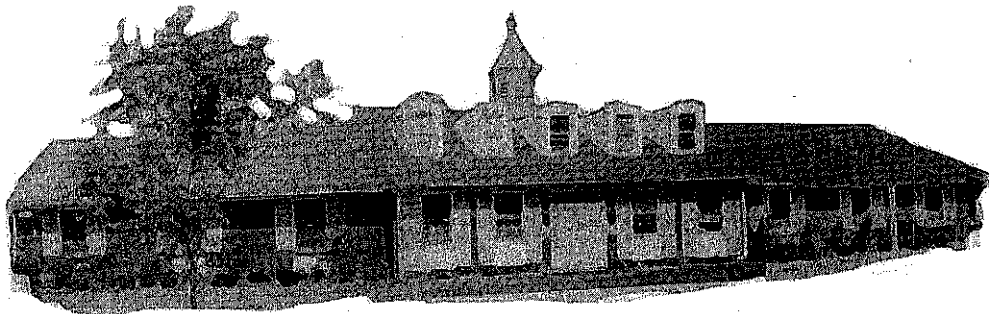


Upper Providence Township

Home Rule Charter



The voters of Upper Providence, on November 4, 1975, adopted the Home Rule Charter as their form of government. The Home Rule Charter is basically a modification and adaption of the Second Class Township Code, which Upper Providence had for many years. Upper Providence Township's Home Rule Charter provides for increased local control, more responsiveness and openness in government, increased citizen participation, increased fiscal responsibility, ethical standards, and environmental provisions.

The Upper Providence Township Council on January 8, 1995, created an Ad Hoc Home Rule Charter Review Committee, consisting of seven residents of Upper Providence

Township, to review the original 20-year Home Rule Charter.

After a year of research, public meetings and constant review of other communities Home Rule Charters, the Ad Hoc Committee presented four changes to the Home Rule Charter that were approved by the residents of Upper Providence at the November 5, 1996 election.

The four changes, which are reflected in this new handbook, amended Section 5.01(8), so as to remove the requirement that the purchase, conveyance, or lease of personal property would have to be accomplished by Ordinance; amended Section 5.03(5), which changed the advertising requirements of Ordinances; amended Section 6.07, so as to eliminate the need for the adoption of an Ordinance in the event of an adjustment in the salary of the Township Manager; and amended Section 7.03, so that the Township Financial Plan would be presented 60 and not 90 days prior to the beginning of the year.

Members of the Upper Providence Township Council and the Ad Hoc Home Rule Charter Review Committee who were part of the revisions to the Charter are listed below:

Upper Providence Township Council		Ad Hoc Home Rule Committee	
1st District:	Celine O'Brien	1st District:	Robert Mittrione
2nd District:	James Morrash	2nd District:	Virginia Dietz
3rd District:	Sandra Purcell	3rd District :	Willard Kynett
4th District:	Robert Powell	4th District:	Wesley Wilkens
5th District:	Thomas Griffith	4th District:	Joanne Boyd
Township Manager:	Bruce Fosselman	5th District:	Joseph Kauffman
Township Solicitor:	Guy Messick	5th District:	Theodore Wenrick

It is appropriate to list the original members of the Upper Providence Township Government Study Commission that were appointed by the voters at the election of May 21, 1974 to study the Township Government and recommend any desirable changes. The electorate elected the following residents to serve on this Study Commission:

Charles Alyankian	Arthur Floor	Anthony List
Edwin Blair	George Graham	Edward McKenna
Valerie Bradley	Catherine Granger	Robert Mitrione

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**UPPER PROVIDENCE TOWNSHIP
HOME RULE CHARTER
PREAMBLE**

WE, THE CITIZENS OF UPPER PROVIDENCE TOWNSHIP, in order to insure the power of self government, strengthen the structure of our municipal government, make it more clearly responsible and responsive to the people, provide municipal services and facilities with the highest degree of efficiency and economy, and promote the general welfare and security within the Township to ourselves and for the future, do ordain and establish this Home Rule Charter for Upper Providence Township.*

*The Upper Providence Citizens approved the original Home Rule Charter at the election of November 4, 1975 and amended the Home Rule Charter at the election of November 5, 1996.

DEFINITIONS

The following words, when used in the Charter, shall have the following meanings:

A. "Charter" shall mean the Home Rule Charter adopted by the voters of Upper Providence Township and effective on the fifth day of January, 1976.

B. "Township" shall mean Upper Providence Township.

C. "Council" shall mean the governing body of Upper Providence Township.

D. "Elector" shall mean any person who shall possess all of the qualifications enabling him to register to vote.

E. "Registered Elector" shall mean any person who shall possess all of the qualifications of an elector and who has legally registered to vote.

F. "Voter" shall mean any person who votes.

G. "Election" shall mean any general, special, municipal or primary election unless otherwise specified.

H. "General Election" shall mean the election which the Constitution of this Commonwealth requires to be held in even numbered years.

I. "Municipal Election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd numbered years.

J. "Primary Election" shall mean any election for the nomination of candidates.

K. "November Election" shall mean either the general election or the municipal election or both, according to the context.

L. "Certification of the Election Results" shall mean that certification of election results prepared by the County Board of Elections as prescribed by the laws of the Commonwealth.

M. "Majority" shall mean the number greater than one-half of any total.

N. "Quorum" shall mean a majority of the whole body.

O. "Oath" shall include affirmation, and "swear" shall include affirm.

P. "Advertising" shall mean publication in one newspaper of general circulation issued daily, intended for general distribution and circulation and sold at fixed prices per copy to subscribers and readers without regard to business, trade, profession or class as well as publicizing in one other publication which is circulated throughout the Township on at least a weekly basis.

Q. "Proof of Publication" shall mean a printed or written statement, declaring the name of a newspaper of general circulation, a legal newspaper, a legal periodical, official newspaper, or official legal newspaper, its place of business, when the same was established, date or dates, and issue or issues, in which a printed notice or publication appeared, and to which is securely attached, exactly as printed or published, a copy of the official advertisement, official notice, legal notice, or legal advertisement, verified with a statement of the owner, publisher, or the designated agent of the owner or publisher, of such newspaper or periodical in which the official or legal advertisement or notice was published, duly sworn to before a person authorized to administer oaths, and also declaring that the affiant is not interested in the subject matter of the notice of advertising, and that all of the allegations of the statement as to the time, place, and character of publication are true.

R. "Ordinance" shall mean an enactment of the Township Council.

S. "Resolution" shall mean a formal expression of the opinion or will of the Township Council adopted by vote.

T. "Motion" shall mean the formal mode in which a member submits a proposed measure or resolve for the consideration and action of the meeting.

ARTICLE I

APPLICABILITY AND LEGAL STATUS

Section 1.01 LEGAL APPLICABILITY

This Charter and all subsequent amendments thereto shall define the powers and establish the form of government for Upper Providence Township in the County of Delaware in the Commonwealth of Pennsylvania. This Chapter is the basic law of the Township and is restricted only by the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania.

Section 1.02 STATUS AND NAME

This municipality now known as "Upper Providence Township" shall continue to be a body politic and municipal corporation under the same name and to act for the Commonwealth in the execution of Commonwealth programs within the Township's boundaries.

Section 1.03 BOUNDARIES

The boundaries of the Township shall continue to be the present boundaries of Upper Providence Township. The boundaries of the Township may be changed hereafter as prescribed by or pursuant to the laws of the Commonwealth of Pennsylvania.

ARTICLE II

POWERS OF THE TOWNSHIP

Section 2.01 GENERAL GRANT OF POWER

The Township shall have and may exercise any power or perform any function not expressly denied by or inconsistent with the Constitution and laws of the United States of America, the Constitution and general laws of uniform applicability of the Commonwealth, or provisions of this Charter. The Township shall continue to possess all powers now vested in it by law.

Section 2.02 INTERPRETATION

The powers of the Township shall be liberally construed in favor of the Township in order to provide the Township with the greatest possible degree of self government. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Article. All possible powers and functions of the Township are to be considered as if specifically and individually set forth in this Charter, whether such powers are presently available or hereafter may become available.

ARTICLE III

TOWNSHIP COUNCIL

Section 3.01 GOVERNING BODY

All powers of the Township, including those powers now in existence or hereafter conferred on the Township by the Constitutions or laws of the United States of America and the Commonwealth of Pennsylvania, shall be exclusively vested in and exercised by the Council, subject only to the provisions of this Charter.

Section 3.02 LEGISLATIVE POWERS

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 Constitutions and laws of the United States of America and of the Commonwealth of Pennsylvania and this Charter, and to prescribe fines and penalties for the violation thereof.

Section 3.03 COMPOSITION

The Township Council shall consist of five members. Each Council Member shall represent one voting district of the Township. If, in fact, the voting boundaries are changed in accordance with the provisions set forth in law, it is the intent of this Charter that the number of districts remain at five and the number of Council Members remain at five. Each of the five Council Members shall be nominated and elected by the registered electors of his district.

Section 3.04 QUALIFICATIONS

A Council Member shall be a citizen of the United States of America, a resident of the voting district which he represents throughout his term of office and, at the time of his nomination, shall have been a resident of the Township for not less than one year and shall be a registered elector. Further, he shall not have been convicted of a felony or embezzlement, bribery, perjury or any crime involving moral turpitude. No Council Member shall hold any other elected or appointed public office within the Township.

Prior to assuming the position of Council Member, a citizen shall affirm by oath that he is qualified for the office and that he shall act in the best interest of the Township.

Section 3.05 TERMS

Council Members shall serve for four years, commencing at 8:00 P.M. on the first Monday following the year in which they are elected. The terms of Council Members shall be staggered.

No Council Member shall serve consecutively more than two full terms, except that a Council Member filling a vacancy may serve two full terms following the unexpired term.

Section 3.06 VACANCIES, FORFEITURE OF OFFICE, FILLING OF VACANCIES

A. Vacancies

The office of Council Member shall become vacant upon death, resignation, legal certification of incompetence, change of residence from the voting district, or removal from office in any manner authorized by law or by this Charter.

B. Forfeiture of Office

A Council Member shall forfeit his office if he:

- (1) Is declared by any court of this Commonwealth to lack any qualifications for the office as prescribed by law;
- (2) Is convicted in any Court of Record of a felony or embezzlement, bribery, perjury or any crime involving moral turpitude;
- (3) Violates any express prohibition of this Charter.

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 Delaware 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 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.

C. Filling of Vacancies:

(1) The Council shall at its first regular or special public meeting after the vacancy occurs, give notice that a vacancy exists and shall advertise the same at least two times at least thirty (30) days prior to the filling of said vacancy. Said notice shall specify that applications from such persons desiring to fill said vacancy shall be considered. Said notice shall also specify that applications for said vacancy are to be filed no later than ten (10) days prior to the date that said vacancy is to be filled. Further, said notice shall include qualifications necessary to fill said vacancy as set forth in this Charter. Applications shall be in writing and filed with the Township Secretary. To be eligible for selection, an applicant for the vacancy must have made written application and affirmed that he is qualified to fill said vacancy within the meaning of this Charter.

The Council shall make an interim appointment to fill the vacancy at a public meeting which will occur not less than thirty (30) days from the meeting at which the vacancy is announced. Following such notice, the Council, by a majority vote of its remaining membership shall appoint a registered elector of the voting district in which the vacancy exists to serve until a duly elected successor is sworn into office. At the public meeting filling said vacancy, all applications to fill a vacancy shall be made a part of the public record.

(2) If the Council shall fail to fill a vacancy within sixty (60) days after public announcement has been made, the Court of Common Pleas of Delaware County, upon petition of ten (10) or more registered electors of the unrepresented district shall make the interim appointment to fill the vacancy until a duly elected successor is sworn into office.

(3) Council members appointed by the Council may not continue to serve unless they stand for election for the unexpired term for which they were appointed. An appointee shall be required to stand for election at the next November Election which is held not less than ten months after the date of his appointment.

(4) In the event that sufficient vacancies exist so that the Council lacks a quorum necessary to do business, the remaining members or members of the Council shall make an appointment or appointments to fill sufficient vacancies to constitute a quorum. Such appointees shall meet all of the qualifications for a Council Member as defined in this Charter. Remaining vacancies shall be filled in accordance with the provisions of this Charter.

(5) In the event that all of the positions on the Council shall become vacant, the Court of Common Pleas shall immediately, upon petition of ten or more registered electors of each voting district, make appointment to fill the vacancies from each voting districts within the Township. Thereafter, vacancies shall be filled as otherwise provided herein.

Section 3.07 COMPENSATION

Council Members shall be entitled to receive a compensation established by ordinance. The ordinance establishing the compensation for said Council members may not become effective in less than one year from the date of its passage.

Council Members shall receive no other compensation either direct or indirect, for the performance of their duties. They shall, however, be entitled to actual, reasonable and necessary expenses incurred in the performance of their duties as authorized by resolution.

Section 3.08 ORGANIZATION

The Township Council shall meet at 8:00P.M. on the first Monday of January of each year. The purpose of this meeting shall be to elect 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 the holiday.

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 documents as may be prescribed by this Charter.

Section 3.09 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 and at such time as Council may prescribe by resolution. Special meetings may be held on the call of the Chairman or a majority of Council Members with at least twenty-four hours notice to members of Council, except for emergency actions authorized by this Charter.

B. Council shall conduct no business except in the presence of a quorum.

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 deliberation of Council by all of its members.

D. All 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. Interested citizens attending special meetings shall limit their comments to the item or items of 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 majority of the Council Members present and entitled to vote shall be required to make such vote binding upon Council. The adoption of an ordinance by the Council shall require a majority vote of the prescribed members of 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 3.10 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. Such records shall be readily available for public inspection during regular business hours at the office of the Township.

ARTICLE IV

OTHER ELECTED OFFICIALS

Section 4.01 AUDITORS

A. Auditors

Three Auditors shall be elected at-large and at four year intervals. The Auditors shall serve for a four year term beginning on the first Monday of January following the year in which they are elected. No Auditor shall serve consecutively more than two full terms, except that an auditor filling a vacancy may serve two full terms following the unexpired term.

B. Qualifications

An Auditor shall be a citizen of the United States of America and, at the time of his nomination, shall have been a resident of the Township for not less than one year and shall be a registered elector. An Auditor shall be qualified by education, training, or experience in accounting or financial management to perform the duties of the office. Further, he shall not have been convicted of a felony or embezzlement, bribery, perjury, or any crime involving moral turpitude. No Auditor shall hold any other elected or appointed public office within the Township. Prior to assuming the positions of Auditor, a citizen shall affirm by oath that he is qualified for the office and that he shall act in the best interest of the Township.

C. Duties

The Auditors shall audit the financial accounts and records of the Township and its officers, boards, authorities and commissions at least once a year and shall file a written report no later than ninety days after the close of the fiscal year. Said report shall be filed with the Township Secretary and with such other offices as may be required by law. The Auditors shall also perform such other auditing duties as the Council may require.

If any errors, omissions, or irregularities are discovered in the course of such audit, the Auditors shall promptly report such matters to the Council at its next public meeting, said report to be made orally and in writing. The Council shall take immediate action to correct the errors, omissions or irregularities and initiate action to recover any loss to the Township which may have resulted from such irregularity.

D. Compensation

The Auditors shall be compensated at an annual rate to be established by ordinance. Any subsequent change in said compensation shall not take effect until the expiration of the term of office of the incumbent Auditors at the time the change is enacted.

E. Vacancy

If a vacancy shall occur in the office of Auditor, and such office shall be declared vacant by the Council, such vacancy shall be filled by the Council, which shall appoint a qualified person in accordance with the procedure for replacement of Council Members, as defined in this Charter.

An appointee must stand for election as for the replacement of a Council Member, except that said election shall be on an at-large basis.

F. Abolition of Office

The office of Auditor may be abolished by ordinance. Such ordinance shall not take effect during the term of an incumbent. The ordinance abolishing this office shall provide for an alternate method for auditing the Township records.

Section 4.02 TAX COLLECTOR

A. Tax Collector

A Tax Collector shall be elected at-large and at four year intervals. The Tax Collector shall serve for a four year term beginning on the first Monday in January following the year in which he is elected. No Tax Collector shall serve consecutively more than two full terms, except that a Tax Collector filling a vacancy may serve two full terms following the unexpired term.

B. Qualifications

A Tax Collector shall be a citizen of the United States of America and, at time of his nomination, shall have been a resident of the Township for not less than one year, and shall be a registered elector. Further, he shall not have been convicted of a felony or embezzlement, bribery, perjury or any crime involving moral turpitude. No Tax Collector shall hold any other elected or appointed public office within the Township.

Prior to assuming the position of Tax Collector, a citizen shall affirm by oath that he is qualified for the office and that he shall act in the best interest of the Township.

C. Duties

The Tax Collector shall collect all township taxes in the manner approved by law and as directed by the Council.

D. Compensation

The Tax Collector shall be compensated at an annual rate to be established by ordinance. Any subsequent change in said compensation shall not take effect until the expiration of the term of office of the incumbent Tax Collector at the time the change is enacted.

E. Vacancy

If a vacancy shall occur in the office of Tax Collector, and such office shall be declared vacant by the Council, such vacancy shall be filled by the Council which shall appoint a qualified person in accordance with the procedure for replacement of Council Members as defined in this Charter. An appointee must stand for election as for the replacement of a Council Member, except that said election shall be on an at-large basis.

F. Abolition of Office

The office of Tax Collector may be abolished by ordinance. Such ordinance shall not take effect during the term of an incumbent. The ordinance abolishing this office shall provide for an alternate method of collection of taxes.

ARTICLE V ORDINANCES

Section 5.01 REQUIREMENTS FOR ORDINANCES

Council shall exercise the following powers and duties only by ordinance:

1. Establish a rule or regulation, a violation of which may result in a penalty;
2. Establish, levy, and collect taxes;
3. Grant, renew, extend or revoke a franchise;
4. Establish a utility or other service not prohibited by general law;
5. Establish, alter or abolish rates or charges for a utility or service supplied by the Township;
6. Authorize the borrowing of money except for revenue anticipation loans, or as otherwise provided by general law or this Charter;
7. Exercise the power of eminent domain;
8. Purchase, convey, lease, accept, reject, or authorize the purchase, conveyance, lease, acceptance or rejection of any real property;
9. Amend or repeal any ordinance previously adopted;
10. Establish, alter or amend any zoning ordinance, subdivision procedure, land development, land use or building regulation;
11. Call for a referendum;
12. Any other power or duty required by law or this Chapter to be exercised by ordinance.

Section 5.02 FORM

An ordinance shall contain no more than one subject, with the exception of codifications. Any ordinance which repeals or amends an existing ordinance shall clearly indicate the matter to be omitted, added or amended.

Section 5.03 ENACTMENT PROCEDURE

An ordinance shall be introduced by a member of Council at any regular or special public meeting. Except where specifically provided otherwise in this Charter, an ordinance shall be processed in the following manner:

1. The proposed ordinance shall be placed on the agenda of the Council for introduction and initial consideration at the next meeting.
2. If the proposed ordinance is approved initially by the Council, a concise summary of the proposed shall be advertised at least seven days, but not more than fourteen days, before the meeting at which the ordinance will receive further action by the Council. The summary shall contain sufficient information to identify the nature

of the ordinance as it would affect any resident, property owner or geographical area in the Township. The summary shall also specify the date on which the Council proposes to act on the ordinance.

3. Copies of the proposed ordinance shall be available at cost at the Township Office.
4. After the preceding procedures have been followed and interested persons have had an opportunity to be heard or to present their views in writing, the Council may adopt the proposed ordinance at the advertised meeting or it may postpone action until a later meeting, the date of which shall be stated at the advertised meeting. The Council may amend a proposed ordinance before final adoption, but, if any amendment makes any substantive change from the ordinance originally advertised, no final action may be taken until the amended ordinance has been advertised as required for the original ordinance.
5. A concise summary of an ordinance finally adopted by the Council shall be advertised within seven days of the adoption of the ordinance. Copies of the ordinance as finally adopted by the Council shall be available at cost at the Township building.
6. Every ordinance adopted by the Council, with exceptions noted hereinafter, shall become effective not less than five days after the date of adoption. Exceptions to this requirement are emergencies or as otherwise provided in this Charter.

Section 5.04 EMERGENCY ORDINANCES

A. The 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. Such ordinances shall not levy taxes or authorize the borrowing of money except as provided in this Charter.

B. An emergency ordinance shall clearly state the nature of the emergency in specific terms and shall be designated as an emergency ordinance.

C. The Council or any of its members may adopt an emergency ordinance without legal formalities. No prior advertising of an emergency is required.

D. An emergency ordinance shall become effective immediately but shall automatically be repealed as of the thirty first (31st) day following the date of its adoption. It may be re-enacted as provided herein if the emergency still exists. An emergency ordinance shall be advertised as soon as possible after the date on which it is enacted.

E. An emergency ordinance may also be replaced by resolution of the Council.

Section 5.05 STANDARD CODES OR TECHNICAL REGULATIONS

The Council may adopt any standard code or technical regulation by ordinance, incorporating said code or regulation by reference. The details, of such standard codes and technical regulations need not be advertised, but at least one copy of each code or regulation shall be available for purchase at cost copies of such codes or regulations.

Section 5.06 RECORDING AND COMPILATION

A. Recording

The full text of an ordinance with proof of publication shall be recorded in a permanent record within thirty-one (31) days of its effective date. The permanent record shall be open and available for public inspection throughout normal business hours.

B. Compilation

The Council shall provide for the preparation of a general compilation and indexing of all existing Township Ordinances. The compilation shall be published promptly together with this Charter and any other codes required by this Charter. Copies shall be furnished to Township officers, and placed in the Township office and available for public inspection throughout normal office hours. Copies shall be distributed to or made available for purchase by the public at cost.

C. Amendments

All amendments to Township ordinances and new ordinances shall be integrated into said compilation and distributed as aforesaid.

Section 5.07 APPEAL

An interested party may, by petition to the Court of Common Pleas, duly filed as prescribed by said Court, appeal the enactment of an ordinance by the Council by perfecting said appeal within thirty (30) days from the date of the enactment of the ordinance.

Section 5.08 ACTION BY RESOLUTION

Council may, by resolution, provide for actions not requiring the enactment of an ordinance.

ARTICLE VI

TOWNSHIP ADMINISTRATION

Section 6.01 ADMINISTRATIVE CODE

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

Section 6.02 TOWNSHIP DEPARTMENTS

The 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 6.03 PERSONNEL SYSTEM

A. The Council is empowered to hire, designate and remove department heads; and the department heads have the discretion to manage their particular departments within the constraints imposed by the Council.

B. Personnel Rules

The Council shall adopt, by ordinance, personnel rules necessary to the administration of the Township's personnel system, including, but not limited to, methods for determining the merit and fitness of the candidates for appointment or promotion, policies regulating disciplinary action and grievance procedures.

The Administrative Code shall provide a grievance procedure whereby an aggrieved employee of the Township is entitled to a prompt hearing before the Council as a matter of right. Any employee requesting a hearing as provided by the Charter shall do so by requesting the same in writing to the Chairman of the Council within ten days from the date of the occurrence for which he requests a hearing.

Section 6.04 TOWNSHIP SOLICITOR

The Council, by a majority vote, shall appoint and fix compensation of one person who shall be designated the Township Solicitor. Said person shall be a member of the Bar of the Supreme Court of Pennsylvania.

It is the intent of this Chapter that only one person shall be the Solicitor of the Township, but the Council may authorize temporary assistants.

The duties of the Township Solicitor shall be defined in the Administrative Code and elsewhere in this Charter.

Removal of the Township Solicitor shall require a majority vote of the Council.

Section 6.05 TOWNSHIP ENGINEER

The Council, by a majority vote, shall appoint and fix compensation of one person who shall be designated the Township Engineer. Said person shall hold a degree in Civil Engineering and shall be a professional Engineer registered in the Commonwealth of Pennsylvania.

It is the intent of this Charter that only one person shall be the Engineer of the Township, but the Council may authorize temporary assistants.

The duties of the Township Engineer shall be defined in the Administrative Code.

Removal of the Township Engineer shall require a majority vote of the Council.

Section 6.06 TOWNSHIP SECRETARY

The Council, by majority vote, shall appoint and fix compensation of one person who shall be designated the Township Secretary.

It is the intent of this Charter that only one person shall be the Secretary of the Township, but the Council may authorize temporary assistants.

The duties of the Township Secretary shall be defined in the Administrative Code.

Removal of the Township Secretary shall require a majority vote of the Council.

SECTION 6.07 TOWNSHIP MANAGER

The Council may, by majority vote, at any time, create the office of Township Manager and may in like manner abolish the same. While said office exists, the Council shall from time to time and whenever there is a vacancy, by majority vote, appoint one person to fill said office. Any such Township Manager shall be subject to removal by the Council by a majority vote.

The powers and duties of the Township Manager shall be defined in the Administrative Code. The compensation of the Township Manager shall be fixed by Council and shall be paid out of the General Fund. The Council may delegate any of their non-legislative powers and duties to the Township Manager.

The Township Manager may hold the office of Township Secretary or Township Treasurer. The Township Manager shall not be an elected official or department head.

ARTICLE VII

FINANCIAL PROCEDURES

Section 7.01 FISCAL YEAR

The fiscal year shall be as established by ordinance of the Council. Whenever the fiscal year is changed by ordinance, the same ordinance shall specify an orderly transition procedure for all financial and budgeting controls.

Section 7.02 TOWNSHIP FINANCIAL PLAN

The Council shall cause a Township Financial Plan to be prepared for each fiscal year. The Financial Plan shall be the basis for Financial operation of the Township during the fiscal year. The Township Financial Plan shall be comprised of the following parts:

A. The Operating Budget

The Operating Budget shall define all anticipated revenues and operating expenditures for the fiscal year. The Budget shall be in such detail as specified in the Administrative Code. The Budget must disclose the source and amount of all anticipated Township revenues and the nature and amount of expenditures for each operating department. Available surpluses from prior years shall be included in anticipated revenues. The Budget shall not authorize expenditures to an amount greater than the total anticipated revenues.

B. The Capital Program

The Capital Program shall define all expenditures for capital improvements to be made during the five fiscal years next ensuing. Supporting information as to the necessity of such improvements shall be provided in the program. The estimated annual cost of operating and maintaining facilities to be constructed or acquired shall be provided in the program. These costs will be included in the appropriate Operating Budgets. The Capital Program may be revised and extended each year with regard to improvements still pending or in process

C. Statement of Debt

The Statement of Debt shall describe the type of instrument of each indebtedness and the terms thereof. Proposed additional indebtedness shall be similarly described. The projects necessitating such debt or other reasons for incurring such debt shall be defined.

D. The Financial Plan Explanation

The explanation shall discuss the Financial Plan both in fiscal terms and in terms of the programs and services to be provided. The explanation shall include:

- (1) an outline of the proposed financial policies of the Township for the ensuing fiscal year, describing important aspects of the financial plan;
- (2) a description of major changes from current financial policies, expenditures and revenues together with the reasons for such changes;
- (3) a summary of the Township's present debt position and projected debt position;
- (4) such other material as the Council deems desirable.

Section 7.03 ADOPTION OF THE FINANCIAL PLAN

The proposed Township Financial Plan shall be submitted to the Council at a public meeting held at least sixty days prior to the beginning of the ensuing fiscal year. It shall be made available for public inspection at the Township Building during regular business hours.

A public hearing shall be held not less than thirty days prior to the adoption of a final Township Plan. Not less than ten days prior to said public hearing, the Council shall advertise:

- (1) a summary of the Financial Plan;
- (2) a statement of when and where copies of the complete Financial Plan are available for inspection; and
- (3) the time and place of the public meeting on the final Financial Plan.

The Financial Plan shall be adopted at a public meeting by the majority of the Council. It shall then become the Financial Plan of the Township for the ensuing fiscal year. The plan shall be adopted at least ten days prior to the beginning of the fiscal year. Should the Council fail to adopt a Financial Plan within the specified period, the Township shall operate on the basis of the current fiscal year's plan, pro-rating expenses at the rate of one-twelfth of each defined operating expenditure per month. The Capital Program shall be similarly pro-rated based upon the current year's program. These pro-ratings shall be used until the Council adopts a final Township Financial Plan.

Section 7.04 AMENDMENT OF THE FINANCIAL PLAN

A. Amendment Before Adoption

The Council may adopt the Financial Plan with or without amendments. In amending the Plan, 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. No amendment to the Plan shall increase the authorized expenditures to an amount greater than the total of anticipated revenues. Amendments to the Plan shall be presented and discussed at a public meeting prior to the adoption of a final Financial Plan.

B. Amendment After Adoption

1. Supplemental Appropriations.

If, during the fiscal year, the Council determines that there are available for appropriation revenues in excess of those estimated in the Operating Budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess. If the excess of revenue exceeds one percent of the revenues anticipated in the Financial Plan, the intended distribution of the funds shall be advertised prior to the adoption of said resolution.

2. Emergency Appropriations

To meet a public emergency affecting life, health, property, or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by

such emergency ordinance authorize the issuance of emergency notes. These notes may be renewed from time to time, but the notes and their renewals in 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.

3. Reduction of Appropriations

If at any time during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, such information shall be reported to the Council without delay, indicating the estimated amount of the deficit. The council shall then take such action as it deems necessary to prevent or minimize any deficit and for that purpose, it may by resolution reduce one or more appropriations.

4. Transfer of Appropriations

At any time during the fiscal year, the administration may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. The Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

5. Limitations

No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below any amount required by law 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.

Section 7.05 LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished. If three years pass without any disbursement from or encumbrance of the capital appropriation, it shall lapse.

Section 7.06 RECEIPTS AND DISBURSEMENTS

The Council shall provide by ordinance the procedures and the accounting required for the receipt, deposit or disbursement of all monies due to or payable by the Township.

Section 7.07 CONTRACTS

A. The Township may make contracts for lawful purposes subject to the provisions of this Charter and general law. No contract shall be made unless there is sufficient unencumbered balance in an appropriations of the current financial plan.

B. The Township Council shall establish or amend by specific ordinance the value of a contract defined in the subsequent sections as a "Major Contract."

C. All Major Contracts of the Township shall be in writing and shall be executed on behalf of the Township by a member of the Council. Also, all contracts extending over a period of more than two years, or for the purchase, sale, lease or use of real estate, or authorizing contracts for the construction or capital improvements shall be formally approved by the Council and executed by a member of Council. Also, all Major Contracts shall be submitted, prior to execution, to the Township Solicitor for an opinion as to their legality.

D. For other than Major Contracts, the Council may, by ordinance, authorize others to execute contracts which are made pursuant to the budget or other prior authorizations.

E. Competitive bidding shall be required for all Major Contracts except for those listed in Section F. The former contracts shall be made only with the lowest responsible bidder. The invitation for bids shall be advertised at least ten days prior to the date fixed for the opening of bids. Acceptance of bids shall be made by public announcement at the meeting at which bids are received, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are received. As to other details, the Council shall by ordinance, establish a procedure for competitive bidding to include definitions, deposits and bond requirements, conditions, terms, rules, regulations, waivers, rights of acceptance and rejection and exception as it shall from time to time deem advisable.

F. Competitive bidding shall not be required for:

- (1) Labor or services rendered by Township officers or employees in the course of their normal duties;
- (2) Contracts relating to the acquisition or use of real property;
- (3) Contracts for services or supplies from a unique source;
- (4) Contracts assigned for negotiation by unanimous consent of the Council.

G. No person shall evade the provisions of this Article by purchasing or contracting for services or goods piecemeal, if such transactions conducted as a single transaction would result in Major Contracts.

Section 7.08 AUDIT

The Township Auditors shall conduct an annual audit.

Council shall provide for an independent audit of all Township accounts at least every four years. All such audits shall be conducted by a Certified Public Accountant.

All audits including the Independent Audits, shall be made public and advertised.

ARTICLE VIII

BOARDS, COMMISSIONS AND AUTHORITIES

Section 8.01 GENERAL

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 applicable state law. Their general purpose may include providing information, findings of fact, recommendations, and action on matters and problems falling within the legislative responsibility of the Council.

Section 8.02 COMPOSITION

The number and qualifications of the members of any board, commission, authority, agency or committee shall be determined by Council, except where stated otherwise in this Charter. Council shall appoint, suspend or remove the members of such bodies by a majority vote of all the members of Council. Appointment shall be preceded by announcement of openings at a public meeting held not less than thirty days prior to the appointment. No citizen appointed or serving on such bodies shall hold any other appointive or elective Township office.

Section 8.03 TERM

Citizens appointed to boards, commissions, authorities, agencies and committees shall serve for terms not to exceed four (4) years. No citizen shall serve more than two (2) consecutive terms and the balance of an unexpired term on the same board, commission, authority, agency or committee.

Section 8.04 ORGANIZATION

Each board, commission, authority, agency or committee shall organize itself from among its members within thirty days from the date of the appointment of its initial membership and annually thereafter. The officers elected shall include a Chairman, a Secretary and other officers considered appropriate by the membership. Each board, commission, authority, agency or committee shall keep records of its proceedings and shall report at least monthly to the Council at a regular public meeting.

Section 8.05 PLANNING COMMISSION

The Planning Commission shall be a permanent body and shall be empowered by and shall function in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, until such time as the General Assembly of Pennsylvania shall provide uniform laws on planning and zoning which apply to a municipality with a Home Rule Charter. The Planning Commission shall act in an advisory capacity to the Council and shall consult with other Township officials, boards, commissions, authorities, agencies and committees where appropriate. It shall be

the function of the Secretary of the Planning Commission to keep the Zoning Hearing Board current on all ordinances pertaining to planning and zoning.

Section 8.06 ZONING HEARING BOARD

The Zoning Hearing Board shall be a permanent body and shall be empowered by and shall function in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, until such time as the General Assembly of Pennsylvania shall provide uniform laws on planning and zoning which apply to a municipality with a Home Rule Charter.

Section 8.07 RECREATION BOARD

The Recreation Board shall be a permanent body and shall be responsible for the establishment, development and administration of recreation programs in the Township.

The Upper Providence Recreation Board may cooperate with or withdraw from participation in any other authority, board or commission which is responsible for recreation. On or before September 1 of each year, the Commission shall present to Council a plan, outlining their proposed activities for the ensuing year.

Section 8.08 CODE OF ETHICS COMMISSION

The Code of Ethics Commission shall be a permanent body, consisting of one registered elector from each voting district, appointed by the Township Council to serve on said Commission for a period of two years. Commission members shall be appointed simultaneously and may not serve more than one term consecutively.

The function of said Commission shall be the confidential investigation of the facts surrounding any allegations pertaining to the violation of the Code of Ethics. No investigation shall commence until said allegations are submitted to the Commission in writing. Under appropriate circumstances, Council may direct said Committee to investigate violations of the Code of Ethics.

The Commission shall be required to notify by certified mail, return receipt requested, any person alleged to be in violation of the Code of Ethics of the nature of the charges against him. Further, the Commission shall afford said person notice of hearings and an opportunity to be heard and present witnesses on his behalf.

The commission shall be required to report their fact findings to the Township Council within a reasonable period of time at a public meeting and said report shall be made a part of the Minutes of the Township Council.

Section 8.09 ENVIRONMENTAL COMMISSION

The Environmental Commission shall be a permanent body and shall act in an advisory capacity to the Council. It shall consult with other Township officials, boards, commissions, authorities, agencies or committees. The purpose of said Commission shall be to make recommendations to Council in matters relating to the environment of Upper Providence Township.

ARTICLE IX

ENVIRONMENTAL BILL OF RIGHTS

The people of Upper Providence Township have a right to clean air, pure water, and to the preservation of the natural, residential, scenic, historic and esthetic values of the environment. The public natural resources within Upper Providence Township, including the natural condition of the Crum and Ridley flood plains and the essential water supply, are the common property of all the people, including generations yet to come.

ARTICLE X

CITIZEN PARTICIPATION

Section 10.01 GENERAL

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

Section 10.02 INITIATIVE

The registered electors of the Township shall have the power to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change in substance, the registered electors shall have the power to adopt or reject it at an election.

Section 10.03 REFERENDUM

The registered electors of the Township shall have the power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal an ordinance so reconsidered, the registered electors shall have the power to approve or reject it at an election.

Section 10.04 LIMITATIONS OF INITIATIVE AND REFERENDUM

The powers of Initiative and Referendum shall not extend to any ordinances pertaining to the appropriation of monies or the levying of taxes. An exception to this limitation shall be a referendum on specific projects of the Capital Program of an adopted Township Financial Plan.

Section 10.05 COMMENCEMENT OF PROCEEDINGS;

Any five registered electors may commence initiative or referendum proceedings by filing an affidavit with the Township Secretary. The affidavit shall state that they will constitute the Petitioners' Committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall contain their names and addresses and shall specify the address to which all notices to the Committee are to be sent. The affidavit shall contain the full text of the proposed ordinance or it shall cite the ordinance sought to reconsidered.

After the affidavit is filed, the Secretary shall within twenty days issue the appropriate forms to the Petitioners' Committee. The Township Secretary shall have the proper form available which has been approved by the Council for the purpose of filing initiative and referendum petitions.

SECTION 10.06 PETITIONS FOR INITIATIVE AND REFERENDUM

A. Number of Signatures

Initiative and referendum petitions must be signed by registered electors of the Township equal in number to at least five percent of the registered electors of the Township.

B. Form of Petitions

All papers of a petition shall be assembled as one instrument for filing. Each signature shall be executed in ink and followed by the address of the person signing, his election district and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

C. Affidavit of Circulator

Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper and that he is a registered elector. Said affidavit shall also state that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

D. Period of Circulation of Petitions

The petition must be circulated and signed within a period of thirty days between the date of the first signature and the date at which the petition papers are submitted.

Section 10.07 PROCEDURE AFTER FILING

The Township Secretary shall, within ten (10) days after a petition is filed, examine the petition for compliance with the provisions of this Charter. The Secretary shall submit the petition to the Township Solicitor

for his written opinion as to legality within ten days of filing. If lawful but defective in form, and in compliance with the meaning of this Article, the Township Solicitor shall provide a proper revision of the petition. He shall certify the results of his examination by registered mail to the Committee of the Petitioners, the Council Chairman and the Township Secretary not more than twenty (20) days from the date the Solicitor received the petition.

Section 10.08 ACTION ON PETITIONS

When an initiative or referendum petition has been certified by the Solicitor, the Council shall, at its next meeting, consider the proposed initiative ordinance or reconsider the referred ordinance in the manner provided by this Charter. If the Council fails to adopt a proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, it shall submit the proposed or referred ordinance to the voters of the Township at the next election provided that said election is held not less than sixty (60) days from the first presentation of the petition to the Council.

Section 10.09 RESULTS OF ELECTION

A. Initiative

If a majority of the voters voting on a proposed initiative ordinance vote in favor, it shall be adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

B. Referendum

If a majority of the voters voting on a referendum ordinance vote against it, it shall be repealed upon certification of the election results.

C. Limitation

Council shall not reverse the substantive results of an initiative or referendum vote for at least one year following the certification of such vote.

Section 10.10 RECALL

A. General

Any person holding an elective office of the Township government, 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 the Charter.

B. Recall Petitions

1. Number of Signatures: A recall of an incumbent of an elective office shall be initiated upon petition signed by twenty percent of the registered electors of the Township who are eligible to vote for said

office. Every recall petition shall name the office and officer against whom it is directed.

2. Form of Petitions: All papers of a petition shall be assembled as one instrument for filing. Each signature shall be executed in ink and followed by the address of the person signing, his election district and date of signing.

3. Affidavit of Circulator: Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof, stating that he personally circulated the paper and that he is a registered elector. Said affidavit shall also state that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be and that to the best of the affiant's knowledge and belief, the persons signed with full knowledge of the contents of the petition.

4. Period of Circulation of Petitions: The recall petition must be circulated within a period of thirty days between the date of the first signature and the date at which petition papers are submitted.

5. Filing with County Board of Elections: A recall petition shall be tendered for filing to the County Board of Elections. Upon tender to the Board of Elections, copies of the petition shall be available for examination at the Township Building by any interested person. Within fifteen 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. The decision of the Board of Elections shall be subject to review within thirty days by appeal to the Court of Common Pleas.

C. Notice to the Incumbent

As soon as the County Board of Elections has received a recall petition for filing and determined its validity and sufficiency, the Chairman of the Board shall notify the incumbent named in the petition within twenty days that the petition has been filed. Upon receipt of such notice, the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

D. Recall Elections

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 County Board of Elections shall arrange a recall election to be held at the next election to be held not less than thirty (30) days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each registered 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 provision shall be made for the registered elector to vote “Yes” or “No” on the question.

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

Should the result of such election be affirmative, the date of the removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of election are certified by the County Board of Election, unless such date is further postponed by order of the court.

E. Disqualifications 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 government within two (2) years after his removal or resignation.

F. Limitations

No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of his office or within nine months after an unsuccessful recall election against him.

ARTICLE XI

UPPER PROVIDENCE TOWNSHIP CODE OF ETHICS

Section 11.01 CODE OF ETHICS

The Township officers, appointees and employees shall:

A. Uphold the Constitution and laws of the United States of America and the Commonwealth of Pennsylvania as well as the provisions of this Charter, and never be a party to evasion of any of the above.

B. Not favor or discriminate against another person because of race, sex, political or religious affiliations.

C. Not discriminate or accept for themselves, or anyone, favors, benefits or privileges under circumstances conflicting with the performance of Township duties.

D. Not engage in any business with the Township, either directly or indirectly, which is inconsistent with the honest performance of their duties.

E. Not render advice, consult with or appear on behalf of private interests before any board, commission or judicial body where the Township is involved directly and the interest of the party is adverse to the position of the Township.

F. Disclose any personal or business interest in questions arising before the Council or in the exercise of their duties. Said disclosure should be made public, and they shall eliminate themselves from votes or decisive actions on these matters.

G. Not use information obtained confidentially in the performance of duties as a means for making private profit.

H. Not enter into any private agreements which could in any way be construed to be adverse to the public interest. I. Not use Township resources or facilities for political activities.

J. Report violations wherever discovered to the Code of Ethics Commission.

K. Uphold these principles recognizing that Township office or employ is a public trust.

Section 11.02 VIOLATIONS OF THE CODE OF ETHICS

Township employees and appointees found in violation of this Code by the Code of Ethics Commission shall be subject to dismissal or other sanction by a majority vote of the Township Council.

ARTICLE XII

GENERAL PROVISIONS

Section 12.01 SEVERABILITY

If any provision of this Charter is held invalid or unconstitutional, the remaining provisions of the Charter shall not be affected thereby.

Section 12.02 GENDER

At all places in this Charter, words used in a masculine gender shall include the feminine.

Section 12.03 AMENDMENT

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

Section 12.04 ELECTION PROCEDURES

The procedure for nomination and election of all Township officials shall be in accordance with the applicable provisions of the Pennsylvania Election Code.

Section 12.05 VOTING DISTRICTS

The Township shall divide its electorate into five voting districts which shall be as even in number of electors as practicable. If general law mandates the establishment of an alternate number of districts, the number of election districts shall in all cases be an odd number.

Section 12.06 VACANCIES IN OFFICE

The Council shall have the power to declare an office vacant and the same shall be filled in accordance with the provisions of this Charter.

Section 12.07 TOWNSHIP EMPLOYEES

No Township employee shall hold an elected or appointed office during the term of his employment with the Township.

Section 12.08 BONDING

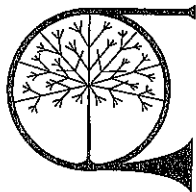
Council shall provide in the administrative Code for bonding of all employees and representatives of the Township who are involved in the handling or authorization of receipts, disbursements, goods or supplies.

Section 12.09 SUBPOENA POWERS

The Council, Auditors, Boards, Commissions and Authorities are empowered to request that subpoenas issue if the same are appropriate while in the performance of their duties.

Section 12.10 WRIT OF MANDAMUS

The registered electors of the Township may by writ of mandamus or other appropriate legal actions enforce the provisions of this Charter.



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