

Plymouth Township Home Rule Charter



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ARTICLE I.

NAME AND BOUNDARIES

Section 101. Name.

Plymouth Township shall continue to be a municipal corporation under the name of "Plymouth Township." As used in this Charter, the word "township" shall mean the Home Rule Municipality of Plymouth Township in Montgomery County, Pennsylvania.

Section 102. Change of name.

- A. A change of name of the Township shall be initiated upon petition, clearly designated as a Change of Name Petition, setting forth the proposed new name of the Township and signed by at least twenty-five (25) per cent of the registered electors of the Township.
- B. Each elector signing a Change of Name Petition shall state his residence, election district and date of signing. Signatures on said petition may be on separate sheets, but each sheet shall have appended to it the affidavit of the circulator thereof, 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 sign with full knowledge of the contents of the petition and that their residences are correctly given.
- C. A Change of Name Petition shall be tendered for filing to the Board of Elections of Montgomery County, Pennsylvania. 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 pass upon the validity of the petition and the validity and number of signatures required thereon. 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. The change of name question shall be placed before the electors at the next regular election of any kind held not less than forty-five (45) days after said petition is filed with the Board of Elections.
- D. The question to be presented to each elector in a change of name election shall be: "Shall the name of the Township as provided in the Home Rule Charter of Plymouth Township, Montgomery County, Pennsylvania be changed from Plymouth Township to _____?" Provision shall be made for the elector to vote "yes" or "no" on the question. If the majority of the registered electors who vote on the question shall vote "yes," the name of the Township shall be deemed to be changed and shall become effective immediately. Otherwise, the name of the Township shall remain as stated in the Home Rule Charter.

E. A change of name election shall be held in all respects in accordance with the provisions of the Pennsylvania Election Code relating to the conduct of special elections.

Section 103. Boundaries.

The boundaries of the Township shall be the actual boundaries of Plymouth Township, a First Class Township, on the effective date of the Charter and as may be lawfully changed thereafter.

ARTICLE II.

POWERS OF THE TOWNSHIP

Section 201. Township powers.

The Township shall have and may exercise those powers and perform those functions not denied by the Constitution of Pennsylvania, the General Assembly of the Commonwealth of Pennsylvania or this Charter.

Section 202. Continuance.

All powers and functions of Plymouth Township, a First Class Township, contained in any and all ordinances, resolutions, bylaws, rules and regulations or portions thereof, in force on the effective date of this Charter and not inconsistent or in conflict herewith, shall be continued in full force and effect until amended, repealed, superseded [superseded] or expired by their own terms.

Section 203. Construction.

The powers of the Township shall be liberally construed in favor of the Township. Any specific mention of powers in this Charter shall not be construed as limiting in any way the general powers of the Township as stated in this Article.

Section 204. Intergovernmental relations.

In the exercise of any of its powers or the performance of any of its functions and the financing thereof, the Township shall have those powers of intergovernmental relations set forth in Article IX, Section 5 of the Constitution of the Commonwealth of Pennsylvania.

ARTICLE III.

TOWNSHIP COUNCIL

Section 301. Legislative powers.

- A. All powers of the Township, including those powers now in existence or hereafter conferred on the Township by the Constitution or the laws of the Commonwealth of Pennsylvania, shall be exclusively vested in and exercised by a Council, subject only to the provisions of this Charter.
- B. Council shall be the legislative body charged with the responsibility and duty to:
1. Establish the policies, goals and objectives for the Executive, Administrative and Advisory functions;
 2. Make and adopt ordinances and resolutions consistent with the Constitution and laws of this Commonwealth and this Charter, and to prescribe fines and penalties for the violation thereof.

Section 302. Composition.

The Township Council shall consist of five (5) members, of which four (4) shall be elected from districts and one (1) from the Township at large.

Section 303. Terms.

- A. Council members shall serve for four (4) years, commencing at 7:30 p.m. on the first Monday of January following the year in which they are elected. If the first Monday is a legal holiday, then the said terms shall commence at 7:30 p.m. on the first day following. The term of a Council member appointed to fill a vacancy shall commence upon appointment by Council or the Court under Section 306.D. of this Charter.
- B. A Council member appointed to fill a vacancy shall hold office, if the term thereof continues so long, until the first regularly scheduled meeting of Council following the certification of election of a Council member elected at the first primary, municipal or general election occurring more than sixty (60) days after the vacancy occurs, at which election a person qualified to hold such office in accordance with Section 305 of this Charter shall be elected for the remainder of the term. A person so elected shall assume office at the beginning of the aforesaid Council meeting.
- C. A Council member elected to fill a vacancy shall serve only for the balance of the unexpired term.

D. No Council member shall be consecutively elected for more than two (2) four (4) year terms and the balance of one unexpired term of a vacated Council seat.

Section 304. Elections.

The procedure for the nomination and election of Council members and the designation of municipal election days shall be as provided by the laws of the Commonwealth of Pennsylvania.

Section 305. Qualifications.

A Council member shall be a citizen of the United States, a resident of the district which he represents throughout the term of office and, at the time of his nomination, shall be a qualified elector and shall not have been convicted of embezzlement of public monies, bribery, perjury or other infamous crime. No Council member shall hold any other elected public office.

Section 306. Vacancies.

A. The office of a Council member shall become vacant upon death, legal incompetency, resignation, removal from office in any manner authorized by law or this Charter, or final Order by a Court of Competent Jurisdiction that said office has been forfeited.

B. The office of a Council member shall be forfeited if the Council member:

1. Lacks any qualifications for the office prescribed by this Charter or by law;
2. Violates any express prohibition of the Charter; or
3. Is convicted of embezzlement of monies, bribery, perjury or other infamous crime.

C. The following procedure shall be followed to determine whether a forfeiture has occurred:

1. Council shall hold a public hearing to decide whether a petition shall be filed in the Court of Common Pleas of Montgomery County, Pennsylvania to determine whether the office of a Council member has been forfeited.
2. Notice of such public hearing with the purpose, date, time and place specified shall be advertised once in at least one newspaper of general circulation within the Township not less than ten (10) days prior to the hearing. Council shall cause such notice to be sent by certified mail to the named Council member not less than ten (10) days prior to the hearing.

3. Within five (5) days following the public hearing, Council shall determine, by resolution, whether the said petition shall be filed.

D. If a vacancy shall occur in the office of a Council member for any reason set forth in this Charter, the remaining members of Council shall, by simple majority vote, not less than thirty (30) days nor more than forty-five (45) days following the vacancy, appoint a person qualified to hold such office in accordance with Sections 303 and 305 of this Charter. If Council shall refuse, fail or neglect or be unable, for any reason whatsoever to fill a vacancy within forty-five (45) days after the vacancy occurs, then the Court of Common Pleas of Montgomery County, Pennsylvania shall, upon Petition of the Council, of any individual Council member or of any twenty-five (25) qualified electors of the Township, fill the vacancy in such office by the appointment of a qualified elector of the Township in accordance with Sections 303 and 305 of this Charter.

Section 307. Salaries.

A. Each Council member shall receive a salary, established by resolution, equal to the compensation provided for a Township Commissioner in Townships of the First Class. The initial salary of a Council member shall be the salary in effect on the day before the date this amendment to the Home Rule Charter becomes effective. Thereafter, any change in salary shall apply to all Council members and shall not become effective until the date of commencement of the terms of Council members elected at the next municipal election occurring at least one (1) year after the effective date of this amendment to the Home Rule Charter or effective date of any subsequent amendment to the compensation provisions under the First Class Township Code.

B. Council members shall not receive from the Township other compensation, direct or indirect, except for actual out-of-pocket expenses incurred in the performance of their duties as authorized by resolution. (Ord. No. 1105, § 3, 6-15-1992)

Section 308. Organization.

A. The Township Council shall organize at 7:30 p.m. on the first Monday of January of each year by electing one of their number as Chairman and one of their number as Vice-Chairman. If the first Monday is a legal holiday, the meeting shall be held the first day following.

B. The Chairman, or in the Chairman's absence, the Vice-Chairman, shall preside at Council meetings, shall serve as the Township's Ceremonial Officer and shall be empowered to sign such legal documents as may be prescribed by this Charter.

Section 309. Procedures.

A. Council shall meet regularly in public at least once in every month at the office of the Township or such other location as prescribed by resolution at such time as Council may prescribe by ordinance or resolution. Special meetings may be held on the call of the Chairman or of a majority of Council members with at least twenty-four (24) hours notice to members of Council except for emergency actions authorized by Section 505 of this Charter.

B. Council shall conduct no business except in the presence of a quorum which shall be constituted by a majority of the members of Council.

C. Council shall, by ordinance, adopt rules of procedure for its meetings which shall be designed so as to assure full and equal participation in the deliberations of Council by all its members.

D. All public meetings of Council must include, as part of the agenda, an element of the meeting dedicated for interested citizens to address Council on matters of general or specific concern.

E. Official actions by Council shall be taken only at a public meeting by the adoption of an ordinance, of a resolution or by motion. Voting, except on procedural motions, shall be by roll call vote only and a simple majority of the Council members present and entitled to vote shall be required to make such vote binding upon Council.

F. Council shall act in all matters as a body and it is contrary to this Charter for any member of Council by virtue of his office to circumvent established policies, procedures, administrative duties or functions of Township employees.

Section 310. Records.

Council shall make, protect and preserve written minutes and records of its proceedings and voting which shall be entrusted to the care of the Township Manager. Electronic recordings of public Council meetings shall be made and preserved for a period of two (2) years. These records shall be kept at the office of the Township and be open for public inspection during reasonable hours.

Section 311. Reports.

A. Council shall make a full and complete disclosure to Township residents of its actions as well as Township administrative operations and activities both actual and planned. As a minimum, Council shall:

1. Monthly at the regularly scheduled monthly public meeting receive, and have available for public distribution written reports from the Township Manager, Chairman of the various Boards, Commissions and Authorities, or other appropriate persons.
 2. Annually, at a time designated by resolution by Council, prepare and distribute to every household and place of business within the Township a written report on the results of its stewardship during the prior fiscal year with particular regard to realized achievements compared to previously established objectives.
- B. A copy of all official reports required by law to be filed with other governmental agencies shall be kept at the office of the Township and be open for public inspection during reasonable hours. (Ord. No. 1105, § 4, 6-15-1992)

Section 312. Council districts.

- A. The Township Council Districts shall be formed of compact, contiguous territory with boundary lines following the center line of streets or natural or manmade barriers or dividing lines which shall contain as nearly as possible the same number of residents as determined by official census with no more than a ten (10) per cent variance from the mean in any such district.
- B. Council may, by ordinance, request that a special census count be made by the U.S. Census Bureau.
- C. Within sixty (60) days of the receipt of the certified results of the Federal Decennial Census or special census, Council shall appoint a Commission which is advisory in nature and which shall:
1. Be composed of twelve (12) members, comprised of three (3) Township Electors from each of the four (4) Township Council Districts, no more than two (2) of whom shall be from the same political party in each district. None of these members shall be employed by the Township in any capacity or shall receive compensation for service on this Commission.
 2. Review such census information for compliance with applicable law and this Charter and prepare an appropriate recommendation within sixty (60) days of appointment, provided that if any adjustment of boundary lines is deemed necessary:
 - a. A public hearing shall be held by the Commission for the purpose of reviewing the map and descriptions of the districts recommended;
 - b. The recommendation shall be drafted as a report which together with a map of the districts shall be introduced in Council at a public meeting by the Chairman of the Commission which proposal shall thereafter be considered by Council.

D. Council shall defer any action on Township Council district boundaries for sixty (60) days after appointment of the Commission but Council shall take official action within thirty (30) days following the expiration of such period of time.

ARTICLE IV.

TOWNSHIP MANAGER

Section 401. Appointment and compensation.

Council shall appoint a Township Manager for an indefinite term to serve at the pleasure of Council and shall fix his compensation.

Section 402. Qualifications.

The Manager shall be selected on the basis of his administrative training, qualifications and experience. He need not be a resident of the Township at the time of his appointment, but may reside outside the Township while in office only with the approval of Council. The Manager shall not hold any elective governmental office, shall devote his full time to the affairs of his office and shall not be otherwise gainfully employed.

Section 403. Executive powers and duties.

The Township Manager shall be the chief executive officer and Secretary of the Township and shall be responsible to Council for executing all policies established by it and for the proper administration of all affairs of the Township placed in his charge. He shall have the following powers and duties:

1. To appoint, suspend and remove department heads, Finance Director and Engineer with the advice and consent of Council in accordance with the Township Administrative Code and personnel system set forth in this Charter and to direct and supervise the administration of all departments, offices and agencies of the Township, except as otherwise provided by this Charter or by law.
2. To enforce the provisions of this Charter, policies of Council and all other ordinances and resolutions of the Township.
3. To make recommendations to Council to aid and assist it in the formulation of policy and to keep Council and the public informed as to the conduct of municipal affairs.

4. To investigate and make certain that all terms and conditions in favor of the Township in any public law, public utility franchise or other contract are faithfully kept and performed and to report any violations to Council.
5. To represent the Township in the deliberation and negotiation of intergovernmental agreements subject to the approval of Council pursuant to Article II of this Charter.
6. To prepare and present the annual financial plan as prescribed in Article VII of this Charter.
7. To exercise any additional powers and duties conferred upon him by this Charter and other ordinances and resolutions of Council.

Section 404. Removal.

The Council may remove the Manager at any time with or without cause in accordance with the following procedure:

1. Council shall adopt by the affirmative vote of the majority of all of its members a resolution to remove the Manager setting forth the effective date of said removal.
2. A resolution to remove the Manager may be adopted only at a public meeting of Council.
3. Council shall notify the Manager in writing of its intention to act on his removal at least five (5) days prior to the date on which such action shall be considered.
4. Council shall notify the Manager in writing of the action taken at said meeting.

Section 405. Acting Manager.

Subject to the approval of Council, the Manager shall designate in writing an employee of the Township who shall exercise the powers and duties of the Manager during the Manager's absence or disability, or in the event of a vacancy in the office of Manager. During such absence, disability or vacancy, Council may revoke such designation at any time and appoint another employee of the Township to serve until the Manager shall return, his disability shall cease or the vacancy is filled.

Section 406. Reports.

The Manager shall at all times keep Council fully advised as to the financial condition and administrative activities of the Township, shall provide to Council at its regular monthly meetings, and at such other times as Council may require, periodic reports thereon and shall prepare and submit to Council and make available to the public an annual report concerning the finances and administration activities of the Township during the year just ended at the end of each fiscal year.

ARTICLE V.

ORDINANCES

Section 501. Actions requiring ordinances.

In addition to any other power to duty required by law or by this Charter to be exercised by ordinance, those powers and duties of Council shall be exercised by ordinance which:

1. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
2. Establish, levy and collect taxes; increases or decreases the rates of existing taxes.
3. Grant, renew or extend a franchise.
4. Establish, alter or abolish rates charged for any utility supplied by the Township.
5. Authorize the borrowing of money except for revenue anticipation loans, or as otherwise provided by general law.
6. Exercise the power of eminent domain.
7. Purchase, convey, lease or authorize the purchase, conveyance or lease of any real property.
8. Amend or repeal any ordinance previously adopted.
9. Establish, alter or amend any zoning ordinance, subdivision procedure, land development and land use regulations, except as otherwise may be authorized, required or provided by the Pennsylvania Municipalities Planning Code.

Section 502. Form.

No ordinance shall contain more than one subject which shall be clearly expressed in its title. Any ordinance which repeals or amends an existing ordinance shall clearly indicate matter to be omitted or added.

Section 503. Procedure.

An ordinance may be introduced by any member of Council at any regular or special public meeting after publication as set forth herein. A written synopsis of the proposed ordinance shall be provided by the Manager to each Council member and shall be read prior to a vote on its adoption. Citizens of the Township shall have an opportunity to be heard prior to a vote on the adoption of the ordinance. Council may adopt the ordinance as proposed, but if the substance of the proposed ordinance is materially changed, Council may not adopt the ordinance until a revised summary shall have been published as set forth herein. Every ordinance shall contain the date of its enactment and the signature of the presiding officer. However, the failure of the presiding officer to sign an ordinance shall not in any way invalidate an otherwise valid ordinance.

Section 504. Publication and effective date.

A. Prior Publication. The Manager shall publish a summary of all proposed ordinances which shall clearly state its subject matter at least once in at least one (1) newspaper of general circulation in the Township not more than thirty (30) days nor less than seven (7) days prior to the public meeting at which it is to be considered by Council and provide in the offices of the Township a reasonable number of copies of a synopsis of the proposed ordinance for the citizens of the Township. The publication shall set forth the date, time and place of the public meeting when Council shall consider the proposed ordinance and that a copy of the proposed ordinance may be obtained at the offices of the Township. In the event the consideration of the proposed ordinance is tabled or continued, it shall not be given further consideration unless republished as set forth herein.

B. Subsequent publication. Unless otherwise required or provided by General Law, the Manager shall publish at least once in at least one (1) newspaper of general circulation in the Township within ten (10) days after the date of adoption of an ordinance either the full text thereof or the title and a brief summary setting forth all the provisions in reasonable detail and a reference to a place within the Township where copies of the full text of the ordinance may be examined. If the full text of the ordinance is not published, then a copy of the ordinance certified by the Manager shall be supplied to the said newspaper of general circulation in the Township at the time the public

notice is published. A certified copy thereof shall be filed in the Montgomery County Law Library or other County office designated by the Montgomery County Commissioners.

C. Effective date. Except for emergency ordinances or the adoption or amendment of operating and capital budgets as otherwise provided in this Charter, every ordinance adopted by Council shall become effective on the thirty-first (31) day after the date of adoption or at any later date specified therein.

Section 505. Emergency ordinances.

Council may, in the event of a substantial public emergency affecting the life, health, property or peace of the citizens of the Township, adopt emergency ordinances, but such ordinances shall not levy taxes or authorize borrowing of money except as provided by law. An emergency ordinance shall be clearly so designated and shall contain a declaration of the emergency described in clear and specific terms. The manner for adoption of ordinances set forth herein shall be followed except that no publication prior to adoption shall be necessary and the emergency ordinance may be adopted at the meeting at which it is introduced. An emergency ordinance shall become effective immediately, shall automatically stand repealed as of the thirty-first (31) day following its date of adoption, but may be re-enacted as provided herein if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

Section 506. Standard codes of technical regulation.

Council may adopt any Standard Code of Technical Regulation by adopting an ordinance incorporating said Code by reference. Copies of such Code shall be available at the offices of the Township for public use and inspection or purchase at a reasonable price fixed by Council.

Section 507. Recording and codification.

A. Recording. The Manager shall record the full text of all ordinances of the Township together with proof of publication within one (1) month of their adoption in a permanent record book which shall be open and available for public inspection at reasonable hours in the offices of the Township.

B. Codification. Within one year after the effective date of this Charter, Council shall provide for the preparation of a general codification of all Township ordinances having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly in a loose-leaf or other appropriate form together with this Charter and the Administrative Code referred to in Article VI of this

Charter. This compilation shall be known and cited as the Township "General Laws" and copies shall be furnished to Township officers, placed in libraries and the Township Office for free public reference, and made available for purchase by the public at a reasonable price fixed by Council. All amendments to the General Laws shall be integrated in said compilation and distributed as aforesaid.

ARTICLE VI.

TOWNSHIP ADMINISTRATION

Section 601. General provisions.

Council shall, by ordinance, create, alter or abolish and prescribe the functions of Township departments, offices and agencies not inconsistent with law or this Charter.

Section 602. Administrative code.

Council shall adopt, by ordinance, an administrative code which shall provide for the Township administrative structure and procedures.

Section 603. Personnel system.

A. Department Heads shall appoint, suspend or remove subordinate Township employees with the approval of the Township Manager.

B. All appointments and promotions of Township employees shall be made on the basis of merit and fitness demonstrated by examination or other evidence of competency.

C. Council shall adopt, by ordinance, personnel rules necessary to the administration of the Township's personnel system, including, as a minimum, methods for determining the merit and fitness of candidates for appointment or promotion, policies regulating disciplinary action and grievance [grievance] procedures.

Section 604. Attorney.

A. The Township Attorney shall be a member of the Bar of the Supreme Court of Pennsylvania with at least five (5) years experience in active legal practice; shall be appointed for an indefinite term by Council, who shall fix his compensation.

B. The Township Attorney shall:

1. Serve as the chief legal adviser to Council, the Manager and other Township departments, offices and agencies;
2. Represent the Township in legal proceedings or hearings; and
3. Perform any other duties prescribed by this Charter, ordinance, directive of Council or general law.

Section 605. Engineer.

The Township Engineer shall be a Professional Civil Engineer registered in the Commonwealth of Pennsylvania; shall be appointed for an indefinite term by the Manager with the advice and consent of Council who shall fix his compensation; and shall under the direction and supervision of the Manager supervise and control all engineering and other matters of the Township as specified in the Administrative Code.

Section 606. Finance director.

- A. The Township Finance Director shall be qualified by education and experience in financial management and public finance; shall be appointed for an indefinite term by the Manager with the advice and consent of Council who shall fix his compensation.
- B. The Finance Director shall serve as the chief financial adviser to Council, the Manager and other Township departments, offices and agencies.
- C. The Finance Director shall, under the direction and supervision of the Manager, perform any other duties as prescribed in this Charter and by ordinance, or resolution.

ARTICLE VII.

FINANCIAL PROCEDURES

Section 701. Fiscal year.

The fiscal year of the Township shall be the calendar year. However, after 1976, if not prohibited by law, Council may by ordinance adopt a different fiscal year, specifying an orderly procedure for financial and budgetary controls in making the transition to a different fiscal year.

Section 702. Financial planning.

A. The Manager, assisted by the Finance Director, shall each year, at a time specified by Council, submit to Council a financial plan for the Township which shall:

1. Reflect the policies and objectives established by Council therefore;
2. Cover all Township funds and activities;
3. Specify a total of expenditures not to exceed estimated revenue from all sources to be received in the course of normal governmental activity excluding any extraordinary income not contracted for at the date of adoption of such plan. Available surpluses from prior years may be included with estimated revenues;
4. Be in such form as Council shall, by ordinance or directive, direct; and as a minimum, contain the following:
 - a. Operation plan of revenue and expenditures for the next fiscal year to be designated as the Operating Budget which shall be in such detail as Council may direct. The information to be provided in such plan shall contain, as a minimum, the amounts to be appropriated for each activity in terms of:
 1. Personal Services;
 2. Contractual Services;
 3. Materials, supplies and equipment.
 - b. Operation plan of revenue and expenditures for a period of at least four (4) additional years, individually stated to be advisory only for the purpose of long range planning. The information to be provided shall be stated in general categories only;
 - c. Capital Program for the remainder of the term of the improvements proposed to be undertaken but in no case less than five (5) fiscal years the first year of which shall be in detail and designated as the Capital Budget;
 - d. Statement of Debt, the amortization schedule through a time period covering the latest final maturity of any issue, and showing in addition to existing debt, the amortization schedule for all proposed debt for projects included in the Capital Program. The amortization schedule should show, both separately and inclusively, payments for interest as well as principal;
 - e. An explanation, by the Manager, of the plan in terms of programs, projects and services to be provided, the policies and objectives established by Council and response thereto, and such other information which he shall deem desirable.

B. Council shall review the proposed financial plan with the Manager, Finance Director and others it may deem appropriate for viability, legality and compliance with guidelines previously established. Following such review and the completion of changes directed by Council to be made, Council shall cause to be published in one (1) or more newspapers of general circulation within the Township:

1. A general summary of the plan;
2. Notice of a public meeting with date, time and place specified at which said financial plan will be considered by Council; and
3. The times and places where copies of the plan shall be available for inspection by Township residents.

C. Council shall conduct a public meeting which shall follow such notice by no less than seven (7) days to receive the comments and suggestions of Township citizens. Such public meeting may be held at the regularly scheduled monthly Council meeting.

D. After the public meeting and on or before the thirty-first of December of each year, Council shall, by ordinance, with or without amendment, adopt the Operating and Capital budgets which shall become effective immediately upon adoption and which shall constitute for the ensuing fiscal year appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the taxes therein proposed. If Council shall fail to adopt such budgets by this date, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis until such time as Council adopts the budgets for the ensuing fiscal year.

E. In the years following a municipal election, the new Council may, within forty-five (45) days from the beginning of the fiscal year adopt a revised financial plan.

Section 703. Budget amendment.

A. Council may, by ordinance, which shall be effective immediately upon adoption, amend the financial plan by:

1. Making supplemental appropriations only when the Finance Director certifies there are available for such appropriations, revenues in excess of those estimated in the financial plan;
2. Reducing one or more appropriations when the Finance Director has reason to believe revenues available will be insufficient to meet the amounts appropriated, which fact he shall report to the Manager and Council without delay, indicating the estimated

amount of the deficit, any remedial action he has taken and his recommendation as to any steps to take;

3. Transferring part or all of any unencumbered appropriation balance from one department, office or agency to another Council shall clearly state the reason for doing so and the amount of the funds affected both before and after the transfer;

4. Making emergency appropriations and providing for the funding thereof in accordance with the provisions of Article V of this Charter and by law.

B. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.

Section 704. Collections.

Collections shall be directed and supervised by the Finance Director who shall exercise the powers and perform the duties heretofore exercised and performed pursuant to prior law by the Treasurer and all other officers, departments, boards and commissions of Plymouth Township, a First Class Township, in the determination, receipt and collection of taxes, license fees and other moneys due the Township, and such other powers and duties as may be imposed or conferred upon it by this Charter or by ordinance.

Section 705. Contracts.

A. The Township may make contracts for all lawful purposes subject to the provisions of this Charter and general laws. No contract shall be made or obligation incurred unless the Finance Director shall certify to Council and the Manager that there is a sufficient unencumbered balance in an appropriation and sufficient funds therefore are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any contract made in violation of this provision shall be void and any payment made therefore shall be illegal and shall be cause for removal of any officer authorizing same who shall also be liable to the Township for any amount so paid.

B. All contracts of the Township involving sums in excess of the amount set forth in Section 705.F.2. of this Charter shall be in writing and shall be executed on behalf of the Township by the Chairman of Council. Except, Council may, by ordinance, authorize the Manager to execute contracts which involve sums of less than a specified amount and which are made pursuant to budget or other prior authorization by Council. The

Chairman of Council shall also execute all contracts, regardless of amount, for the purchase, sale, lease or use of real estate. All written contracts shall be reviewed by the Township Attorney to approve the same as to form. Council shall establish, by ordinance, the requirements of and procedures for contracts not subject to the competitive bidding requirements of this Charter.

C. No person shall evade the provisions of this Section of the Charter by purchasing or contracting for services or supplies piecemeal which transactions should, in the exercise of reasonable discretion and prudence, be conducted as one (1) transaction amounting to more than the amount as specified above by Council.

D. 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 lowest responsible bidder after competitive bidding.

E. Council shall, by ordinance, establish a procedure for competitive bidding to include such definitions, publication requirements, deposit and bond requirements conditions, terms, rules, regulations, waivers, rights of acceptance and rejection, and exceptions as it shall from time to time deem advisable.

F. Competitive bidding shall not be required under this Charter for:

1. Labor or services rendered by any Township officer or employee;
2. Contracts for labor, material, supplies or services aggregating less than ten thousand dollars (\$10,000.00) for the item in the year supplied or such other amount as from time to time may be provided under similar provisions governing contracts under the First Class Township Code.
3. Contracts relating to the acquisition or use of real property;
4. Contracts for professional or unique services or supplies;
5. Contracts for emergency repair of public works of the Township; or
6. Contracts with other governmental entities, authorities, agencies or political subdivisions.

G. Contracts for the purchase of supplies consumed in the daily conduct of Township affairs may be made for a period not to exceed two (2) years if all of the following conditions are satisfied:

1. The terms of such contract are to the advantage of the Township for reasons of favorable cost, material quality and continuity of supply;

2. The provisions of Section 705A of this Charter are met for the fiscal year in which such contract is made;
3. Council shall, by resolution, approve the terms of the proposed contract.

Section 706. Payment of funds.

- A. The Finance Director shall make all disbursements in discharge of Township obligations lawfully incurred and duly approved for payment, signing all checks, drafts and other orders of payment which shall be countersigned by the Manager or in his absence, the Acting Manager.
- B. Council shall prescribe, by ordinance, the manner in which bills for Township indebtedness shall be approved for payment.

Section 707. Records.

- A. The Finance Director shall record, or cause to be recorded, in the form and by the procedures prescribed by ordinance, all financial activities of the Township in terms of dollars and other appropriate units of measurements so that required reports and analyses may be produced for the proper management and control of such activities.
- B. Council shall provide in the Administrative Code for the preservation of financial and other public records. Records shall be kept at the offices of the Township and shall be open for public inspection during regular business hours.
- C. Council shall, by ordinance, adopt a uniform classification of accounts and codes used in the planning, programming, budgeting and reporting processes.

Section 708. Reports.

- A. The Finance Director shall take appropriate measures to reasonably insure that the Manager and Council are kept informed of any significant financial or financially related fact which would have an impact or influence on the Township.
- B. The Finance Director shall report on the financial operations of the Township as Council and the Manager direct to comply with the provisions of this Charter.
- C. The Finance Director shall prepare an annual financial report in the form prescribed by Council which shall:
 1. Be included in the Annual Report to the Township residents as prescribed in Article III of this Charter;
 2. Compare the actual financial performance of the Township to that contained in the originally adopted financial plan; and

3. Be certified as specified in Section 709 of this Charter.

Section 709. Independent audit.

Council shall provide for an independent annual audit of all Township revenues and accounts by a Certified Public Accountant who is not a Township employee and who has no personal interest, direct or indirect, in the fiscal affairs of the Township government or any of its elected or appointed officers. Council 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 Council for inclusion in the annual report to the Township as specified in this Charter.

Section 710. Financial limitations.

A. Until such time as the General Assembly shall provide uniform laws on rates of taxation which apply to a municipality with a Home Rule Charter, the Township shall continue to be subject to the limitations on the rates of taxation which apply to Townships of the First Class.

B. The borrowing of money shall continue to be limited by Acts of the General Assembly applying to municipalities governed by a Home Rule Charter.

Section 711. Bonds.

Council shall provide in the Administrative Code for bonding of all employees and representatives of the Township who are involved in the handling or authorization of receipts, disbursements, goods and supplies.

ARTICLE VIII.

CITIZEN PARTICIPATION

Section 801. General provision.

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

Section 802. Boards, commissions and authorities.

A. Council shall, by ordinance or resolution, create, modify or abolish Boards, Commissions, Authorities and other agencies and committees and prescribe their organization and functions consistent with this Charter and general law.

B. Council shall appoint citizens to such Boards, Commissions, Authorities, agencies or committees to serve for terms not to exceed five (5) years after appropriate announcement of openings at a public meeting. No citizen shall serve more than two consecutive terms and the balance of one (1) unexpired term on the same Board, Commission, Authority, agency or committee. However, no citizen appointed or serving on such Boards, Commissions, Authorities, agencies or committees shall hold any other appointive or elective township office, except on a Government Study Commission created under Pennsylvania Act 62 of 1972.

C. A Chairman shall be elected by each Board, Commission, Authority, agency and committee from among its members who shall preside at all meetings and report at least monthly to Council in the manner which it directs. Other appropriate offices may be created and filled from the membership of the body.

Section 803. Initiative and referendum.

A. Qualified voters of the Township shall have the following powers:

1. Initiative. To propose ordinances to Council which are consistent with this Charter and general law and to adopt or reject the same at a Township election if Council fails to adopt an ordinance so proposed without any change in substance; and
2. Referendum. To require reconsideration by Council of any adopted ordinance prior to its effective date and; if Council fails to repeal an ordinance so reconsidered, to approve or reject it at a Township election.

B. All petition papers circulated for the purpose of an initiative or referendum shall:

1. Contain the names and addresses of five (5) voters designated as the Committee of the Petitioners;
2. Contain the full text of the ordinance proposed or sought to be reconsidered;
3. Bear the signatures and addresses in ink of registered electors comprising at least twenty-five (25) per cent of the registered electors of each district of the Township;
4. Be filed with the Township Manager as one instrument, each page of which shall contain an affidavit executed by the circulator thereof stating that all signatures thereon are genuine and were affixed in his presence only after the signer had an opportunity to read the full text prior to signing.

C. The Township Manager shall, within twenty (20) days after a petition is filed, examine the petition for compliance with the provisions of this Charter, submit the petition to the Township Attorney for his written opinion as to legality and certify the results of his examination by registered mail to the Committee of the Petitioners and Council Chairman.

1. If the Manager certifies the petition is valid:

a. An initiative ordinance shall be presented at the next Council meeting and be subject to other provisions of this Charter.

b. The ordinance for which the referendum petition was filed shall be immediately suspended until:

(1) The petition is withdrawn by the Committee of the Petitioners;

(2) It is repealed by vote of Council; or,

(3) It is approved or disapproved by the voters upon the certification of election results.

2. If the Manager certifies the petition is invalid he shall set forth in his certificate the particulars in which it is defective which may be corrected by amendment within ten (10) days after notification of insufficiency has been received.

D. If within sixty (60) days of the submission of a certified petition by the Manager to Council Chairman, Council shall fail to pass an ordinance requested by initiative petition in substantially the form requested or to repeal an ordinance as required by referendum petition, the Manager shall within ten (10) days thereafter, or the Committee of the Petitioners, if the Manager fails to act, file the petition with the Board of Elections of Montgomery County, Pennsylvania, the proposed or referred ordinance to be voted upon by the Township electors at the next regular Township election. An initiative or

referendum election shall be held in all respects in accordance with the provisions of the Pennsylvania Election Code relating to the conduct of special elections.

E. If a majority of the qualified electors voting on the proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the Township upon certification of the election results. If the provisions of two (2) or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control. If a majority of the qualified electors voting on a referred ordinance vote against it, the ordinance shall be considered repealed upon certification of the election results. Council may not consider reversing the results of an initiative or referendum vote for at least two (2) years following certification of such vote.

F. Initiative and Referendum powers shall not extend to the budget or capital programs in their entirety nor to any emergency ordinance or ordinance relating to the levy of taxes. Such exception, however, shall not apply to specific projects of the capital program.

ARTICLE IX.

RECALL

Section 901. Officers subject to recall.

The electors of a district or the electors of the Township at large may remove from office at a recall election the council member representing that district or the Township at large in the manner provided in this article.

Section 902. Recall procedures.

A. A recall of a Council member shall be initiated upon petition, clearly designated as a recall petition and signed by registered electors comprising thirty (30) per cent of the registered electors of the district in the recall of a district Council member or the Township at large in the recall of a Council member at large.

B. Each elector signing a recall petition shall state his residence, election district and date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of the circulator thereof not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the person whose signatures appear on the sheet are registered electors of the district or the Township at large, 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 of Montgomery County, Pennsylvania. 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 pass upon the validity of the petition and the validity and number of signatures required thereon. 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. The decision of the Board of Elections shall be subject to review by the Court of Common Pleas of Montgomery County, Pennsylvania, on appeal filed within thirty (30) days of the date of the decision of the Board of Elections.

Section 903. Notice to council member.

The Board of Elections shall, within ten (10) days after accepting a recall petition for filing and determining its validity, notify the Council member named in the petition that the petition has been filed and determined as valid. Upon receipt of such notice, the Council member may appeal as provided herein, or resign from his office and thereupon the recall proceedings shall terminate.

Section 904. Recall election.

A. If the Council member does not resign from office within twenty (20) days after receipt of notice from the Board of Elections, a recall election shall be arranged by said Board. The recall question shall be placed before the electors at the next regular election of any kind to be held not less than thirty (30) days nor more than one hundred sixty (160) days after the twenty (20) days have expired. A recall election shall be held in all respects in accordance with the provisions of the Pennsylvania Election Code relating to the conduct of special elections. The Council member may resign at any time prior to the recall election and thereupon the election shall not be held.

B. The question to be presented to each elector in a recall election shall be: "Shall--(name of council member)--be recalled and removed from the office of--(council member at large or council member from district) ___?" A 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 the question shall vote "yes" the Council member shall be deemed recalled and removed from office. Otherwise the Council member shall remain in office. The effective date of the removal from office shall be seven (7) days after the results of the election are certified by the Board of Elections, unless said date is postponed by order of a court of competent jurisdiction.

Section 905. Disqualification for office.

No person who has been removed from office by a recall election or who has resigned from office after a recall petition directed to him has been filed, shall be eligible for

appointment to fill a vacancy in the office of a Council member for a period of four (4) years after his removal or resignation.

Section 906. Limitations.

No recall petition shall be filed against a Council member within the first year of his office or within nine (9) months after an unsuccessful recall election against him, but a Council member who has been re-elected for a successive term shall be subject to recall also during the first year of that term.

ARTICLE X.

GENERAL PROVISIONS

Section 1001. Severability.

If any provision of the Charter is held invalid or unconstitutional, the remaining provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid or unconstitutional, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 1002. Prohibitions.

A. The following activities shall be prohibited in the operation of the Township government:

1. No person shall, in his employment by the Township in any capacity, appointment to any board, commission or agency, or removal there from, be favored or discriminated against because of age, race, sex, political or religious opinions or affiliations;

2. No person who seeks appointment on any Township board, commission or agency or employment by the Township in any capacity shall, directly or indirectly give or pay any money, service or other consideration to any person in connection with such appointment or employment.

B. Any person who violates the provisions of Section "A" shall not be qualified to hold appointed office or employment in the Township and upon conviction may be subject to such fine as provided by Council or other applicable law.

C. No elected or appointed official of the Township shall:

1. Engage in any activity or take any action by virtue of an official position from which activity or action the official, or any other person or entity in whose welfare the official is interested, shall realize a gain or advantage, or receive anything regarded by the beneficiary as a gain or advantage. Such gain or advantage shall not, however, be construed to be prohibited if realized generally by a group or class of citizens as the purposeful result of such activity or action;
 2. Accept, directly or indirectly, any gift, favor, service or other consideration that might reasonably tend to influence that official in the discharge of the duties of office;
 3. Seek to influence, directly or indirectly, the awarding of any contract where such official, or other person or entity in whose welfare the official is interested, would benefit directly or indirectly, financially or otherwise, from said contract.
- D. Any elected or appointed official of the Township, or any employee thereof, having a direct or indirect financial interest with any person or business entity proposing to contract with the Township for the purchase or sale of land, materials, supplies or services of any kind, whether that interest be as an employee, a party, a partner, or a stockholder, shall fully disclose said interest and, except where stock holdings in a public corporation shall be minimal, shall not participate in the discussion of said contract or vote on said contract. Violation of this Section shall render the contract voidable.
- E. Willful violation of the provisions of Sections "C" and "D" hereof shall constitute malfeasance in office which, except as may otherwise be provided by general law, shall be a summary offense punishable by the maximum fine and/or imprisonment established by general law. Conviction of an official shall result in forfeiture of office or termination of employment, and an elected official so convicted shall thereafter be ineligible to hold public office within the Township.

Section 1003. Zoning and planning.

Until such time as the General Assembly shall provide uniform laws on zoning and planning which apply to a municipality with A Home Rule Charter, the Township shall continue to be subject to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Section 1003.1. Gender.

Words used in the masculine gender shall include the feminine and words used in the feminine gender shall include the masculine at all places in this Home Rule Charter.

Section 1004. Charter amendment.

This Charter may be amended in the manner provided by law.

Section 1005. Effective date.

This Charter shall become effective on the 5th day of January, 1976.

Section 1006. Transitional provisions.

The orderly transition from the present government with its form and powers derived from prior law to the new government as prescribed by this Charter and other law shall be effected according to the Transition Plan contained in the Government Study Commission Report dated February 19, 1974.