis or on a retainer basis, and shall serve the township as needed and required. The Township Attorney shall be a person learned⁶² in the law, in active legal practice in the commonwealth and licensed to practice law in the commonwealth.

§ C-702. Removal.

The Board of Commissioners may remove the Township Attorney at any time, with or without cause.

§ C-703. Delegation of authority.

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

§ C-704. Powers and duties of the Township Attorney.

⁶⁰ Editor's Note: For creation of the office of Assistant Manager and provisions pertaining to his qualifications, see Ch. 29, Manager and Assistant Manager, of the Township Code.

⁶¹ Editor's Note: The original reads "Section VII" rather than Article VII." See also § 21.11, Department of Law, of Ch. 21, Departments of Government, of the Township Code.

⁶² Editor's Note: The original reads "learned."

The Township Attorney shall be the chief legal officer of the township. He shall have the following powers and restrictions:

- A. He shall furnish legal advice to the Board of Commissioners, to the Manager and to all boards and commissions concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties and, except as otherwise expressly provided by the Board of Commissioners, shall supervisor, direct and control all of the law work of the township.
- B. At the direction of the Board of Commissioners, he shall appear for and represent the township, or, if appropriate, the residents of the township as a class, on matters before the various regulatory agencies of other governmental bodies and in the courts of the commonwealth.
- C. No member of the Board of Commissioners or of any department or agency shall serve as Attorney for the Board of Commissioners nor as Attorney for any commission, committee or agency in the township government during the period that he serves as such Commissioner, committeeman or member of any township agency, and for one (1) year thereafter.⁶³
- D. The Township Attorney or his firm shall not be permitted to serve in any matter in which the township is a party or has an interest for at least one (1) year subsequent to his retirement, resignation or removal as Township Attorney.⁶⁴

§ C-705. Access to records.

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

ARTICLE VIII
Administrative Departments and Regulations

§ C-801. General provisions.

Administrative departments shall from time to time be established by the Board of Commissioners by ordinance. The head of the department shall be designated a Director, except that the Township Attorney shall head the Law Department.⁶⁵

⁶³ Editor's Note: See also Ch. 29, Ethics, Code of, of the Township Code.

⁶⁴ Editor's Note: See also Ch. 29, Ethics, Code of, of the Township Code.

⁶⁵ Editor's Note: For establishment of administrative departments, see Ch. 21, Departments of Government, of the Township Code. For provisions pertaining to the appointment of department directors, see § 21.3 of that chapter, and for provisions pertaining to the Department of Law, see § 21.11.

§ C-802. Administrative Code.

The Board of Commissioners shall, within six (6) months after the effective date of this Charter, adopt an ordinance, to be known as the Administrative Code,⁶⁶ defining the responsibilities of municipal departments, offices and agencies as the Board of Commissioners deems necessary for the proper and efficient conduct of municipal affairs,⁶⁷ including but not limited to: designating certain special powers and duties of the Board of Commissioners and other township commissions boards and officers; providing for the conduct of the fiscal affairs of the township,⁶⁸ the collection of taxes and⁶⁹ the enactment and enforcement of township ordinances; repealing obsolete and in-consistent ordinances; providing for the proper conduct of the township officers; and providing for transitional matters, to the extent that such matters are not inconsistent with this Charter and⁷⁰ existing applicable laws.⁷¹

ARTICLE IX
Budget and fiscal Affairs⁷²

§ C-901. 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.

§ C-902. Submission of budget and budget messages.

On or before the 1st day of November of each year the Manager shall submit to the Board of Commissioners a proposed budget for the ensuing fiscal year and an accompanying message.

§ C-903. Budget message.

The Manager's accompanying budget message shall explain the budget both in fiscal terms and in terms of programs. It shall outline the proposed financial policies of the township for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes; summarize the township's debit position; and include such other material as the Manager deems desirable, or as the Board of Commissioners requests.

§ C-904. Budget.

⁶⁶ Editor's Note: The original omits the commas following the words "ordinance" and "Code."

⁶⁷ Editor's Note: In the original, the comma is omitted.

⁶⁸ Editor's Note: In the original, the comma is a semicolon.

⁶⁹ Editor's Note: In the original, "and" is omitted and a semicolon is included following "taxes."

⁷⁰ Editor's Note: In the original, a comma is included following the word "Charter" and the word "of" follows the word "and."

⁷¹ Editor's Note: The Administrative Code adopted pursuant to this section appears as Part II (Chapters 11 through 35) of the Township Code.

⁷² Editor's Note: See also Ch. 26, Fiscal Affairs, of the Township Code.

- A. The budget shall provide a complete financial plan of all township funds and activities for the ensuing fiscal year and, except as required by this Charter, shall be in such form as the Manager deems desirable or the Board of Commissioners may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization, unit, program, purpose or activity, and object. The budget shall contain 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 and the annual salary schedule in every job classification.
 - (5) It shall be so arranged as to show comparative figures for actual and estimated income, 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,⁷³ 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.
- B. The total of proposed expenditures shall not exceed the total of estimated income.

§ C-905. Public record.

The annual budget shall be a public record and shall be available for public inspection during regular business hours after submission prior to public hearing, prior to adoption and after adoption.

§ C-906. Adoption of budget.

- A. Notice of hearing. The Board of Commissioners shall publish in one (1) or more newspapers of general circulation in the township the general summary of the budget and a notice stating:

⁷³ Editor's Note: In the original, the comma is a semicolon.

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.
- B. Amendment before adoption. After the public hearing, the Board of Commissioners may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit; but no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- C. Adoption. The Board of Commissioners shall adopt the budget on or before the last day of the last month of the fiscal year currently ending. If it fails to adopt the budget by this date, the amounts appropriate for current operation of the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated⁷⁴ accordingly, until such time as the Board of Commissioners adopts a budget for the ensuing fiscal year.

§ C-907. Amendment of budget.

- A. Supplemental appropriates. If during the fiscal year there are available for appropriation revenues in excess of those estimated in the budget, the Board of Commissioners by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the Board of Commissioners may make emergency appropriations. Such appropriations must be made by emergency ordinance by an affirmative vote of at least five (5) members. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board of Commissioners may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time; but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- C. Reduction of appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated,⁷⁵ he shall report to the Board of Commissioners without delay, indicate the estimated amount of the deficit, any remedial action taken by him⁷⁶ and his recommendations as to any other steps to be taken. The Board of

⁷⁴ Editor's note: The original reads "pro-rated."

⁷⁵ Editor's Note: In the original, the comma is a semicolon.

⁷⁶ Editor's Note: In the original, a comma is included following "him."

Commissioners shall then take such further action as it deems necessary to prevent to minimize any deficit and for that purpose it may by ordinance reduce one (1) or more appropriations.

- D. Transfer of appropriations. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency; and, upon written request by the Manager, the Board of Commissioners may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- E. Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

§ C-908. Appropriations and levy.

Adoption of the budget and amendments shall constitute appropriations for the expenditures set forth therein, and shall constitute a levy of any property tax therein proposed.

§ C-909. Payment of funds.⁷⁷

- A. No payment of any funds of the township shall be made unless provided for in the budget and specifically approved by the Board of Commissioners; provided, however, that payroll and utility expenditures may be made at the direction of the Manager where based upon a prior ordinance or contract. All checks or drafts of the township shall be signed by the Manager or other authorized substitute and shall be countersigned⁷⁸ by the President of the Board of Commissioners, or other authorized member.
- B. The Manager shall certify to the Board of Commissioners on each accumulated statement of bills due each month that there is a sufficient balance in each allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it is due and payable.

§ C-910. Independent audit.⁷⁹

⁷⁷ Editor's Note: For additional provisions pertaining to claims procedure and the payment of funds, see § 25.3, Fiscal Affairs, of the Township Code.

⁷⁸ Editor's Note: The original reads "counter-signed."

⁷⁹ Editor's Note: For additional provisions pertaining to the independent audit, see § 25.9, Fiscal Affairs, of the Township Code.

The Board of Commissioners shall provide for an independent annual audit of all township revenues, expenditures and accounts, including capital accounts, by a Certified Public Accountant. The Board of Commissioners 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 Commissioners and a summary published in a newspaper circulating generally in the township on or before June 15 of the year following the fiscal year audited.

§ C-911. Fidelity bonds.⁸⁰

Before entering upon the duties of their respective offices or positions, the Township Manager, as well as any other officer, agent or employee of the township, as the Board of Commissioners may determine, shall execute and file with the township corporate surety bonds conditioned for the honest and faithful performance of their respective duties in such sums as shall be fixed by the Board of Commissioners.⁸¹ All such bonds and sureties thereon, before being accepted by the township, shall be approved by the Township Attorney. The agency placing such bonds shall be determined by the Board of Commissioners, 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.⁸² The cost of such bonds shall be paid by the township.

**ARTICLE X
Contracts**

§ C-1001. Requirements.

All contracts of the Township involving sums in excess of an amount equivalent to one quarter of one percent (1/4%) of the previous year's final budget of the Township shall be in writing and shall be executed on behalf of the Township by the President of the Board of Commissioners or, in his absence, the Vice President of the Board of Commissioners, and attested by the Township Manager. The President of the Board of Commissioners or the Vice President shall also execute all contracts, regardless of amount, for the purchase, sale, leasing or use of real estate. Such contracts shall be attested as above. Unless otherwise provided by Ordinance, the Manager shall execute contracts on behalf of the Township involving sums of not more than one quarter of one percent (1/4%) of the previous year's final Township budget made pursuant to budget or prior authorization. Any officer required to execute a written contract may

⁸⁰ Editor's Note: For additional provisions pertaining to fidelity bonds, see § 17.1 of Ch. 17, Bonds and Insurance, of the Township Code.

⁸¹ Editor's Note: In the original, a semicolon rather than a comma is included following "Manager" and "determine."

⁸² Editor's Note: The original reads "sub-divisions" and "quasi governmental."

require the Township Attorney to approve the same as to form.⁸³ **[Amended 7-6-92 by Ord. No. 1545]**

§ C-1002. Competitive bids.

Excerpt 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.⁸⁴

§ C-1003. Bidding procedure.

The Board of Commissioners shall, by ordinance, establish a system of competitive bidding.⁸⁵ The system shall include: definitions (including “best responsible bidder”), publication requirements, deposit and bond requirements, conditions, terms, rules, regulations, waiver and exceptions,⁸⁶ as the Board of Commissioners may from time to time deem advisable.

§ C-1004. Exceptions to competitive bidding.

Competitive bidding shall not be required under this Charter for:

- A. Labor or services rendered by any township officer or employee.
- B. Labor, material, supplies or services furnished by one township department to another township department.
- C. Contracts for labor, material, supplies or services available from only one (1) vendor.
- D. Contracts for labor, material, supplies or services aggregating less than one quarter of one percent (1/4%) of the previous year’s final Township budget. **[Amended 7-6-92 by Ord. No. 1545]**
- E. Contracts relating to the acquisition or use of real property.
- F. Contracts for professional or unique services.
- G. Contracts for insurance and surety bonds.⁸⁷

⁸³ Editor’s Note: For provisions pertaining to the administrative purchasing system, see § 25.5, Fiscal Affairs, of the Administrative Code.

⁸⁴ Editor’s Note: In the original, a comma is included before “except.”

⁸⁵ Editor’s Note: For the current competitive bidding system established by the Board of Commissioners, see § 25.6 of Ch. 25, Fiscal Affairs, of the Township Code.

⁸⁶ Editor’s Note: In the original, the comma following “exceptions” is omitted.

⁸⁷ Editor’s Note: For provisions pertaining to purchase of bonds and insurance, see § 17.3 of Ch. 17, Bond and Insurance of the Township Code.

- H. Contracts for emergency repair of public works of the Township.⁸⁸
- I. Contracts with other governmental entities, authorities agencies or political subdivisions.⁸⁹

§ C-1005. Maximum term of certain conditions.

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

§ C-1006. Eminent domain.

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

§ C-1007. Officials with personal interest in contracts.

No Commissioner, member of any township board of commission or any township officer or employee⁹⁰ shall solicit, benefit by or be financially interested, directly or indirectly, in any contract for the purchase of property or services (except for the services for which he is specifically retained by the township) to be paid from the township treasury.⁹¹

§ C-1008. Borrowing.

Capital expenditures involving temporary or long term borrowing, or tax anticipation borrowing (except emergency borrowing),⁹² shall be made only after the necessary funds are available in accordance with the laws of the commonwealth governing municipal debt.

**ARTICLE XI
Personnel**

§ C-1101. General provisions.

The Board of Commissioners shall establish, by ordinance, a personnel system, based upon merit, for the township.⁹³ The system so established shall not be inconsistent with any statute heretofore enacted by the commonwealth affecting the rights, benefits or working conditions of the employees of the township.

⁸⁸ Editor's Note: For provisions as to other emergency purchases, see § 25.7 of Ch. 25, Fiscal Affairs, of the Township Code.

⁸⁹ Editor's Note: The original reads "sub-divisions."

⁹⁰ Editor's Note: In the original, a comma is included following "employee."

⁹¹ Editor's Note: See also Ch. 23, Ethics, Code of, of the Township Code.

⁹² Editor's Note: In the original, the comma is omitted.

⁹³ Editor's Note: For current provisions pertaining to the personnel system, see Ch. 33, Personnel System, of the Township Code. In the original, commas are omitted following "system" and "merit."

§ C-1102. Civil service employee pension benefits.

Civil service employees shall not be entitled to any pension benefits in excess of those permitted under the laws of the Commonwealth of Pennsylvania applicable to home rule municipalities and including but not limited to Act 600 of 1956 (1956, May 29, P.L. (1955) 1804; 53 P.S. § 769). [Added 2-7-94 by Ord. No. 1618]

**ARTICLE XII
Recall**

§ C-1201. 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.

§ C-1202. Recall procedure.

- A. A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty percent (30%) of the registered electors of the township at large, if serving in an “at-large” position or of the ward, if serving in a ward position. Every recall petition shall name the office and officers against whom it is directed and the reasons for said proposed recall.⁹⁴
- B. Each elector signing a recall petition shall add to his signature his occupation, his residence, his election district and the date of signing. Signatures on a recall petition may be on separate sheets; but each sheet shall have appended to it the affidavit of some person (who need not be 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.
- C. A recall petition shall be tendered for filing to the board of elections having jurisdiction over elections in the township. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the board of elections, the petition shall be available for examination by an 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 Courts of this commonwealth.

⁹⁴ Editor’s Note: In the original, “at-large” is not hyphenated before “position” and a comma is included following “directed.”

§ C-1203. 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 receipt⁹⁵ of such notice, the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

§ C-1204. Recall elections.

A. If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after notice of the filing of such petition shall have been given to him, the board having jurisdiction over elections in the township shall arrange a recall election. The recall question shall be placed before the electors at the next election primary or general, occurring thirty (30) or more 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.

B. The following question shall be presented to each elector in a recall election:

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

The above question shall appear as to every officer whose recall is to be voted upon, and provisions shall be made for the elector to vote “Yes” or “No” on the question.

C. If a majority of the registered electors who vote on the question at a recall election shall vote “Yes,” the incumbent shall be deemed recalled and removed from office; but if a majority of such registered electors shall vote “No,” he shall remain in office.

D. 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.

§ C-1205. Disqualification for office.

No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to him has been filed shall be eligible for election or appointment to any office of the township within two (2) years after his

⁹⁵ Editor’s Note: The original reads “receiot.”

removal or resignation.

§ C-1206. 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 office,⁹⁶ or within nine (9) months after an unsuccessful recall election against him;⁹⁷ but an officer who has been reelected⁹⁸ for a successive term shall be subject to recall during the first year of such term.

**ARTICLE XIII
Succession**

§ C-1301. Rights and liabilities of the township.

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

§ C-1302. Authority of existing elected officers.

The Commissioners in office at the time this Charter becomes effective shall remain in office for the full terms for which they were originally elected. However, they shall have the responsibilities, duties, compensation and authority only as set forth in and in pursuance of this Charter. All other elected officials of the township in office at the time this Charter becomes effective shall remain in office for the full term for which they were elected, and they shall continue to perform the duties and receive the same compensation which they received prior to the adoption of this Charter. However, should any of such other offices become vacant for any reason, the vacancies shall not be filled; but the duties of the offices shall, instead, pass to the persons designated in this Charter.⁹⁹

§ C-1303. Continuation of ordinances.

All ordinances, resolutions, rules and regulations, or portions thereof, in force when this Charter takes effect and not in conflict herewith, are hereby continued in force and effect until amended, repealed, superseded or expired by their own terms. All ordinances and resolutions in continued effect as of the effective date of this Charter shall be construed as if enacted under this Charter, but as of the date of their original enactment.¹⁰⁰

⁹⁶ Editor's Note: In the original, the comma is omitted.

⁹⁷ Editor's Note: In the original, the semicolon is a comma.

⁹⁸ Editor's Note: The original reads "re-elected."

⁹⁹ Editor's Note: For additional provisions pertaining to continuity of authority and responsibilities and the reorganization of departments of government and boards and commissions, see §§ 11.2 and 11.3 of Ch. 11, Administrative General Provisions, of the Township Code.

¹⁰⁰ Editor's Note: For provisions as to continuation of existing ordinance provisions in the Administrative Code, see § 11.2 of Ch. 11, Administrative General Provisions, of the Township Code. For continuation of previous ordinance provisions in the Township Code, see Ch. 1, Adoption of Township Code, of the Township Code.

ARTICLE XIV
Initiative and Referendum

§ C-1401. General authority.

- A. The qualified voters of the township shall have power to propose ordinances to the Board of Commissioners by an initiative¹⁰¹ petition. If the Board of Commissioners fails to adopt an ordinance so proposed without any change in substance, the qualified voters shall have the right to adopt or reject it in accordance with § C-1406 hereof. However, such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of township officers or employees.
- B. The qualified voters of the township shall have power to require reconsideration by the Board of Commissioners of any adopted ordinance. If the Board of Commissioners fails to repeal an ordinance so reconsidered, the qualified voters of the township shall have the right to adopt or reject it in accordance with § C-1406 hereof; however, such power shall not extend to the budget or capital program or¹⁰² any emergency ordinance or ordinance relating to appropriation of money or levy of taxes or salaries of township officers or employees.

§ C-1402. Commencement of proceedings; petitioner's committee; affidavit.

- A. Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the Township Manager an affidavit stating they will constitute the petitioners' committee, stating they will be responsible for circulating the petition and filing it in proper form, and stating their names and addresses and specifying the address to which all notices to the committee are to be sent. The affidavit must set out in full the proposed initiative¹⁰³ ordinance or cite the ordinance sought to be reconsidered.
- B. Promptly after the affidavit of the petitioners' committee is filed, the Manager shall issue the appropriate petition blanks to the petitioners' committee.

§ C-1403. Petitions.

- A. Initiative and referendum petitions must be signed by qualified voters of the township equal in number to at least fifteen percent (15%) of the total number of qualified voters registered to vote in the township at the last regular municipal election.

¹⁰¹ Editor's note: The original reads "iniative."

¹⁰² Editor's Note: The original reads "of."

¹⁰³ Editor's Note: The original reads "iniative."

- B. All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

§ C-1404. Procedure after filing.

- A. Within twenty (20) days after the petition is filed, the Township Manager shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Township Manager within two (2) days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of § C-1403,¹⁰⁴ and within five (5) days after it is filed, the Township Manager shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient, and the petitioners' committee does not elect to amend or request the Board of Commissioners' review under the second paragraph of this section within the time required,¹⁰⁵ the Township Manager shall promptly present his certificate to the Board of Commissioners, and the certificate shall then be a final determination as to the sufficiency of the petition.
- B. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient,¹⁰⁶ the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Board of Commissioners. The Board of Commissioners shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Board of Commissioners' determination shall then be a final determination as to the sufficiency of the petition.
- C. A final determination as to the insufficiency of a petition shall be subject to court review.

§ C-1405. Referendum petitions; suspension of effect of ordinance.

When a referendum petition is filed with the Township Manager,¹⁰⁷ the ordinance sought

¹⁰⁴ Editor's Note: In the original, the comma is a semicolon.

¹⁰⁵ Editor's Note: In the original, the comma is a semicolon.

¹⁰⁶ Editor's Note: In the original, the comma is a semicolon.

¹⁰⁷ Editor's Note: In the original, the comma is omitted.

to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- A. There is a final determination of insufficiency of the petition, or
- B. The petitioners' committee withdraws the petition, or
- C. The Board of Commissioners repeals¹⁰⁸ the ordinance, or
- D. Thirty (30) days have elapsed after a vote of the township on the ordinance.

§ C-1406. Action on petitions.

- A. When an initiative or referendum petition has been finally determined sufficient, the Board of Commissioners shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the Board of Commissioners fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it¹⁰⁹ shall submit the proposed or referred ordinance to the voters of the township.
- B. The vote of the township on a proposed or referred ordinance shall be held at the next election authorized under the election laws of the commonwealth not less than sixty (60) days from the date of the final Board of Commissioners' vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls.
- C. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the township by filing with the Township Manager a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

§ C-1407. Results of election.

- A. If a majority of the qualified electors voting on a proposed initiative ordinance votes¹¹⁰ in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Board of Commissioners. If conflicting ordinances are approved at the same election the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

¹⁰⁸ Editor's Note: The original reads "repeal."

¹⁰⁹ Editor's Note: The original reads "they."

¹¹⁰ Editor's Note: The original reads "vote."

- B. If a majority of the qualified electors voting on a referred ordinance votes¹¹¹ against it, it shall be considered repealed upon certification of the election results.

ARTICLE XV Planning

§ C-1501. Planning administration.

The details for the administration of planning and zoning in the township shall be set forth in the Administrative Code adopted pursuant to Article VIII of this Chapter. The details shall include, but shall not be limited to provisions for the appointment compensation, duties and functions of the Planning Commission and the Zoning Hearing Board, the adoption or modification of a comprehensive plan for the future physical development of the township and procedures for the implementation of the comprehensive plan by the Board of Commissioners.¹¹²

§ C-1502. Planning, zoning and land use procedure.

Unless otherwise provided by ordinance, the procedure specified in the laws of the commonwealth governing planning, zoning and land use, as amended from time to time, shall be applicable to all matters before the Board of Commissioners, the Planning Commission and the Zoning Hearing Board.¹¹³

ARTICLE XVI General Provisions

§ C-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 or competent jurisdiction holding invalid any part or 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.

§ C-1602. Intention of Charter.

This Charter is not intended to give to the township any powers specially denied by the laws of the commonwealth governing home rule charters.¹¹⁴

¹¹¹ Editor's Note: The original reads "vote."

¹¹² Editor's Note: For provisions pertaining to the administration of planning and zoning in the Administrative Code, see Article II, Zoning Hearing Board, and Article VII, Planning Commission, of Ch. 15, Boards and Commissions, of the Township Code. See also § 21.10, Department of Planning and Community Development, in Ch. 21, Departments of Government.

¹¹³ Editor's Note: For statutory provisions pertaining to planning, zoning and land use, see the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended (53 P.S. § 10101 et seq.).

¹¹⁴ Editor's Note: For statutory provisions pertaining to home rule charters, see the Home Rule Charter and Optional Plans Law, Act No. 62 of 1972, as amended (53 P.S. § 1-101 et seq.).

§ C-1603. Gender, singular and plural construction.

The use of any gender implies all genders. The singular shall include the plural and the plural the singular.

§ C-1604. Captions.

The captions herein are inserted only for convenience of reference and in no way define, limit or describe the scope or intent of this Charter or any particular paragraph or section hereof.

§ C-1605. 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.¹¹⁵

§ C-1606. Effective date.

This Charter shall become effective and shall be deemed operative on the first Monday of January, 1976.

¹¹⁵ Editor's Note: For statutory provisions pertaining to home rule charters, see the Home Rule Charter and Optional Plans Law, Act No. 62 of 1972, as amended (53 P.S. § 1-101 et seq.).