

# **CHARTER**

**Township**

**of**

**RADNOR**

**GENERAL  
CODE**

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**CHARTER**

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[HISTORY: Adopted by referendum of the voters of the Township of Radnor 11-2-1976, effective 1-1-1977. Amendments noted where applicable.]

## GENERAL REFERENCES

Administration of government — See Ch. 5.  
 Assessments — See Ch. 9.  
 Defense and indemnification — See Ch. 25.  
 Code of Ethics — See Ch. 39.

Financial policies — See Ch. 44.  
 Intergovernmental cooperation — See Ch. 50.  
 Records retention — See Ch. 72.  
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## ARTICLE I

## Name and Powers of Government

**§ 1.01. Name and boundaries.**

The name of the home rule charter municipality governed by this Charter shall be the Township of Radnor, hereinafter called "township." The boundaries of the township shall be the same as those of the first class township known as the Township of Radnor of Delaware County, Pennsylvania.

**§ 1.02. General powers.**

The township shall have and may exercise any powers and perform any functions not denied by the Constitution of the United States, by the Constitution and applicable laws of the Commonwealth of Pennsylvania or by this Charter. These powers and functions shall be vested in and exercised by the Board of Commissioners of the township.

**§ 1.03. Continuation of legislation.**

All powers and functions contained in ordinances and resolutions of the township in force on the effective date of this Charter and not inconsistent herewith shall continue until such ordinances and resolutions are amended, repealed, superseded or shall have expired by their own terms.

**§ 1.04. Interpretation. [Amended 1-7-2013 by Ord. No. 2012-20]**

The powers of the Township shall be construed liberally in favor of the Township. Any specific powers enumerated in this Charter shall not be construed as limiting in any way the general powers of the Township as stated in this Article. All references to the Township website shall be understood to include, when and if current website technology is replaced, any succeeding form of general communication with the public that is adopted by the Board. All references to days shall be understood to mean calendar days unless specified otherwise.

**§ 1.05. Form of government.**

The form of government of the township shall be Commissioner-Manager, as set forth in this Charter.

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1. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

ARTICLE II  
**Board of Commissioners**

**§ 2.01. Governing body; membership.**

The Board of Commissioners of the township, hereinafter referred to as the "Board," shall be the governing body of the township. The Board shall consist of seven (7) Commissioners, each one of whom shall be elected from one (1) of seven (7) representative districts, hereinafter referred to as "wards."

**§ 2.02. Qualifications.**

No person shall be eligible for nomination or appointment to the office of Commissioner unless such person shall have been a resident and registered elector of the ward in and for which such person is nominated or appointed for a period of not less than one (1) year immediately prior to such nomination or appointment and shall not otherwise be qualified to serve as Commissioner by this Charter or by the laws of the Commonwealth of Pennsylvania. However, a duly elected or appointed Commissioner who ceases to be a resident of the ward in and for which elected or appointed, as a result of redistricting according to law, shall be eligible to continue to serve as the Commissioner for such ward for the balance of the elected or appointed term so long as said Commissioner continues to live within the boundaries of the ward in effect when elected or appointed.

**§ 2.03. Election and terms of office. [Amended 1-7-2013 by Ord. No. 2012-20<sup>2</sup> ]**

- A. The township shall consist of 7 electoral districts (Wards), each of which shall as nearly as possible: (a) be equal in population, (b) be formed of compact and contiguous territory, and (c) follow existing governmental, natural geographic, and/or major manmade boundaries and barriers, with boundary lines running down the middle of streets. No later than ten months following the public release of the decennial U.S. Census reports, the Board shall by ordinance draw new ward lines according to the above criteria. If in any such redistricting a commissioner is removed from his/her ward, he/she shall continue to represent such ward until the conclusion of his/her term in office.
- B. The Commissioner for each Ward shall be elected by the electors of the Ward in a municipal election in accordance with the election laws of the Commonwealth of Pennsylvania and the provisions of this Charter. All Commissioners representing even numbered Wards shall be elected at the municipal election held in 2013 and shall be elected thereafter at 4 year intervals. All Commissioners representing odd numbered Wards shall be elected at the municipal election held in 2015 and shall be elected thereafter at 4 year intervals.

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2. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

**§ 2.04. Vacancies. [Amended 1-7-2013 by Ord. No. 2012-20<sup>3</sup> ]**

- A. The office of a Commissioner shall become vacant upon death, resignation, change in residence from Ward represented, or determination of mental disability by a court of competent jurisdiction of the Commonwealth of Pennsylvania. A vacancy in the office of a Commissioner might also occur upon the filing of a petition or complaint by any Commissioner or any 5 registered electors of the Ward and then upon final determination of forfeiture of office by any court of competent jurisdiction of the Commonwealth of Pennsylvania upon any of the grounds which follow.
- (1) Lack, at any time during the term of office, of any qualification for the office prescribed by this Charter or by law.
  - (2) Willful violation of any specific prohibition of this Charter at any time during the term of office.
  - (3) Conviction of any crime punishable by imprisonment for a term exceeding one year under the laws of this Commonwealth or conviction of any comparable crime under the laws of any other State or of the United States during the term of office.

**§ 2.05. Filling of vacancies.**

Whenever a vacancy exists in the office of Commissioner, the vacancy shall be filled in accordance with the procedures which follow:

- A. The Board, by majority vote of its total membership, within thirty (30) days from the time the office becomes vacant, shall make an interim appointment of a qualified person to fill the vacancy.
- B. If the Board shall refuse, fail, neglect, or be unable, for any reason whatsoever, to fill such vacancy within 30 days after the vacancy occurs, then the vacancy shall be filled within 15 additional days by the Vacancy Board. The Vacancy Board shall consist of the Board of Commissioners and one elector of the Township, who shall be appointed by the Board at the Board's annual reorganization meeting or as soon thereafter as practical. Said elector shall act as the Chairman of the Vacancy Board. If the Vacancy Board fails to fill the position within 15 days, then the Court of Common Pleas of Delaware County, Pennsylvania, shall, upon petition of the Board of Commissioners or any 5 qualified electors of the Township, fill the vacancy in such office by the appointment of a person meeting the qualifications of this Charter. **[Amended 1-7-2013 by Ord. No. 2012-20<sup>4</sup> ]**
- C. The person appointed to fill a vacancy shall serve until a successor has been elected and assumed the office.
- D. At the next regularly scheduled primary, municipal or general election which takes place at least sixty (60) days after the vacancy occurs, a qualified person shall be elected by

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3. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

4. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

special election in accordance with the Pennsylvania Election Code to fill the vacancy. A person elected to fill a vacancy shall assume office at the start of the first regularly scheduled meeting of the Board following election and certification by the County Board of Elections and shall serve for the remainder of the unexpired term.

#### **§ 2.06. Compensation.**

Members of the Board shall receive compensation at the rate of two thousand one hundred dollars (\$2,100.) per annum for the performance of their duties. Members of the Board shall receive no other compensation, direct or indirect, for the performance of their duties and shall not be eligible for any township pensions, fringe benefits or insurance at township expense (other than liability insurance related to their duties). However, members of the Board shall be entitled to reimbursement for reasonable and necessary expenses incurred in the performance of their duties, according to provisions specified in the Administrative Code.<sup>5</sup>

#### **§ 2.07. Organization.**

- A. The organization meeting of the Board shall be held in the Township Building or in such other public place within the township as the Board may designate at 7:30 p.m. local time on the first Monday of January of each year. If the first Monday is a legal holiday, the meeting shall be held the first following day which is not a legal holiday, at the same time and place. At such meeting, the Board shall elect by majority vote of its total membership one (1) of its number as President and one (1) as Vice President who, as long as they continue to be Commissioners, shall hold office until their successors are elected or appointed. The Board, by majority vote of its total membership, shall appoint a registered township elector as Township Secretary to serve at the pleasure of the Board. The Board, by majority vote of its total membership, shall establish all such standing committees of members of the Board as are necessary for the conduct of its business.
- B. If a majority of the number of Commissioners specified in § 2.01 fails to attend the organization meeting, those present may adjourn the meeting from day to day until such a majority attends. If a majority attends but is unable to organize, the Board may also adjourn the meeting from day to day until the organization is completed. The organization meeting may be considered as a regular monthly meeting for the transaction of such business as may come before it, but for the first order of business shall be the organization of the Board.
- C. Should the Board, for any reason, fail to elect a President or Vice President by the 15th day of January of any year, any court of competent jurisdiction of the Commonwealth of Pennsylvania shall, upon petition of any Commissioner or any five (5) registered electors of the township, designate a Commissioner to act as President or Vice President until the Board elects a President or Vice President.

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5. Editor's Note: See Ch. 5, Administration of Government.

**§ 2.08. Duties of President and Vice President.**

The President or, in the President's absence, the Vice President shall preside at all meetings of the Board, sign documents as designated officer of the Board, appoint committees of the Board, call special meetings of the Board and perform such other duties as are specified in this Charter or which may be prescribed by ordinance.

**§ 2.09. Meeting procedures; administrative policy.**

- A. Quorum. A majority of the members of the Board shall constitute a quorum for all meetings. Voting by proxy or by any method other than in person shall be prohibited. The Board shall take no formal action except in the presence of a quorum. The action of a majority of the Commissioners present shall be binding upon and constitute formal action of the Board, provided that a quorum is present, except as otherwise provided in this Charter. The phrase "majority of its total membership," used elsewhere in this Charter, shall indicate actions which must be taken by a majority of the total membership then in office rather than by a majority of a quorum.
- B. Regular meetings. The Board shall meet at least once each month in the Township Building or in such other public place within the township as the Board may designate, at a date and time which the Board shall specify. All regular meetings shall be open to the public.
- C. Special meetings. A special meeting shall be held upon the call of the President or at the request of any three (3) members of the Board. Written notice shall be provided to each Commissioner at least three (3) days in advance of the meeting date. Such notice shall state the purpose(s) of the special meeting as well as the date, place and time. In the case of a special meeting called for the purpose of adopting an emergency resolution or enacting an emergency ordinance, the requirement for advance written notice shall not be required. Special meetings shall be held in the Township Building or other public place within the township as the Board may designate. All special meetings shall be open to the public. Action by the Board and discussion by citizens present at special meetings shall be confined to those agenda items set forth in the notice of the meeting.
- D. Executive sessions.
- (1) Executive or closed sessions of the Board shall be held only in accordance with the provisions and purposes defined by law and only when one (1) or more of the subjects which follow are under consideration:
    - (a) Matters of litigation to which the township is a party.
    - (b) Personnel matters concerning any individual employee, prospective employee or appointee.
    - (c) Acquisition or disposition of land by the township.
    - (d) Developing strategy for labor negotiations or other negotiations to which the township is a party.



- (2) An announcement shall be made at the next meeting of the Board that an executive or closed session has been held, giving the date, place and names of Commissioners attending and stating generally the matters discussed.
- E. (Reserved)<sup>6</sup>
- F. Meeting Notices and Agenda. The Board shall announce a calendar of regular meetings for the ensuing year at the organization meeting. Public notice of the calendar shall be given in accordance with the public notice requirements of this Charter. Five days in advance of the date of a special meeting, public notice of the date, time, place, and subject of the special meeting shall be given as provided in this Charter, except in the case of a special meeting called for the purpose of adopting an emergency resolution or enacting an emergency ordinance. An individual Commissioner has the authority to add an item to the agenda for Board consideration. The President of the Board shall cause an agenda to be prepared for each regular meeting including such items proposed by individual Commissioners and shall cause copies of the agenda and supporting documentation or reports to be prominently posted on the Township's website as well as to be made available to the public at the Township building at least 5 days prior to the day of the meeting. Any reports and documents submitted to and discussed by the Board shall be made available for public distribution at the meeting without charge or at a reasonable fee. Provision shall be made at regular meetings of the Board for citizens to comment or raise questions on any subject. **[Amended 1-7-2013 by Ord. No. 2012-20<sup>7</sup>]**
- G. Board actions. No formal action shall be taken by the Board except at a regular or special meeting, with an opportunity provided for comments and questions by the public prior to the vote. Formal actions by the Board shall be taken only by ordinance, resolution or motion. Voting by each Commissioner on ordinances and resolutions shall be recorded in the minutes. A majority vote of its total membership shall be required for final adoption of all ordinances except as otherwise provided in this Charter. Resolutions or motions may be adopted by a majority vote of the members present except as otherwise specified in this Charter.
- H. Administrative policy. It is the intent of this Charter that the Board act as a body in relation to all township matters. No Commissioner, acting individually, shall seek publicly or privately to direct the acts of township officials and employees. However, nothing contained herein shall prevent the Board from establishing committees of its members to review the operation and administration of the departments, obtaining information or reports from employees and township officials, referring citizen complaints or inquiries to departments or assigning individual Commissioners to liaison relationships with appointed boards, commissions and authorities.

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6. Editor's Note: Former Subsection E, Board caucus, was repealed 1-7-2013 by Ord. No. 2012-20. This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

7. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

**§ 2.10. Records. [Amended 1-7-2013 by Ord. No. 2012-20<sup>8</sup> ]**

Written minutes and records of all regular and special meetings of the Board shall be maintained by the Township Secretary and kept in the Township Building. All such minutes and records shall be open for public inspection during normal office hours, and shall be prominently posted on the Township's website. Upon request, copies shall be made available to the public without charge or at a reasonable cost.

**§ 2.11. Reports.**

- A. The Board shall make full and complete disclosure to Township residents of its actions as well as of Township administrative operations and activities, both actual and planned. The Board shall make provision for periodic written reports from the Township Manager; Department Heads; and the Boards, Commissions, and Authorities appointed by the Board; such written reports shall be prominently posted on the Township's website. These reports shall be made available to the public on request without charge or at a reasonable cost. Within 120 days after the end of the fiscal year the Board shall prepare and make available to the public an annual written report of the results of its operations during that year, accompanied by financial statements as required by this Charter. Such report and financial statement shall be prominently posted on the Township's website. **[Amended 1-7-2013 by Ord. No. 2012-20<sup>9</sup> ]**
- B. A copy of each official report required by law to be filed with other governmental agencies shall be kept in the Township Building and be open for public inspection during normal office hours. Copies of such documents shall be made available to township residents or interested parties upon request. A reasonable fee may be established by the Board for this service.

**§ 2.12. Investigations.**

The Board may, by majority vote of its total membership, make investigations into the affairs of the township and the conduct of any township department, office, board, commission or authority, and for this purpose, the Board may require township officials and employees to testify under oath and produce records concerning the subject matter of the investigation.

**ARTICLE III  
Ordinances**

**§ 3.01. Actions requiring ordinances.**

In addition to those actions required by law or by this Charter to be taken by ordinance, the Board actions which follow shall also be taken by ordinance:

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8. **Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.**
9. **Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.**

- A. Establishing, levying and collecting taxes and increasing or decreasing the rates of existing taxes.
- B. Authorizing the borrowing of money except for revenue anticipation loans.
- C. Providing for a fine or other penalty or assessment or establishing a rule or regulation for violation of which a fine or other penalty is imposed.
- D. Exercising the power of eminent domain.
- E. Granting, renewing or extending a franchise or imposing licensing requirements.
- F. Establishing, altering or abolishing rates, charges or assessments for any utility or other service or material supplied by the township.
- G. Purchasing or conveying any real property, entering into a lease for real property for three (3) or more years or accepting a gift of any real property or any interest in real property.
- H. Establishing or amending any zoning ordinance, subdivision procedure, building regulation or any regulation for land development or land use.
- I. Placing a question on the ballot for referendum.
- J. Amending or repealing any ordinance previously enacted.

### **§ 3.02. Form.**

Every proposed ordinance shall be introduced in written form. No ordinance may contain more than one (1) subject, which shall be expressed clearly in the title. Any ordinance which repeals or amends an existing ordinance shall indicate specifically the matter to be omitted, added or changed.

### **§ 3.03. Adoption procedure.**

A proposed ordinance may be introduced by any Commissioner at any regular or special meeting of the Board. Except as otherwise provided in this Charter or by law, adoption of the proposed ordinance shall be in accordance with the procedures which follow:

- A. The Township Secretary shall cause copies of the proposed ordinance to be distributed to each member of the Board and the Township Solicitor and shall cause the proposed ordinance to be placed on the agenda of the Board for introduction and initial consideration at its next regular or special meeting. Copies shall be made available for the public at that meeting.
- B. When approved initially by a majority vote of the Board members present, the Township Secretary shall cause copies of the proposed ordinance to be posted as provided in this Charter. The Township Secretary shall cause the proposed ordinance, together with a notice stating the time and place for the meeting of the Board at which the Board will take further action on the ordinance, to be advertised in accordance with the provisions

of this Charter not more than thirty (30) days nor less than ten (10) days before the public meeting at which the ordinance will receive further action of the Board. In the case of an amendment to a zoning ordinance, zoning map or other ordinances affecting property rights in only a small portion of the township, the Administrative Code<sup>10</sup> shall provide that reasonable written notice be given to property owners of the areas affected.

- C. Thereafter, the Board may enact the proposed ordinance by a majority vote of the total membership, or it may postpone action until a later meeting for which public notice of the date, time and place shall be given as provided in this Charter. The Board may amend the proposed ordinance before final adoption, but if the amendment changes the substance of the proposed ordinance as advertised originally, no final action may be taken until the amended ordinance has been adopted in accordance with the provisions of this Charter.

**§ 3.04. Publication; effective date; authentication.**

Public notice of every ordinance, or a summary thereof, enacted by the Board shall be given in accordance with the provisions of this Charter within ten (10) days from the date of enactment, except as otherwise provided in this Charter or by law. Except in emergencies or as otherwise provided in this Charter or by law, every ordinance enacted by the Board shall become effective on the 31st day following its enactment. All ordinances shall be authenticated by the President of the Board and attested to by the Township Secretary.

**§ 3.05. Emergency resolutions and ordinances.**

After the Board makes a finding by resolution that there is a substantial public emergency affecting the life, health, property or peace of the residents of the township, the Board may enact one (1) or more emergency ordinances. Such ordinances shall not levy taxes or authorize the borrowing of money except as otherwise provided in this Charter or by law. Emergency ordinances shall be introduced in form for final adoption, shall be so designated and shall state specifically the nature of the emergency. Notwithstanding other provisions of this Charter, prior public notice of emergency resolutions or emergency ordinances or of the meetings at which they are enacted shall not be required. The Board may enact, by a majority vote of its membership, emergency resolutions or emergency ordinances at any Board meeting at which they are introduced. Emergency ordinances shall become effective immediately, shall automatically stand repealed as of the 36th day following the date of their enactment, but may be reenacted once, consecutively, as provided herein, if the Board finds that the emergency still exists. Emergency ordinances may also be repealed by the Board at any time following enactment at a Board meeting by a repealing ordinance in the same manner specified in this section for the adoption of emergency ordinances. Copies of emergency resolutions and emergency ordinances shall be posted immediately and remain posted while in effect. Public notice shall be given as provided in this Charter as soon as possible after the date on which they are adopted, enacted, reenacted or repealed.

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10. Editor's Note: See Ch. 5, Administration of Government, § 5-8.

**§ 3.06. Adoption of standard codes of technical regulations.**

The Board may adopt by reference any standard code of technical regulations or amendments thereto, such as published national or state building, electrical or plumbing codes. <sup>11</sup> The details of standard codes or amendments thereto need not be advertised, but copies of such codes shall be available at the Township Building and may be purchased from the township at a reasonable price.

**§ 3.07. Recording and codification.**

The Township Secretary shall cause the full text of every ordinance, with proof of publication, to be recorded in a permanent record book upon its effective date. Ordinances of general application shall be included in the Code of the Township of Radnor. The Township Secretary shall be the custodian of this record book; it shall be open and available for public inspection upon request during normal office hours.

**§ 3.08. Compilation.**

The Board shall provide for the publication of a general compilation consisting of this Charter, the Administrative Code and the Code of the Township of Radnor, indexed properly. Copies shall be furnished to township officers, placed in the Township Building office, the Memorial Library of Radnor Township and such other places as the Board may direct for free public reference and be made available for purchase by the public at a reasonable price. Public notice of this compilation shall be given by the Township Secretary as provided by this Charter. All amendments and new ordinances of general application shall be integrated in this compilation and distributed, as provided above, by the Township Secretary.

**ARTICLE IV****Treasurer****§ 4.01. Qualifications.**

No person shall be eligible for nomination or appointment to the office of Treasurer of the township unless such person shall be a resident and registered elector of the township for a period of not less than one (1) year immediately prior to such nomination or appointment and not otherwise be disqualified by the terms of this Charter or by the laws of the Commonwealth of Pennsylvania. The Treasurer of the township shall be hereinafter referred to as the "Treasurer."

**§ 4.02. Election and term of office.**

The Treasurer shall be elected at large in the municipal election of 1977 and at four-year intervals thereafter in accordance with the election laws of the Commonwealth of Pennsylvania. The Treasurer shall serve for a four-year term beginning on the first Monday in

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11. Editor's Note: See, for example, Ch. 125, Building Construction; Ch. 156, Electrical Standards; Ch. 166, Fire Prevention; Ch. 195, Mechanical Standards; Ch. 218, Plumbing; and Ch. 222, Property Maintenance.

January following the year in which elected. If the first Monday is a legal holiday, said term shall begin on the first following day which is not a legal holiday.

**§ 4.03. Vacancy in office. [Amended 1-7-2013 by Ord. No. 2012-21<sup>12</sup>]**

The office of Treasurer shall become vacant upon death, resignation, removal of residence from the Township, or determination of mental disability by a court of competent jurisdiction of the Commonwealth of Pennsylvania. A vacancy in the office of Treasurer might also occur upon the filing of a petition or complaint by any Commissioner or any 5 registered electors of the Township and then upon final determination of forfeiture of office by any court of competent jurisdiction of the Commonwealth of Pennsylvania, upon any of the grounds which follow.

- A. Lack, at any time during the term of office, of any qualification for the office prescribed by this Charter or by law.
- B. Willful violation of any specific prohibition of this Charter.
- C. Conviction of any crime punishable by imprisonment for a term exceeding one year under the laws of this Commonwealth or conviction of any comparable crime under the laws of any other State or of the United States during the term of office.

**§ 4.04. Filling of vacancy.**

Whenever a vacancy exists in the office of Treasurer, the vacancy shall be filled in accordance with the procedures which follow:

- A. If the vacancy occurs within the first two (2) years of the Treasurer's term of office and at least sixty (60) days before the date of the municipal election scheduled in that period, the Board, by majority vote of its total membership, within thirty (30) days from the time the office becomes vacant, shall make an interim appointment of a qualified person to fill the vacancy.
- B. If the vacancy occurs after that date which is sixty (60) days before the scheduled municipal election, referred to in § 4.04A, then the Board of Commissioners, by majority vote of its total membership, within thirty (30) days from the time the office becomes vacant, shall make an appointment of a qualified person to fill the remainder of the unexpired term.
- C. If the Board, for any reason, fails to fill a vacancy within thirty (30) days after the vacancy occurs, any court of competent jurisdiction of the Commonwealth of Pennsylvania, upon petition of any Commissioner or any five (5) registered electors of the township, shall make an interim appointment if the vacancy occurred within the first two (2) years of the Treasurer's term of office and more than sixty (60) days prior to the municipal election scheduled in that period; otherwise, the court shall make an appointment to fill the unexpired term.

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12. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

- D. A person appointed to fill a vacancy shall serve until a successor has been elected and has assumed the office.
- E. If the vacancy occurs in the period specified in § 4.04A, a qualified person shall be elected at the next scheduled municipal election to fill the vacancy. The person so elected to fill a vacancy shall assume office on the date the election results are certified by the County Board of Elections and shall serve for the remainder of the unexpired term.

**§ 4.05. Powers and duties. [Amended 1-7-2013 by Ord. No. 2012-21<sup>13</sup> ]**

The Treasurer shall have the powers and general oversight of the functions which follow.

- A. Receipts. The Treasurer shall receive all Township taxes, revenues, fines, fees, and all other money paid to, owed, or due the Township. This money shall be deposited promptly in the name of the Township in such depositories as the Board shall specify by ordinance. In addition, the Treasurer shall maintain records of receipts in accordance with the uniform classification of accounts established by the Administrative Code.<sup>14</sup> The Treasurer shall keep a complete record of these deposits and accounts which shall be open to inspection and verification at any time by the Township Finance Director and the Board. The Treasurer shall submit such reports as are requested by the Board. The independent auditor, retained by the Board, shall audit the Treasurer's accounts, books, and records annually, or more frequently, if the Board directs.
- B. Disbursements. The Treasurer shall disburse Township money only upon order in the manner prescribed by ordinance. Payment shall be made and records maintained in accordance with generally accepted accounting principles; no payment shall be made unless there is an unencumbered balance in the applicable appropriation.
- C. Tax collection. The Treasurer shall collect such Township taxes as the Board shall direct by ordinance. Such ordinance shall set forth the procedures for the collection of the specified tax. The Treasurer may collect County and school taxes levied within the Township, subject to applicable law, and nothing in this Charter shall prohibit the Treasurer from receiving compensation for such collection.
- D. Surcharge. The Treasurer's power to surcharge shall be as follows:
  - (1) The Treasurer shall surcharge any elected or appointed official for the amount of any financial loss to the Township caused in whole or in part by the official's act or omission in violation of law or beyond the scope of the official's authority. If the Treasurer finds an absence of intent to violate the law or exceed the scope of authority, and further finds that the result of the official's act could have been achieved by legal means and authorized procedures, the surcharge imposed shall be limited to the difference between the losses and costs actually incurred by the Township and the costs that would have been incurred had legal means and authorized procedures been employed. Provisions of this section which limit the

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13. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

14. Editor's Note: See Ch. 5, Administration of Government.

amount of surcharge do not apply to cases involving fraud or collusion, or other criminal acts on the part of the official.

- (2) Within 10 days after notification of a surcharge amount against any elected or appointed official, the Treasurer shall file with the Delaware County Office of Judicial Support the surcharge amount as a judgment against the official in favor of the Township. The Township or any elector of the township may enforce the collection of a judgment entered for a surcharge for the benefit of the Township by any appropriate action or execution.

E. Additional Authority.

- (1) The Treasurer shall have access to all financial accounts and reports of the Township upon request to the Township Manager or Township Finance Director. If the Treasurer determines that there are significant errors or irregularities in the course of reviewing such records, the Treasurer shall immediately report such matters in writing to the Township Board of Commissioners and the Township Manager.
- (2) The Treasurer has the right to make an oral presentation to the Township Board of Commissioners at a regular public meeting concerning any indications of significant irregularities, deficiencies, abuse, or illegal acts relating to the overall finances of the Township. If the Treasurer issues a written report, the Township will promptly and prominently post that report on its website or successor form of general communication with the public.
- (3) The Treasurer may prepare a written annual report to the people of Radnor Township and may publically present it in person at a Township Board of Commissioners meeting during the first quarter of each calendar year. The Township will promptly and prominently post the Treasurer's annual report on its website or successor form of general communication with the public.

**§ 4.06. Compensation; offices.**

The Treasurer shall be compensated for work performed at an annual rate to be fixed by ordinance. Any subsequent change in said compensation shall be fixed by ordinance adopted at least ninety (90) days before the primary election for the nomination of candidates to the office of Treasurer. Such change shall not take effect until the expiration of the term of office of the incumbent Treasurer at the time the change is enacted. The Treasurer and employees of that office shall have offices in the Township Building and shall not be eligible for any township pension or fringe benefit at township expense.



ARTICLE V  
Manager

**§ 5.01. Appointment and compensation.**

The Township Manager, hereinafter referred to as the "Manager," shall be appointed by a majority vote of the total membership of the Board to serve at the pleasure of the Board. The Board shall fix the compensation of the Manager.

**§ 5.02. Qualifications.**

The Manager shall be selected on the basis of managerial and administrative qualifications, including education, training and experience related to the duties of the position. The Manager need not be a resident of the township or the Commonwealth of Pennsylvania at the time of appointment but must become a resident of the township within one (1) year after appointment, unless exempted from this requirement by resolution of the Board. The Manager shall devote his full time to the affairs of the office.

**§ 5.03. Powers and duties.**

The Manager shall be the chief administrative officer of the township. The Manager shall be responsible to the Board for the execution of all policies established by it and for the administration of all affairs of the township placed in the Manager's charge. The powers and duties shall include but not be limited to those which follow:

- A. Direct, supervise and be responsible for the administration of all departments and offices of the township except as otherwise provided in this Charter or by law.
- B. Implement and enforce all township ordinances, including the Administrative Code and all laws applicable to the operation of the township, consistent with the provisions of this Charter.
- C. Appoint, and suspend or remove department heads and other Township employees under the Manager's direct and general supervision, subject, however, to formal approval by a majority vote of the total membership of the Board when required by this Charter. The Manager shall have ultimate responsibility for the appointment, suspension, or removal of all other Township employees under the personnel rules and regulations established by the Administrative Code or other ordinances in accordance with this Charter. **[Amended 1-7-2013 by Ord. No. 2012-20<sup>15</sup>]**
- D. Attend meetings of the Board, participate in discussions and assist the President of the Board in the preparation of agenda.
- E. Negotiate and sign contracts for the township subject to the provisions of this Charter and of the Administrative Code.<sup>16</sup>

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15. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

16. Editor's Note: See Ch. 5, Administration of Government, § 5-51.

- F. Make recommendations to the Board to aid and assist it in the formulation of policy and keep the Board and public informed concerning the conduct of township affairs.
- G. Provide such reports and information as required by this Charter and as may be requested by a majority of the members of any appointed township board, commission, authority or any elected township official.
- H. Take such actions as are necessary to protect the life, health, property or peace of residents of the township in the event of a public emergency.
- I. Report to the Board any proposed major changes in land use, with an analysis of the effect on the annual budget and the capital program of the township.
- J. Request prompt inspection, investigations and preparation of tax duplicates by Delaware County for all new construction and major building improvements as soon as such construction or improvements are subject to taxation.

#### **§ 5.04. Removal procedures.**

The Board may, at any time, by resolution, request the resignation of the Manager and thereafter may, at any time, remove the Manager in accordance with the procedures which follow.

- A. The Board shall adopt, by majority vote of its total membership in a regular or special meeting, a preliminary resolution which states the specific facts upon which the removal is based. The Board may thereafter suspend the Manager from duty for a period not to exceed forty-five (45) days. A copy of this resolution shall be delivered promptly to the Manager.
- B. Within ten (10) days after a copy of the preliminary resolution is delivered, the Manager may file with the Board a written request for an opportunity to respond and comment on the resolution at a special meeting of the Board, which shall be held not earlier than twenty-one (21) days nor later than thirty (30) days after the filing of such a request by the Manager. Public notice of the date and time of such meeting shall be given in accordance with the provisions of § 9.02. The Manager may file a written statement of position with respect to the preliminary resolution not later than seven (7) days before the special meeting.
- C. At the special meeting, if one is requested, the Manager may make an oral statement in addition to the written statement of position. After full consideration, the Board may, by majority vote of its total membership, adopt a final resolution of removal, specifying the effective date of such removal. If such meeting is not requested and the Manager has not submitted a resignation, the Board may adopt a final resolution of removal by a majority vote of its total membership at any regular or special meeting which takes place fourteen (14) days or more following the date of delivery of the preliminary resolution to the Manager. This final resolution shall specify the effective date of removal.
- D. The Manager shall continue to receive a salary until the effective date of removal. The Board shall provide such severance pay as it deems appropriate. The decision of the Board shall be final.

**§ 5.05. Acting Manager.**

- A. The Manager shall designate, in writing, a qualified employee of the township to be Acting Manager during the Manager's temporary absence or disability. The Board may revoke such designation at any time and appoint another qualified person as Acting Manager.
- B. In the event of death, incapacity, removal, suspension or resignation of the Manager, the Board, by a majority vote of its total membership, shall appoint a qualified person as Acting Manager to serve until a new Manager is appointed. The Board may replace an Acting Manager at any time by appointing, by majority vote of the total membership of the Board, another qualified person to serve as Acting Manager.
- C. The Acting Manager, designated or appointed as provided in this section, shall exercise the powers and discharge the duties of the Manager during the period the office of Manager is vacant or the Manager is incapacitated, absent, disabled or suspended.

ARTICLE VI  
**Administration**

**§ 6.01. General provisions.**

The Board shall, by ordinance, create, alter or abolish nonelective township departments, boards, commissions, authorities and offices and prescribe their organization and functions subject to the provisions of this Charter and general law. The compensation of department heads and administrative officers shall be fixed by the Manager, subject to the approval of the Board. The Manager shall be the chief administrative officer of the township and responsible for administration of township affairs as provided in this Charter.

**§ 6.02. Administrative Code.**

The Board shall, by ordinance, adopt an Administrative Code<sup>17</sup> which shall provide for the administrative organization of the township government, the assignment of duties and responsibilities to department heads, administrative officers and employees and the procedural requirements set forth in the general laws or in this Charter. All changes in organization and procedures set forth in the Administrative Code shall be effected by amendment to the Administrative Code in the same manner as other ordinances are enacted and amended.

**§ 6.03. Department heads and administrative officers. [Amended 1-7-2013 by Ord. No. 2012-20<sup>18</sup> ]**

The heads of all departments and all administrative officers shall be appointed and suspended or removed by the Manager subject to approval by a majority vote of the total membership of the Board, unless otherwise provided for in this Charter. Department heads and administrative

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17. Editor's Note: See Ch. 5, Administration of Government.

18. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

officers shall appoint, and for stated cause suspend or remove, the subordinate employees with the approval of the Manager under the personnel rules and regulations established by the Administrative Code<sup>19</sup> or other ordinances in accordance with this Charter.

**§ 6.04. Appointments, hirings and promotions; vacancies.**

Appointments, hirings and promotions of all township employees shall be made on the basis of merit and fitness, demonstrated by examination or by other evidence of competence, in accordance with the Administrative Code,<sup>20</sup> ordinances and applicable federal and state laws. Vacancies occurring in the positions of Manager, department head and administrative officer under this Charter shall be advertised in accordance with the provisions for legal advertising specified in this Charter.

**§ 6.05. Personnel procedures and policies.**

As part of the Administrative Code, the Board shall adopt personnel procedures and policies which shall apply to township employees.<sup>21</sup> These procedures and policies shall make provision, as a minimum, for job classifications with specified compensation, hours of work, overtime compensation, holidays, vacations, sick leaves, leaves of absence, jury duty, reductions in force, discharge, pension and retirement. They shall also include provision for disciplinary action and grievances.

**§ 6.06. Solicitor.**

The Board, by a majority vote of its total membership, shall appoint a Township Solicitor to serve at the pleasure of the Board. The Board shall fix the compensation of the Township Solicitor. The Township Solicitor shall be a member of the Bar of the Supreme Court of Pennsylvania and shall not hold other elected or appointed public office in the township. The Township Solicitor shall serve as the legal advisor to the Board, department heads, administrative officers, boards, authorities and commissions, except as otherwise provided by law. The Township Solicitor shall represent the township in legal proceedings or hearings and perform any other duties prescribed by this Charter, by ordinance or as directed by the Board. It is the intent of this Charter that only one (1) person shall be the legal advisor to the township, but the Board may authorize other legal counsel for special purposes from time to time.

**§ 6.07. Engineer.**

The Township Engineer shall be a professional civil engineer registered in the Commonwealth of Pennsylvania. The Township Engineer shall be appointed by the Township Manager with the approval of a majority of the total membership of the Board. Under the direct or general supervision of the Township Manager, the Township Engineer shall supervise and control all

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19. Editor's Note: See Ch. 5, Administration of Government, Art. VIII.

20. Editor's Note: See Ch. 5, Administration of Government, Art. VIII.

21. Editor's Note: See Ch. 5, Administration of Government, Art. VIII.

engineering and other related matters of the township except as otherwise provided by the Board, by ordinance or by law.

**§ 6.08. Secretary.**

The Board, by majority vote of its total membership, shall appoint a registered township elector as Township Secretary to serve at the pleasure of the Board. The Board shall fix the compensation of the Township Secretary. The Township Secretary shall serve as secretary to the Board and as keeper of the Township Seal and shall attest to official actions taken by the Board. The Township Secretary shall maintain and publish a calendar for regular meetings of boards, commissions and authorities and shall be custodian of the records and minutes of the same. The Township Secretary shall perform such other functions as may be directed by the Board and as may be required by this Charter, by ordinance or by law.

**§ 6.09. Finance Director.**

The Township Finance Director shall be qualified by education or experience in financial management and public finance. The Finance Director shall be appointed by the Manager with the approval of a majority vote of the total membership of the Board. Under the direction of the Manager, the Finance Director shall be the chief financial officer and shall supervise the financial affairs of the township as provided for in this Charter, by ordinance or by law.

ARTICLE VII  
**Finances**

**§ 7.01. Fiscal year.**

The fiscal year of the township shall be the calendar year. However, after 1978, if not prohibited by law, the Board may, by ordinance, adopt a different fiscal year, specifying an orderly procedure for fiscal and budgetary controls in making such a transition.

**§ 7.02. General provisions.**

The Board shall have responsibility for establishing financial policies for the township, for developing and approving the budget and for levying taxes. The Board shall adopt, in the Administrative Code, a uniform classification of accounts to be used and followed in all financial plans, programs, budgets, financial records and reports.<sup>22</sup> The budget for each fiscal year shall be balanced as provided in this Article. The Manager shall have overall responsibility for the administration of township finances. Under the supervision of the Manager, the Finance Director shall administer the township finances in accordance with the provisions of this Charter, the Administrative Code, ordinance and law.

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22. Editor's Note: See Ch. 5, Administration of Government, Art. VII.

**§ 7.03. Submission of comprehensive budget. [Amended 1-7-2013 by Ord. No. 2012-22<sup>23</sup> ]**

At one or more regular or special meetings of the Board, held as provided for below, the Manager and department heads shall submit and present to the Board a proposed comprehensive budget for the ensuing fiscal year, which shall be comprised of a proposed operating budget and a proposed 3 year capital program. The comprehensive budget and supporting documentation will be posted on the Township's website at least 5 days in advance of the budget meeting as described in § 7.06.C. of this Article.

**§ 7.04. Presentation of proposed budget; budget message.**

The presentation of the proposed budget shall be accompanied by a budget message from the Manager. The Manager's message shall explain the proposed budget both in terms of revenues and expenditures as well as programs, projects and services. It shall outline the proposed financial policies of the township for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes; and summarize the township's debt position. In the budget message, the Manager shall also submit, for long-range planning and advisory purposes only, as a supplement to the proposed capital program and proposed budget, tentative projections of revenues and expenditures for a period of at least three (3) years. The projections shall include programs, projects and services, as well as a schedule for the amortization of debt, stated in general categories in accordance with the provisions of the Administrative Code.<sup>24</sup> The projections shall also include estimates for unfunded obligations and contingent liabilities not set forth in the capital program.

**§ 7.05. Budget form and content. [Amended 1-7-2013 by Ord. No. 2012-22<sup>25</sup> ]**

The proposed, recommended, and adopted comprehensive budgets, which as provided in § 7.03 are each comprised of an operating budget and a three-year capital program, shall provide a complete financial plan of all Township funds and activities for the ensuing fiscal year. The proposed, recommended, and adopted comprehensive budgets shall follow Generally Accepted Accounting Principles (GAAP) and shall be in the form prescribed by this Charter, the Administrative Code,<sup>26</sup> and by law. They shall begin with a clear general summary of their contents; shall show in detail all estimated income, indicating any proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year.

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23. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

24. Editor's Note: See Ch. 5 Administration of Government, Art. VII.

25. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

26. Editor's Note: See Ch. 5 Administration of Government, Art. VII.

**§ 7.06. Adoption procedure for comprehensive budget. [Amended 1-7-2013 by Ord. No. 2012-22<sup>27</sup> ]**

- A. Time line. The time line for comprehensive budget approval is as follows:
- (1) No later than 105 days before the end of the fiscal year: Submission of the Manager's proposed comprehensive budget.
  - (2) No later than 60 days before the end of the fiscal year: Board Approval of the recommended comprehensive budget.
  - (3) No later than 20 days before the end of the fiscal year: Board Adoption of the final comprehensive budget.
- B. Approval of the recommended comprehensive budget. At least 60 days before the end of the fiscal year, the Board shall complete its review of the Manager's proposed comprehensive budget, make such adjustments as the Board deems necessary, and in a publicly noticed Board meeting, approve by resolution a recommended comprehensive budget, copies of which shall be made available promptly thereafter to the public.
- C. Public Notice and Public Hearing. No later than 5 days following the approval of the recommended comprehensive budget by the Board, the Board shall provide public notice of the date, time, and place at which the Board shall hold a public hearing on the recommended comprehensive budget. This notice shall include a summary of the recommended comprehensive budget. The public hearing shall take place at any regular or special meeting of the Board at least 7 days after advertisement and at least 20 days prior to the end of the fiscal year.
- D. Levy of Taxes. At the time of enacting the final budget, the Board shall, by ordinance, levy sufficient taxes allowed by law which, with other revenues and available receipts and balances, shall provide for a balanced budget.

**§ 7.07. Quarterly budget review. [Amended 1-7-2013 by Ord. No. 2012-22<sup>28</sup> ]**

Within 15 days after the end of each fiscal quarter the Township Manager shall present to Board at a public meeting a report on the unfunded liabilities, incurred operating and capital expenditures, revenues and cash position, along with a comparison to the comprehensive budget adopted for the same period. The Township Manager shall also present a budgetary forecast for the remaining fiscal year.

**§ 7.08. Budget revision and amendment.**

- A. Budget revision by new Board. Notwithstanding any other provisions of this Charter, in any year following a municipal election, if the fiscal year is on a calendar-year basis, the

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27. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

28. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

newly elected Board may, within forty-five (45) days after the start of the fiscal year, enact a revised budget and levy a different tax in place of the budget and tax levy enacted by the previous Board. The Board shall make such revisions as it deems necessary in the budget of the previous Board and shall adopt, by resolution, a preliminary revised budget at a Board meeting. The procedures for adopting a final revised budget shall be in accordance with § 7.07A through D. Ordinances enacting a revised budget or levying taxes shall be effective as of the start of the fiscal year and shall rescind and replace the budget and tax ordinances of the previous Board.

- B. Supplemental appropriations. If during the fiscal year the Manager certifies to the Board that there are available for appropriation revenues in excess of those estimated in the budget, the Board may make, by resolution, supplemental appropriations for operating expenses or for the purpose of reducing indebtedness up to the amount of such excess.
- C. Emergency appropriations. In the event of an emergency, the Board may make supplemental appropriations to meet the emergency. To the extent that there are no available unappropriated revenues to meet the emergency, the Board may authorize the issuance of temporary notes which shall constitute unfunded debt to be funded and repaid in accordance with the Local Government Unit Debt Act<sup>29</sup> or other law. It is the intent of this Charter that the proceeds of such temporary notes shall neither be appropriated nor paid out except to meet emergencies.
- D. Reduction of appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, the Manager shall report to the Board without delay, indicating the estimate amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Board shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose, it may, by resolution, reduce one (1) or more appropriations.
- E. Transfer of appropriations. At any time during the fiscal year, the Manager, with the approval of the Board, may transfer part or all of any unencumbered appropriation balance among programs within a department or office, and, upon written request by the Manager, the Board may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department or office to another.
- F. Limitations: effective date. No appropriation for existing debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately.

#### **§ 7.09. Lapse of appropriations.**

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

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29. Editor's Note: See 53 P.S. § 6780-1 et seq.



**§ 7.10. Administration of budget.**

- A. Receipts. The Board shall provide in the Administrative Code, consistent with the provisions of this Charter, procedures for the receipt, deposit and accounting by the Township Treasurer for all moneys due and received by the township.<sup>30</sup>
- B. Expenditures. The Finance Director shall cause the appropriations voted by the Board to be entered in the accounting records of the township and shall approve no contract or expenditure which would exceed the unencumbered balance of appropriations in any account. The Board shall provide in the Administrative Code for a uniform procedure for the execution and control of all township purchases, including those involving sums less than three thousand dollars (\$3,000.).<sup>31</sup> The Finance Director shall authorize disbursement of township money only after determining that all goods and services contracted for have actually been received or performed. The Board shall provide in the Administrative Code for procedures for the signing and countersigning of all checks, drafts or other orders of payment<sup>32</sup> by two (2) persons, one (1) of whom shall be the Treasurer or such other employee of the Treasurer as the Treasurer may designate, subject to the approval of the Board.

**§ 7.11. Contracts. [Amended 1-7-2013 by Ord. No. 2012-23<sup>33</sup> ]**

No contract shall be made or obligation incurred unless there is a sufficient unencumbered balance in an appropriation and sufficient money is available to cover the contract or meet the obligation when it becomes due and payable. Any official who authorizes knowingly a contract to be made in violation of this provision shall be subject to removal from office and liable to the township, or its surety, for any loss incurred as a result of such action. The Board shall provide in the Administrative Code the procedures for letting contracts which shall not be inconsistent with this Charter or law.<sup>34</sup>

- A. Written contracts. All contracts of the township shall be in writing, either in the form of a purchase order or more formal document. For sums in excess of \$3,000, the document shall bear signatures of the Township and the vendor or contractor.
- B. Contracts requiring approval by ordinance. Authorization for contracts for the purchase, sale, lease or use of real estate or for the construction of public capital improvements shall be given by ordinance, and such contracts shall be signed by the President of the Board as well as the Manager. Any official authorized to execute a written contract shall submit a form of contract to the Township Solicitor for approval before execution. All contracts requiring approval by Ordinance shall be submitted to the Township Solicitor for legal review prior to final execution.

30. Editor's Note: See Ch. 5, Administration of Government, Art. VII.

31. Editor's Note: See Ch. 5, Administration of Government, § 5-49.

32. Editor's Note: See Ch. 5, Administration of Government, § 5-48.

33. Editor's Note: This ordinance was subject to referendum and was approved by a majority of the qualified voters 5-21-2013.

34. Editor's Note: See Ch. 5, Administration of Government, § 5-51.

- C. Expenditures not exceeding \$7,500. The Manager may, within the amounts and items appropriated by the Board, but otherwise without specific Board approval for such purchase or contract, make purchases and enter into contracts on behalf of the Township involving expenditures not in excess of \$7,500.
- D. Expenditures exceeding \$7,500. All expenditures above \$7,500 shall require Board of Commissioners' specific approval, subject to the following:
- (1) Emergency expenditures. Emergency expenditures may be made without Board of Commissioners' prior approval when obtaining the Board's approval would be impracticable and provided that such emergency expenditures are promptly thereafter presented to the Board of Commissioners for its approval.
  - (2) Expenditures of \$25,000 and above. Expenditures of \$25,000 and above shall only be authorized by the Board of Commissioners pursuant to a contract made with the lowest responsible and responsive bidder after public advertising and receipt of bids in the manner provided.
- E. No-bid contracts. Regardless of the amount of same, the following expenditures may be authorized by the Board of Commissioners without being subject to the advertisement and public bidding procedures in the Charter:
- (1) For the acquisition of real estate;
  - (2) For professional services;
  - (3) For the joint use of facilities or exercise of powers with other political subdivisions; or
  - (4) For products or services of public utilities including those operated by political subdivisions or other municipal entities.
- F. Piecemeal evasion prohibited. No person shall evade the provisions of this section of the Charter by purchasing or contracting for materials, supplies or services piecemeal, when the transactions would, in the exercise of reasonable discretion and prudence, be considered as one transaction amounting to more than \$7,500.
- G. Limit on terms. The terms of contracts for the purchase of materials, supplies and services shall not exceed 3 years. The term for contracts, leases or service agreements for capital equipment may be extended by the Board to a period longer than 3 years, but in no event longer than the expected usable life of such capital equipment.
- H. Future adjustment of dollar limitations. The Board may increase by ordinance the dollar limitations contained in this Section to reflect inflation. Such increases must be approved by an affirmative vote of 2/3 of the Commissioners.

**§ 7.12. Accounting records and reports.**

A record of all township financial transactions shall be maintained by the Finance Director in accordance with the forms and procedures prescribed in the Administrative Code.<sup>35</sup> The Finance Director shall prepare financial reports, at least monthly and at such other times as the Board shall direct, which shall be submitted to the Manager and the Board. Such reports shall be in such form as to present fairly the financial condition of the township, including receipts, disbursements and account balances for the month and year-to-date, compared with the budget allocation by month. In addition, the Finance Director shall prepare an annual inventory of capital assets. Special reports shall be prepared as required by the Manager or the Board. All financial records shall be maintained in the Township Building and shall be available for public inspection at reasonable times within regular office hours.

**§ 7.13. Independent annual audit.**

The Board shall provide for an independent annual audit of township receipts, expenditures, accounts and reports by a Pennsylvania certified public accountant or a certified public accounting firm, experienced in municipal finance and having no personal interest, direct or indirect, in the fiscal affairs of the township or any of its elected or appointed officials. The Board may provide for more frequent audits at its discretion. The Board shall review the work of such auditor annually and, at intervals not to exceed three (3) years, shall obtain proposals for future audits from at least two (2) other qualified firms for comparison with the incumbent auditor's proposal. The results of the annual audit and financial statements of the township shall be submitted to the Board and Manager, and the audited financial statements shall be included in the township's annual report. Any report of the independent auditor containing recommendations concerning financial management or fiscal controls shall be presented to the Board and made available to the public upon request. The financial statements shall include a balance sheet showing all current assets and liabilities.

**§ 7.14. Bonding of officers and employees.**

The Board shall provide in the Administrative Code for the bonding of the Treasurer, the Treasurer's employees and township employees who are responsible for receipts, disbursements, materials or supplies.<sup>36</sup> All such bonding shall be approved by the Township Solicitor for form and sufficiency in accordance with amounts fixed by the Board. The premium for such bonding shall be paid by the township.

**§ 7.15. Limitation on taxes and debt.**

The township shall be limited in sources and rates of taxation by laws applicable to municipalities governed by a home rule charter. Until such time as the General Assembly shall provide tax rate limits which apply to a municipality governed by a home rule charter, the township shall continue to be limited to the rates which apply to Pennsylvania townships of the first class generally. Proposed tax increases in excess of this limit shall require approval

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35. Editor's Note: See Ch. 5, Administration of Government, Art. VII.

36. Editor's Note: Editor's Note: See Ch. 5, Administration of Government, § 5-53.

of the registered electors of the township by referendum. The borrowing of money by the township shall continue to be limited in amounts and governed by procedures in the Local Government Unit Debt Act (Act 185 of 1972), as amended,<sup>37</sup> or acts of the General Assembly of the Commonwealth of Pennsylvania.

ARTICLE VIII  
**Citizen Participation and Protection**

**§ 8.01. General provisions.**

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

**§ 8.02. Boards, commissions and authorities.**

- A. Unless otherwise provided by ordinance or law, the Board shall appoint registered electors of the township to township boards, commissions or authorities, to serve on a staggered basis for terms set by the Board but which shall not exceed six (6) years. No member shall serve consecutively more than two (2) full terms and the balance of one (1) unexpired term on the same board, commission or authority.
- B. A Chairman shall be elected for a one-year term by each board, commission or authority from among its members. The Chairman shall preside at all meetings and shall report to the Board in the manner which it directs. Other appropriate offices may be created and filled from the membership of the body.
- C. Vacancies on boards, commissions and authorities shall be announced at a public meeting of the Board at least thirty (30) days in advance of the date on which the appointment is made.

**§ 8.03. Recall of elected officials.**

Any person holding an elective office in the government of the township shall be subject to removal from office at a recall election in the manner provided in this Charter. Officials elected from the township at large may be recalled by registered electors of the township at large. Officials elected by ward shall be subject to recall by registered electors of such wards represented.

- A. Recall petition. A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty percent (30%) of the electors registered to vote for that office at the time of the most recent primary, municipal or general election. With the exception of the number of signatures and the time permitted for obtaining such signatures required for recall, the same requirements as to form of signature and affidavit shall apply to a recall petition as apply to an initiative and referendum petition under this Charter.

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37. Editor's Note: See 53 P.S. § 6780-1 et seq.

- B. Filing of petition. A recall petition shall be tendered for filing to the Board of Elections of Delaware County. At the same time, a copy shall be served upon the incumbent official. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after tender of the petition, the Board of Elections shall 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 on appeal to any court of competent jurisdiction in the Commonwealth of Pennsylvania within thirty (30) days of the date of the decision of the Board of Elections.
- C. Notice to incumbent. As soon as the Board of Elections has received a recall petition for filing and determined its validity and sufficiency, the Board of Elections shall notify the incumbent named in the petition that the petition has been filed and validated. Upon receipt of such notice, the incumbent may resign from office, and thereupon the recall proceedings shall terminate.
- D. Recall election. If the incumbent against whom a recall petition is directed does not resign from office within ten (10) days after receipt of such notice, the Board of Elections shall arrange a recall election. The recall election shall take place at a special election conducted at the first regularly scheduled election, primary, municipal or general, which shall occur not less than seventy (70) days after the incumbent has been notified as provided above. The incumbent against whom a recall petition is directed may resign at any time prior to the recall election, and thereupon the recall proceeding shall terminate.
- E. Recall question.
- (1) At the recall election, the following question shall be presented to each elector entitled to vote on the recall question: "Shall (name of official) be recalled and removed from the office of (name of office)?"
  - (2) The above question shall appear in the case of each official whose recall is to be voted upon, and provision shall be made for the elector to vote "Yes" or "No" to the question.
- F. Results of election. If a majority of the registered electors who vote on the question at a recall election shall vote "Yes," the incumbent shall be deemed recalled and removed from office; otherwise, the incumbent shall remain in office. When the result of such election is affirmative, the date of the removal and vacancy in the office shall be effective seven (7) days after the date when the results of the election are certified by the Board of Elections.
- G. Filling of vacancy. A vacancy in the office created by the recall of an elected official shall be filled in accordance with the provisions of this Charter.
- H. Ineligibility for office. Any person who has been removed from an elective office by recall petition or who has resigned from such an elective office after a recall petition directed to such person has been filed shall be ineligible for appointment to any office of the township government for two (2) years after removal or resignation.

- I. Limitations. No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine (9) months of the term of office or within one (1) year after the date of certification of an unsuccessful recall election.

#### **§ 8.04. Initiative and referendum powers.**

- A. Initiative. The registered electors of the township shall have the power to propose ordinances to the Board. If the Board fails to adopt, without any changes in substance, an ordinance so proposed, the registered electors of the township shall have the opportunity to approve or reject it at the next election.
- B. Referendum. The registered electors of the township shall have the power to require reconsideration by the Board of any enacted ordinance. If the Board fails to repeal an ordinance so reconsidered, the registered electors of the township shall have the opportunity to approve or reject it at the next primary, municipal or general election.
- C. Limitations. The exercise of initiative and referendum shall not extend to ordinances affecting the annual budget in its entirety, to any emergency ordinance or to an ordinance relating to the levy of taxes. Such limitation, however, shall not apply to specific capital projects in the budget or capital program.

#### **§ 8.05. Initiative and referendum procedures.**

The procedures which follow shall be employed to exercise the powers of initiative and referendum:

- A. Initiative and referendum petition.
  - (1) All papers of a petition circulated for the purposes of initiating or repealing an ordinance shall meet the requirements which follow:
    - (a) They shall contain the names and addresses of five (5) registered electors of the township, designated as the Committee of the Petitioners, including the person designated as Chairman.
    - (b) They shall contain the full text of the ordinance proposed or sought to be reconsidered.
    - (c) They shall contain on each page an affidavit executed by the circulator of the page that the circulator observed personally the signing of each signature on the page.
    - (d) They shall bear in ink the signatures, addresses, wards and dates of signing of at least ten percent (10%) of the registered electors of each ward of the township qualified to vote at the time of the most recent primary, municipal or general election. No signature shall be counted as valid which is dated more than thirty (30) days prior to the date of filing with the Township Secretary.

- (2) For a referendum petition to cause the suspension of an ordinance which has not become effective, such petition shall be filed no later than thirty (30) days after the enactment of the ordinance proposed to be reconsidered; furthermore, no signature shall be valid which is dated prior to the enactment of the ordinance.
  - (3) The assembled petition shall be filed with the Township Secretary as one (1) instrument.
- B. Certification and Board action. The Township Secretary shall, within fifteen (15) days after a petition is filed, examine the petition for compliance with the provisions of this Charter, submit the petition to the Township Solicitor for a written opinion as to legality and certify the results of such examination by registered mail to or personal service upon the Committee of the Petitioners and the President of the Board.
- (1) Valid certified petitions. If the Township Secretary certifies that the petition is valid, the following procedures shall apply:
    - (a) An initiative ordinance shall be presented at the next Board meeting and be acted upon subject to other provisions of this Charter.
    - (b) If the petition calls for repeal of an ordinance which was not in effect at the time the petition was filed with the Secretary, the effectiveness of the ordinance shall be suspended until a final decision has been made under this Article. Otherwise, the ordinance will remain in effect until repealed by the Board or referendum.
  - (2) Invalid petitions and amendment. If the Secretary certifies that the petition is invalid, the particulars in which it is defective shall be set forth in the certificate. Any petition may be corrected by the Committee of the Petitioners within ten (10) days after notification of invalidity has been received.
- C. Special election. If, within sixty (60) days of the service of a certified petition by the Secretary or the President of the Board, the Board shall fail to pass an ordinance required by initiative petition without any change in substance or to repeal an ordinance as required by referendum petition, the Secretary shall, within fifteen (15) days thereafter, or the Committee of the Petitioners if the Secretary fails to act, file the petition with the Board of Elections. The proposed or referred ordinance shall be voted upon by the township electors at the next regular primary, municipal or general election which shall occur not less than sixty (60) days from the date of filing the petition with the Board of Elections. An initiative or referendum election shall be held in accordance with the provisions of the Pennsylvania Election Code relating to the conduct of special elections.
- D. Final action. If a majority of the registered 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 by the County Board of Elections. If the provisions of two (2) or more ordinances approved or adopted at the same election conflict, then the ordinance receiving the greatest affirmative vote shall control. If a majority of the registered electors voting on a referred ordinance vote to repeal it, the ordinance shall be considered repealed upon certification of the election results; otherwise, the referred ordinance shall become effective if it were suspended. The

Board may not consider reversing the results of an initiative or referendum vote for at least two (2) years following certification of such vote. Ordinances adopted or repealed by initiative or referendum vote, or summaries thereof, shall be published and recorded as provided elsewhere in this Charter.

## ARTICLE IX General Provisions

### § 9.01. Severability.

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

### § 9.02. Public notice.

Unless provided specifically otherwise, the requirement of public notice of this Charter shall include the procedures which follow:

- A. Legal advertising: publication in one (1) or more newspapers of general circulation in the township, one (1) of which shall be printed in the township, if such a newspaper exists.
- B. Posting: posting in the Township Building, the Memorial Library of Radnor Township and such other places as the Board may direct in locations readily accessible to the general public within the township.
- C. Public availability. Copies of the subject matter so advertised and posted shall be made available for inspection by members of the public at the Township Building during regular working hours or at any meeting of the Board at which the subject is being considered by the Board. Such copies shall be made available to members of the public free of charge or at a reasonable price as authorized by the Board.

### § 9.03. Armed Forces service.

Notwithstanding other provisions of this Charter, any elected or appointed official and any employee of the township may hold an appointment (inactive duty) in any component of the Armed Forces or uniformed services of the United States or the National Guard of a state or commonwealth.

### § 9.04. Prohibited activities; violations and penalties. <sup>38</sup>

- A. The activities which follow shall be prohibited in the operation of the township government:

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38. Editor's Note: See also Ch. 39, Ethics, Code of.



- (1) **Discrimination.** No person shall, in employment by the township in any capacity or appointment to any board, commission or authority or removal therefrom, be favored or discriminated against because of age, race, national origin, sex, handicap or political or religious opinions or affiliations in violation of applicable federal or state laws. No person shall be accorded favored treatment in employment or appointment because of a family relationship.
- (2) **Improper gifts.** No person who seeks appointment on any township board, commission or authority 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. In addition, no elected or appointed township official or employee shall receive any money, service or other consideration in connection with such appointment or employment.
- (3) **Political party office.** No township official elected under this Charter, no appointed official and no full-time township employee shall hold any elected or appointed political party office.
- (4) **Improper political influence.** No elected or appointed township official and no employee of the township shall request any township employee to make a political contribution or engage in political activity.
- (5) **Other government service.** No township official elected or appointed to an elective office under this Charter and no full-time township employee shall hold any other township employment or any other elective or appointive township position. No township official elected or appointed to an elective office under this Charter and no full-time township employee shall hold any full-time employment or any other elective position with Delaware County or the Commonwealth of Pennsylvania. This provision shall not apply to employees of school districts or of other educational institutions.
- (6) **Ex parte communications.** All proceedings of a quasi-judicial character required to be determined on the record by the Board or any other township board, commission or authority shall be determined solely upon the evidentiary record and the arguments of the parties to the proceeding or their counsel, properly made in the regular course of the proceedings. No member of the Board or of any other township board, commission or authority or any township employee or representative assisting in the determination in any such proceeding shall communicate, directly or indirectly, with any party or his or her representative in connection with any issue involved, except upon notice and opportunity for all members of the Board or other township board, commission or authority involved and parties to the proceeding to participate. If any member of the Board or any other township board, commission or authority receives a communication or authority receives a communication orally or in writing from any person with respect to any such proceeding, the member shall disclose the communication to all other members and furnish them and all parties to the proceeding with a memorandum of the oral communication or a copy of the written communication.

- B. Violation of any provision of this section shall constitute grounds for forfeiture of office, termination of appointment or dismissal.

**§ 9.05. Conflicts of interest.** <sup>39</sup>

- A. No elected or appointed official of the township and no township employee shall engage in any activity as follows:
- (1) Take any action as a result of information acquired as a township official, from which action the township official or employee or any other person or entity in whose welfare the official is interested shall realize a gain or advantage. Such action shall not, however, be construed to be prohibited if the gain or advantage were realized generally by a group or class of citizens as the purposeful result of such action.
  - (2) Solicit or accept directly or indirectly, any gift, favor, service, commission or other consideration that might reasonably tend to influence that official or employee in the discharge of the duties of office.
  - (3) Seek to influence, directly or indirectly, the awarding of any contract where such township official or employee or other person or entity in whose welfare the official or employee is interested would benefit, directly or indirectly, financially or otherwise, from said contract.
- B. Disqualification from action. Any elected or appointed official and any employee of the township, 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 or seeking formal action of the Board or any petition application, request or appeal, whether that interest is as an employee, a party, a partner or a stockholder, shall disclose fully said interest and, except where stock holdings in a public corporation shall be minimal, shall not participate in the discussion or formal action relating thereto. Violation of the provisions of this section shall render the contract or such actions voidable by the township.
- C. Disclosure of ownership of real property. All elected officials, the Township Manager and all appointed officials shall, upon taking office, file with the Township Secretary a statement of direct, indirect or beneficial ownership of real property in the township or direct, indirect or beneficial interest in any corporation, partnership or joint venture owning real property in the township. Such statement shall be revised promptly as required by any change in ownership.
- D. Violation. Willful violation of any provision of this section shall constitute malfeasance in office which, and except as may otherwise be provided by law, shall be a summary offense punishable by the maximum fine, including double the pecuniary gain derived from the offense, or by imprisonment as provided by law. Conviction of such a violation by an official or appointed official or employee shall result in forfeiture of office, termination of appointment or dismissal, and any elected or appointed official or

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39. Editor's Note: See also Ch. 39, Ethics, Code of.

employee so convicted shall thereafter be ineligible to hold office or employment with the township.

**§ 9.06. Retention of records.** <sup>40</sup>

All records shall be retained or disposed of in accordance with the provisions of the Municipal Records Act, as amended.<sup>41</sup>

**§ 9.07. Other elective offices.**

The Board shall not have the authority to create, alter or abolish any township elective office except as provided otherwise herein.

**§ 9.08. Definitions.**

As used in this Charter, the term "elected officials" of the township shall mean the seven (7) members of the Board and the Treasurer of the township. The term "appointed officials" of the township shall mean members of those boards, commissions and authorities appointed by the Board, the Township Secretary, the Township Solicitor, the Township Manager, department heads and administrative officers who are appointed by the Manager subject to approval of the Board. The term "employees of the township" or its equivalent shall include the Township Manager, the Township Secretary, all department heads, all administrative officers and all other persons employed by the township.

**§ 9.09. Charter amendment.**

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

**§ 9.10. When effective.**

This Charter shall become effective on the first day of January 1977, except for the transition provisions which shall become effective upon adoption of this Charter.

ARTICLE X  
**Transitional Provisions**

**§ 10.01. Board of Commissioners.**

Commissioners in office on the day before this Charter becomes effective shall continue in office for the remainder of the term to which they were elected or appointed. On the effective date of this Charter, they shall assume the functions and duties of Commissioners as set forth in this Charter.

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40. Editor's Note: See also Ch. 72, Records Retention.

41. Editor's Note: See 53 P.S. § 9001 et seq.

**§ 10.02. Treasurer.**

The elected Treasurer in office on the day before this Charter becomes effective shall continue in office for the remainder of the term to which elected or appointed. On the effective date of this Charter, the elected Treasurer shall assume the powers and duties of Treasurer as provided in this Charter.

**§ 10.03. Rights and privileges preserved.**

- A. Citizen and property rights. Provisions of the First Class Township Code<sup>42</sup> affording protections to citizens, property owners, public and private schools and religious, historic, educational and charitable properties, which are in force at the time this Charter becomes effective and are not inconsistent with the provisions of this Charter or general laws of the Commonwealth of Pennsylvania, shall be incorporated in the Administrative Code<sup>43</sup> or other ordinance until modified, amended or repealed by ordinance.
- B. Rights of township officials and employees. Nothing in this Charter, except as provided specifically otherwise, shall affect or impair the rights and privileges of elected or appointed officials or employees of the township at the time of the adoption of this Charter. An employee holding a position in the township government at the time of adoption of this Charter shall not be subject to competitive tests as a condition of continuation in the same or similar position, but in all other respects shall be subject to the personnel system set forth in this Charter and in the Administrative Code.<sup>44</sup>

**§ 10.04. Boards, commissions, authorities, departments and administrative offices.**

The organization of the township government under this Charter after the first day of January 1977 shall be as set forth in this Charter. However, nothing in this section shall be construed to abolish the office or terminate the terms of office of any appointed official or employee protected by a tenure-of-office law or collective bargaining agreement. It is the intent of this Charter that appointed officials and employees be continued in the same or similar positions in the organization subject to the provisions of the Administrative Code.<sup>45</sup> All appointed members of boards, commissions and authorities, heads of departments or administrative officers shall continue in office with the same or similar bodies for the balance of the term, if any, of their original appointment. However, nothing in this section shall limit the right of the Board to create, modify or abolish boards, commissions, authorities, departments, administrative offices or individual positions.

**§ 10.05. Pending matters; continuation of ordinances, resolutions, rules and regulations.**

- A. All actions and proceedings of a legislative, executive or quasi-judicial character, which are pending upon the effective date of this Charter, shall be maintained, carried on or

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42. Editor's Note: See 53 P.S. § 55101 et seq.

43. Editor's Note: See Ch. 5, Administration of Government.

44. Editor's Note: See Ch. 5, Administration of Government, Art. VIII.

45. Editor's Note: See Ch. 5, Administration of Government.

dealt with by the elected or appointed township official, department head, administrative officer, board, commission or authority appropriate under this Charter.

- B. All township ordinances, resolutions, rules and regulations which are in force at the time of the effective date of this Charter and which are not inconsistent with the provisions of this Charter shall continue in force unless amended or repealed.

#### **§ 10.06. Temporary ordinances.**

At the time of the first organizational meeting of the Board, following the effective date of this Charter and not more than sixty (60) days from the date of such meeting, the Board may enact such temporary ordinances as may be necessary to ensure orderly transition to and conformity with the provisions of this Charter. Such temporary ordinances shall be labelled as such and may be enacted and take effect immediately upon enactment at any regular or special meeting of the Board. Such temporary ordinances need not be advertised in advance, but the full text shall be given public notice upon adoption in accordance with § 9.02 of this Charter. Temporary ordinances to implement transition shall stand repealed automatically as of August 1, 1977, if not repealed earlier, replaced by the Administrative Code<sup>46</sup> or such other ordinances required by this Charter or enacted pursuant to the provisions of this Charter.

#### **§ 10.07. Transition Committee.**

To establish an orderly procedure for transition from the old to the new form of township government provided by this Charter and to ensure that all necessary action is taken to make this Charter fully operational, the Board shall, within fifteen (15) days after adoption of this Charter, appoint a Transition Committee. This Committee shall be comprised of two (2) members of the Board of Commissioners, two (2) members of the Government Study Commission, one (1) of the administrative staff of the township and at least four (4) registered electors as the Board of Commissioners shall select. Such Committee shall draft the proposed Administrative Code<sup>47</sup> and such ordinances as are necessary to implement fully this Charter.

#### **§ 10.08. Enactment of Administrative Code and other ordinances.**

No later than May 16, 1977, the Board shall meet with the Transition Committee to review and prepare for public distribution a final draft of the proposed Administrative Code and other ordinances necessary to implement this Charter. Prior to July 1, 1977, the Board shall enact the Administrative Code<sup>48</sup> and such other ordinances. In the adoption of the proposed Administrative Code and such other ordinances, the procedures specified in Article III of this Charter for legal advertising of ordinances shall not apply. However, the Board shall cause copies of the proposed Administrative Code and such other ordinances to be made available free of charge to any interested township resident upon request at least seven (7) days in advance of the regular or special meeting or meetings at which the proposed Administrative

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46. Editor's Note: See Ch. 5, Administration of Government.

47. Editor's Note: See Ch. 5, Administration of Government.

48. Editor's Note: See Ch. 5, Administration of Government.

Code and such other ordinances will be given further consideration. Public notice of the availability of the proposed Administrative Code and such other ordinances, as well as the date, time and place of the Board meeting at which they will be considered for enactment, shall be given at least seven (7) days before such meeting. At any such regular or special meeting, the Board shall enact the Administrative Code and such ordinances as proposed by the Transition Committee and accepted by the Board.

