

## **ARTICLE I                    STATEMENT OF INTENT**

### Section 101 Statement of Intent

*“All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.”*

The above quotation is Article 1; Section 2 of the Constitution of the Commonwealth of Pennsylvania. This is Law of our Land – a principle of law held higher than any other law our state has to offer. It is exhilarating language and it is the language of “We, the People.” These are the principles which people fought to advance, and gave their lives to protect.

For far too long, communities in Pennsylvania have been handcuffed by state preemptive laws. These laws have allowed corporations a free hand to conduct their business in our communities regardless of the resulting devastating destruction or the will of the People. Not only do these preemptions forbid local governments from passing any law to protect the welfare of the People, but they are in direct violation of the Pennsylvania Constitution.

In the 21<sup>st</sup> century it has become evident to the people of Blaine Township that they must “step out of the box” to solve the problems that confront our community. State laws have enabled large corporations entry and access to our natural resources within the Township.

Included in the list of recent threats by corporations to our community are destructive long wall mining, natural gas exploration and extraction and large scale water withdrawal from our natural water systems. These imminent dangers threaten to poison the soil and water, inflict chaos on lives and livelihood, destroy the natural ecosystems and compromise the quality of life we have until now enjoyed and valued. Overnight these corporations appear – they separate us, they make distinction upon us, and they place a rank on us, ultimately leading to the disruption of the daily rhythm of our lives. Once these resources are extracted and the corporations are long gone, the community will be left to deal with what remains unresolved.

It is undeniable that poor decisions are causing the world outside Blaine Township to deteriorate and grow less livable. The quality of life and health of the natural world is steadily diminishing. We have not arrived at these conclusions frivolously. We have carefully studied the history and the law. These policies are not intended to be anti-corporate or anti-growth. We cannot have a democracy while a few people have all the power. What we have learned in this process is that we – as a community – need to define corporations and not let the corporations define us.

Embodied within this Home Rule Charter is the Right of the People of Blaine Township to decide their quality of life, health, safety and welfare, and protect the rural character of their community for generations to come.

This Charter is a challenge to us all, to realize and then define a future rooted in our Constitution, rather than accept a future that has been “realized” for us...by mining corporations, by state legislators and state agencies like the Department of Environmental Protection. We take this initiative through careful consideration of our heritage, the rights of nature and ecosystems to exist and flourish, and our inherent right to community local self-governance.

The People of Blaine Township believe this action to be responsible, logical, ethically and morally right and consistent with the principles of the Pennsylvania Constitution and the Declaration of Independence.

## ARTICLE II            PREAMBLE

Section 201 Preamble WE, the People of Blaine Township, hold these truths to be self-evident: that all People are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, self-governance in their communities, and the pursuit of happiness; that to secure these rights, governments are instituted by People, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown, that People are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, suggests a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the People of this Township; and such is now the necessity, which constrains the People to alter their former systems of government.

We, the People of Blaine Township, with authority derived from birth, assert our right and the right of future generations to self-government in the place where we live, and we reject all usurpations of that right as illegitimate. We recognize that People born under unchangeable laws not of their making are born into slavery and that nothing is unchangeable but the inherent and inalienable rights of the living. We therefore present this Charter as our new form of governance, to honor, to assert and to uphold the rights of human and natural communities.

Therefore, in order to establish perennial justice, protect the rights of all People, and of Nature, and to secure the blessings of liberty to ourselves and future generations, we hereby ordain and establish this Home Rule Charter to create a just system of self-government for today and for the future within the Township of Blaine.

### ARTICLE III            DECLARATION OF RIGHTS AND OBLIGATIONS

Section 301 *Rights Are Law* All Rights in this Charter, and all provisions, findings and purposes of this Charter, without exception, are self-executing and legally enforceable and serve as an integral part of the Home Rule Charter for the People of Blaine Township. The People and Township of Blaine shall respect, uphold and defend these rights and fulfill these obligations.

Section 302 *Basic Rights* All People are born equally free and independent, and each possesses and commands inseparably in themselves certain inalienable and fundamental rights, among which are those of enjoying life and liberty, pursuing happiness, benefiting in full from the fruits of their own labor, and participating in democratic self-governance in the community where they live.

Section 303 *Rights Retained by People* The enumeration of rights in this Charter or elsewhere shall not be construed as a limitation upon rights, and any right not enumerated is retained individually by all the People. The rights of the people shall not be limited, infringed, or abridged by any law, regulation, license, charter or delegation of authority.

Section 304 *No Institutional Rights* Government, human institutions, corporations and other agencies of society are servants of the People and shall not have rights, but are obliged to remain subordinate to the People and to their rights.

Section 305 *People as Sovereign* The Township of Blaine shall be the governing authority responsible to, and governed by, the residents of the Township. Use of the “Blaine Township” municipal corporation by the sovereign People of the Township to make and enforce law shall not be construed to limit or surrender the sovereign authority or immunities of the People to a municipal corporation that is subordinate to them in all respects at all times.

Section 306 *Government Legitimacy* People establish governments to secure and protect fundamental rights, and governments are just which derive their just powers from the consent of the governed. Actions taken by governments that deny the People’s inalienable and fundamental rights are illegitimate, unauthorized, and void.

Section 307 *Governing Authority* All governing authority is inherent in the People, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of those ends, the People have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper. Government and its officers, employees and agents are servants of the People and shall remain amenable, respectful, and obedient to the will of the People.

Section 308 *Right to Self-Government* All residents of Blaine Township possess the fundamental and inalienable right to participate in a form of government in the community where they live which guarantees them authority to use, assert and enforce plenary governing power over

questions of law that affect their lives, families, environment, quality of life, health, safety and welfare. That right includes the right to exercise un-preempted legislative authority through the government closest to them and to a form of community governance that recognizes that all power is inherent in the People and that all free governments are founded on the People's authority and consent. Residents of Blaine Township possess the fundamental and inalienable right to exercise final legislative authority on all issues affecting them, and the right to exercise that authority through their municipal government or as a community. The People of Blaine Township bear a responsibility to participate in the governance of their community.

Section 309 Duty of Government The government of Blaine Township shall recognize and afford every resident a right to a local form of government which guarantees that all power is inherent in the People, that the Township government is founded on and responsive to the People's authority and consent, and shall protect the People of Blaine Township against any invasion of that right. No government shall have authority to infringe upon the rights of People or Nature, and if the People elect representatives, no exception shall be made that would authorize public servants to abridge, alter or eliminate any right.

Section 310 Elections, Initiative, Referendum, Recall Elections shall be free and equal, and no power, or association, civil or military – including state or federally chartered corporations, shall at any time interfere to prevent or influence the free exercise of the right of suffrage or the outcomes of elections. The People at all times retain the right to exercise direct democratic action, including participation in decision-making by the Governing Body, open and easily accessible processes of initiative, referendum and the recall of sitting officers, and no rule or law shall interfere with the ease of executing these rights.

Section 311 Final Authority of Local Law The People of Blaine Township shall have a right to introduce and adopt laws on their own initiative, and the final authority on the constitutionality, interpretation and effect of all laws adopted by the People of Blaine Township, or by their Township government, shall be the People of Blaine Township.

Section 312 Right of Assembly The People of Blaine Township shall have a right to assemble for the common good, and to apply to those temporarily invested with the powers of government for redress of grievances or other proper purposes by petition, address, or argumentation, and this right shall not be infringed.

Section 313 Free Thought and Speech The People of Blaine Township at all times have the indefeasible right to govern themselves in body, mind and spirit, without persecution or infringement, and to pursue happiness and express their thoughts, ideas, beliefs and opinions without censorship or penalty.

Section 314 Right to Bear Arms The right of the People to keep and bear arms shall not be infringed.

Section 315 Habeas Corpus The Right of the writ of habeas corpus shall never be suspended.

Section 316 *Rights on the Job* State and federal constitutional rights and protections, including, but not limited to, the right of free speech, assembly, due process and equal protection, and all rights recognized in this Charter, shall be afforded to all employees in workplaces within Blaine Township, and those rights and protections shall never be denied or abridged. The surrender of any right shall not be required as a condition for employment.

Section 317 *Right to Own Property* Each of the residents of Blaine Township possesses a right to own property, but this right shall not convey with it a right or privilege to deprive or curtail the rights of People or Nature.

Section 318 *Right to Enter Contracts* The right of individuals or their agents or local government to enter into contracts shall not be abridged, but no contract shall abridge, restrict or suspend any right, and no coercive agreement or oath shall be binding.

Section 319 *Civil and Political Rights Protected* Blaine Township shall not deny to any natural person the enjoyment of any civil or political right, nor discriminate against any natural person in the exercise of any civil or political right.

Section 320 *Right to a Healthy Environment* All residents of Blaine Township possess a fundamental and inalienable right to a healthy environment, which includes the right to unpolluted air, water, soil, flora, and fauna, and the right to protect the rights of natural communities and ecosystems, upon which each resident is both intrinsically a part and dependent.

Section 321 *Right to Self* All residents of Blaine Township possess a fundamental and inalienable right to the integrity of their bodies, and to be free from unwanted invasions of their bodies by any means, including but not limited to violence, forced labor, sexual abuse, and trespass by manufactured chemicals, toxins, pathogens, genetically modified life forms or radioactive substances and their progeny. The People at all times possess a right to privacy of their bodies and possessions against involuntary surveillance, against unwarranted searches and inspections, and against forced or denied medical treatment.

Section 322 *Private Property and Eminent Domain* The power of taking private property shall not be delegated to any person, government, agency, institution or corporation, but the People may direct their community government to acquire use of land for public purposes not in violation of any rights. The taking of private property shall be justified only for a public use that expands or upholds rights that would otherwise be harmed. Private property shall not be taken or applied to any public use without specific authorization directly from the People, through a public referendum, nor without just compensation being first made or secured.

Section 323 *Right to Information* There shall be equal and unfettered use of and access to public records. Public information shall not be a commodity, and no cost beyond the minimal expense to reproduce records shall be assessed, so that the right of access to information is never abridged by an inability to pay for it.

Section 324 *Rights of Natural Communities* Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, clouds, and other water systems, possess inalienable and fundamental rights to exist, flourish and naturally evolve within Blaine Township. Consequently, no private claim to ownership of natural communities, whole ecosystems or the genetic material of any organism shall be recognized within Blaine Township.

Section 325 *Life is not Property* Genetic characteristics shall never be property or be altered to become or be claimed as property, and no person, corporation or institution shall claim ownership of the genetic characteristics of any living being or organic tissue.

Section 326 *Right to Water* All residents, natural communities and ecosystems in Blaine Township possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles and sources that provide water necessary to sustain life within the Township.

Section 327 *Right to Establish Sustainability Policies* The People of Blaine Township retain the right to establish and promote sustainable policies through their Township government on issues including but not limited to energy use and production, water, waste, environmental preservation, land use, and all issues relating to the quality of life for People and Nature.

Section 328 *Right to Livelihood and Home* All residents of Blaine Township possess a fundamental and inalienable right to their livelihood, homes and land, and a right to enjoy those homes and land uncompromised by harm caused to natural communities and ecosystems.

Section 329 *Right to Cultural Heritage* All residents of Blaine Township possess a fundamental and inalienable right to their communities' cultural heritage within the Township. Residents' right to their own histories shall include a right to the preservation of historic buildings, unaltered historic districts and landscapes, and other structures, relationships, and lands that residents of Blaine Township consider important to the preservation of their cultural heritage.

Section 330 *Corporations Subordinate to the People* Corporations are human institutions, created by the People through their government. The People and their rights shall never be subordinate to corporations or institutions upon which government bestows privileges, nor shall those corporations or institutions possess legal authority to deny, deprive or infringe upon the rights of People or Nature or to nullify local law. Nor shall corporations or any class of People possess the authority to enforce State or federal preemptive law against the people of Blaine Township or their community government that would make community majorities subordinate to them. The conferral of constitutional and legal powers upon corporations by the legislature and by the courts, and the wielding of those privileges and powers by corporate managers to deny the rights of People and Nature, shall not be recognized as legitimate by the People of Blaine Township or their government. Corporations and other creatures of government shall be liable for any denial, deprivation or infringement of rights.

Section 331 *Privileges of Corporations Not Recognized* To ensure that the privileges of a few never subordinate the rights of the People to make self-governing decisions, within Blaine

Township corporations shall not be “persons” under the United States or Pennsylvania Constitutions, or under the laws of the United States, Pennsylvania, or Blaine Township, and so shall not have the rights of persons under those constitutions and laws. In addition, within the Township of Blaine, no corporation shall be afforded the privileges, powers, and protections of the Contracts Clause or Commerce Clause of the United States Constitution, or of similar provisions from the Pennsylvania Constitution. Claims to “future lost profits” by corporations shall not be considered property interests under the law and thus shall not be recoverable by corporations seeking damages because of the enforcement of the Blaine Township Charter or laws of Blaine Township. The Township government shall have the duty to protect, vindicate, and enforce the rights of the People of Blaine Township over those asserted by corporations or their managers.

Section 332 *Permanent Privileges not to be Granted* No special privileges or immunities shall ever be granted by Township government which may not be altered, revoked, or repealed by the People of Blaine Township, nor shall any citizen, or class of citizens, be granted privileges and immunities which, upon the same terms, shall not be granted to all citizens.

Section 333 *Charter not to be Preempted* This Home Rule Charter is the democratic expression of the People of Blaine Township. The authority of the State of Pennsylvania to enforce any law that removes authority from the people of Blaine Township to decide the future of their community, and to protect the health, safety, welfare, environment and quality of life of Township residents, natural communities, and ecosystems, shall be deemed null within Blaine Township. Any attempt to use county, state, or federal levels of government – judicial, legislative, or executive - to preempt, amend, alter, or overturn this Charter or parts of this Charter, or to intimidate the people of Blaine Township or their elected officials, shall require the Board of Supervisors of Blaine Township to hold public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-government in their community. Such measures may include actions to separate the municipality from union with the government used to preempt, amend, alter, or overturn the provisions of this Charter or from that government used to intimidate the people of Blaine Township or their elected officials.

Section 334 *No Requirement for Codification of Rights* Because these rights are universal, inalienable and inalienable, they need not be adopted into law to be lawful, but exist regardless of law, and yet they are law. The People may add to, but never contract this enumeration of rights through the amending process for this Home Rule Charter.



**ARTICLE IV            TOWNSHIP BOUNDARIES**

Section 401 *Boundaries* The boundaries of the Township shall be the actual boundaries of the Township at the time this Charter takes effect and as they may be lawfully changed thereafter.

## ARTICLE V                    GENERAL POWERS

Section 501 Title and Purpose This Charter and all amendments hereto shall constitute the form and substance of government for the Township of Blaine. Among the purposes of this Charter are: to protect the state and federal constitutional rights, and the rights of the residents of Blaine Township recognized by this Charter; to secure local self-government; to recognize the rights of nature, and to provide for the health, safety, quality of life and well-being of the People of Blaine Township.

Section 502 Name of Community The Township of Blaine shall continue under its present name, "Township of Blaine." As used in this Charter, the word "Township" shall mean the Township of Blaine in Washington County, Pennsylvania.

### Section 503 Powers and Duties

(a) Powers The Township has and may exercise any power, and may perform any function, as authorized under this Home Rule Charter. Powers not enumerated are retained by the People, and may be delegated to their community Governing Body through the initiative process, but may at any time be withdrawn in like manner, and retained by the People.

(b) Construction The powers of the Township – vis-à-vis other governmental entities - under this Charter shall be construed broadly in favor of the Township, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article. All possible powers of the Township, except as limited above, are to be considered as if specifically and individually set forth in this Article, whether such powers are presently available to the Township or may hereafter from time to time become available.

(c) Residual Powers in the Governing Body All powers of the Township, including any such power which may hereafter be conferred on the Township, unless otherwise specifically set forth in this Charter, shall be vested in the Township Governing Body. The Board of Supervisors, in its capacity as Governing Body, shall be elected, shall organize, and shall function as provided in this Charter. When the People act in their legislative capacity, through the processes of Initiative, Referendum, or Town Meeting, they shall constitute and act in the capacity of the Governing Body of the Township.

(d) Municipal Corporations Subordinate to the People Use of the “Blaine Township” municipal corporation by the People of the Township to make law shall not be construed to limit or surrender the sovereign authority or immunities of the People to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside. The municipal corporation associated with the Township of Blaine shall be the People’s convenient tool for self-governance responsible to, and governed by, the residents of the Township.

(e) Regional Cooperation The Governing Body shall be empowered to enter into and withdraw from cooperative programs with other municipalities

## ARTICLE VI GOVERNING BODY

Section 601 Status and Title The legislative branch of the government of Blaine Township shall consist of the Governing Body as defined in this Charter, including an elective Governing Body, which shall be known as the Township Board of Supervisors, and the sovereign Governing Body when within this Charter the term Governing Body is used to apply to the electors of the Township. The Board of Supervisors, or “the Board,” when lawfully convened, shall constitute a legislative, appropriating, policy-determining and Governing Body of the Township, except as specifically limited by this Charter. The electors of the Township, when exercising the powers of Initiative, Referendum, and Town Meeting in accordance with the provisions of this Charter shall constitute the legislative Governing Body.

Section 602 Authority to Govern and Obligations of Governance The Governing Body shall act under authority of and with the consent of the People of Blaine Township and is not an agency of the State or of a municipal corporation. The Governing Body shall act within the authority delegated to it through this Charter and is obliged to respect, uphold and defend the rights, policies and provisions recognized and adopted in this Charter by the People of Blaine Township.

Section 603 Duties and Powers of the Governing Body The Board of Supervisors, in its capacity as the Governing Body, shall have, but not by way of limitation, the following powers and duties:

- (a) To make, enact and enforce laws that respect, uphold and defend the rights enumerated in this Charter.
- (b) To make, enact and enforce policies ordained by the People.
- (c) To make appropriations, incur indebtedness and adopt the budget.
- (d) To adopt, amend or repeal an Administrative Code.
- (e) To create, alter, combine, or abolish municipal departments, bureaus, boards and commissions not otherwise specified in this Charter.
- (f) To levy taxes.
- (g) To fix the amount of bond if required of officers and employees paid from municipal funds.
- (h) To adopt by resolution all necessary rules and regulations, for its conduct and procedure, including those necessary to vindicate and enforce the rights and charter provisions set forth by the People of Blaine Township in this Charter.
- (i) To make or cause to be made such studies, or post audits and investigations as it deems to be in the best interests of the Township.
- (j) To make provisions for any matter of Township government, not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this Charter form of government.
- (k) Make investigations into any affairs of the Township and subpoena witnesses, administer oaths and require the submission of evidence.
- (l) To require any Township official or member of any administrative department, board, commission or other agency to appear before it relative to that office, its function and

performance subject to a 48 hour written notice, which notice shall state the subject of inquiry and shall be sent to any and all persons required to appear.

(m) To exercise all such powers, authority and obligations as delineated, defined and required under this Home Rule Charter.

Section 604 Compensation Each Supervisor shall receive as compensation an amount that equals the annual compensation permitted to Township Supervisors by the Second Class Township Code. At any time that the Second Class Township Code maximum-permitted supervisor compensation increases, the Township of Blaine's supervisor compensation shall increase without additional vote by the Township electors or the Township Board of Supervisors. Supervisors shall receive no other compensation, direct or indirect, for the performance of their duties; they shall receive no pensions, insurance, or other forms of fringe benefits. They shall, however, be entitled to their actual expenses incurred in the performance of their duties, as authorized by the Board of Supervisors.

Section 605 Authority Supervisory authority shall be the responsibility of the Board of Supervisors. No individual supervisor shall have any authority under this Charter, unless such authority is specifically delegated by the Charter.

Section 606 Prohibitions No Supervisor shall hold any other Township office, be a member of a board or commission, or hold Township employment during the term for which he/she is elected to the Board. No former Supervisor shall hold any compensated appointive Township employment, nor shall he/she act as a paid consultant to the Township, until 1 year after he/she leaves office, either by expiration of term, resignation or otherwise. No Supervisor shall serve more than two consecutive terms as a member of the Board of Supervisors. Service of 2 years or more of a partial term shall be considered a full term of office and two terms of office separated by at least 2 years shall be considered non-consecutive terms of office.

Section 607 Organization of Supervisors The Board of Supervisors shall organize on the first Monday of January of each year by electing one of their number as Chairman and one of their number as Vice Chairman. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. The Board of Supervisors may transact any further business it deems necessary or appropriate at the reorganization meeting. At the organization meeting, the Supervisors shall appoint a secretary who will be responsible for minutes, codification and/or maintenance of Charters' and other duties as assigned by the Board of Supervisors.

Section 608 Meetings The Board of Supervisors shall meet not less than once a month. The Board of Supervisors may adjourn to a stated time for general business or, for special business. If no quorum is present at a regular or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to so agree until the meeting is held. Special meetings may be called by the Chairman upon written request of at least 2/3 of the members thereof. Members shall have at least 24 hours notice of such special meetings. The notice shall state whether it is for general or special purpose, and if it is for special purposes, the notice shall contain a statement of the nature of business to be considered. Presence at a meeting

constitutes waiver of notice. The Chairman is responsible for publishing in a local newspaper of general circulation, a notice containing the agenda items between seven and ten days prior to the general business meeting or a special meeting of the Board. Regular meetings are defined as the scheduled meetings as set by the Board of Supervisors at their organizational meeting on the first Monday after January 1 of each year.

Section 609 Records The Board of Supervisors shall make and preserve minutes and records of the Board's proceedings. These minutes and records shall be open for public inspection during regular business hours.

Section 610 Public Meetings All official meetings of the Board of Supervisors shall be open for public attendance and all official votes of the Board shall be taken openly.

Section 611 Operating Rules The Board of Supervisors shall adopt rules of procedure for its meetings and for assignment of members to committees. Such rules shall be designed so as to assure full and equal participation in the deliberations of the Board of Supervisors by all of its members.

Section 612 Quorum A majority of the members of the Board of Supervisors shall constitute a quorum. The Board of Supervisors shall conduct no business except at a public meeting in the presence of a quorum.

Section 613 Majority Action The action of a majority of the entire Board of Supervisors, unless otherwise stated in this Charter, shall be binding upon and constitute the action of the Board.

Section 614 Form of Action by the Board Official actions of the Board of Supervisors may be taken by adoption of an Ordinance, or a resolution, or by motion. All Ordinances and resolutions must be in written form. All actions of a legislative character shall be taken by Ordinance, and notice of such pending action shall have been included on an agenda during a regular meeting of the Board of Supervisors prior to the public meeting at which the Ordinance is to be considered. Public notice of agenda items shall be made in a local newspaper, and in a prominent place at the Township office. All other actions of the Board shall be by resolution or motion, unless otherwise required by State law, by this Charter, or by the Ordinance establishing the rules of Board procedure. However, no such administrative action shall be void or otherwise adversely affected if it shall have been taken by Ordinance. All final action in adopting Ordinances or resolutions shall be by vote of the Governing Body, and the vote of each member of the Board shall be entered in the minutes of the meeting, along with the number of the yeas and nays of all others voting on a question, unless the Ordinance is presented to the electorate for a vote in accordance with Article VII.

Section 615 Citizens Right to be Heard The Board of Supervisors shall provide expansive opportunity for Township residents to address the Board on matters of general or special concern. This opportunity shall be afforded the public either at the regular monthly Board meeting or at another regular monthly meeting specially set for this purpose. The electors of Blaine Township shall have the right to post agenda items to the Board for the next scheduled

meeting. These agenda items are to be submitted at least ten days prior to the scheduled meeting. Agenda items are to be published between seven and ten days before the meeting, and items not published during this timeframe shall not be voted upon.

**ARTICLE VII            RIGHT TO SELF-GOVERNMENT: PETITION, INITIATIVE,  
REFERENDUM, RECALL and TOWN MEETING**

Section 701 *Free Petition* The Board of Supervisors shall receive all petitions addressed to it and take such action as they deem necessary and advisable, or as they are required by this Charter.

Section 702 *Group Petition* The Board of Supervisors shall hold a public hearing and act with respect to every petition which is addressed to them which is signed by at least thirty electors. Action on the petition shall be taken not later than three months after the petition is filed with the Board of Supervisors. The Board of Supervisors shall notify the petitioners at least forty-eight hours before the hearing by advertising in a newspaper of general circulation in the Township.

Section 703 *Citizen Participation in Governance* This Charter recognizes the Right to Self-Government in which all residents of Blaine Township possess the fundamental and inalienable right to participate in a form of government in the community where they live which guarantees them authority to use, assert and enforce plenary governing power over questions of law that affect their lives, families, environment, quality of life, health, safety and welfare. That right includes the right to exercise un-preempted legislative authority through the government closest to them and to a form of community governance that recognizes that all power is inherent in the People and that all free governments are founded on the People’s authority and consent. Residents of Blaine Township possess the fundamental and inalienable right to exercise final legislative authority on all issues affecting them, and the right to exercise that authority through their municipal government and as a community. In fact, the People of Blaine Township bear a responsibility to participate in the governance of their community.

Section 704 *General Authority - Initiative* All qualified electors of the Township shall have the power to propose Ordinances to the Board in accordance with the provisions of this Charter. If the Board fails to adopt said Ordinance without change in substance, the electors shall have the right to adopt or reject these Ordinances at a municipal election. No proposed Ordinance shall be withheld from consideration by the Board or by the People on account of its content, purpose, or effect or as prior restraint upon provisions deemed by any authority to be “illegal” or “unconstitutional,” unless it would have the effect of denying, abridging or removing rights of People, natural communities or ecosystems, as determined by the Blaine Township Constitutional Commission. When the electors of the Township petition for and vote upon any Ordinance through the Initiative process, they do so in the capacity of and shall constitute the Governing Body of Blaine Township.

Section 705 *General Authority - Referendum* All qualified electors of the Township shall have the power to require reconsideration by the Board in accordance with the provisions of this Charter, of any adopted Ordinance and to approve or reject it at a municipal election if the Board fails to repeal said Ordinance. When the electors of the Township petition for and vote upon any Ordinance through the Referendum process, they do so in the capacity of and shall constitute the Governing Body of Blaine Township.

Section 706 *Petitioner's Committee - Affidavit* Any five qualified electors of the Township may commence initiative or referendum by filing with the Township Office an affidavit outlining committee membership, circulation procedures, committee addresses and the full text of the proposed new Ordinance or the Ordinance to be reconsidered. The Township shall issue the proper petition blanks to the committee upon request.

Section 707 *Petition*

- (a) All initiative and referendum petitions shall be signed by at least 10% of the qualified electors registered to vote at the last Township election.
- (b) The petition form and content shall be uniform and suitable for filing.
- (c) Each signature shall be in ink and shall be accompanied by the signer's address, signer's printed name and the date of signing.
- (d) The petition shall contain a true and unbiased summary of the proposed Ordinance or the Ordinance to be reconsidered. Such summary shall be written by the petitioner(s).
- (e) On the back of each page of the petition there shall be an attached affidavit executed by the circulator verifying the authenticity of the signers.
- (f) Referendum petitions shall not be filed for reconsideration of an Ordinance adopted by the Board of Supervisors sooner than sixty days following the date the Ordinance becomes effective.

Section 708 *Procedures*

- (a) The Township Office shall verify the accuracy and sufficiency of the petition within 30 days after filing, specifying if improper the particulars, and returning a copy of the certificate to the petition committee for corrective action. The Township shall not possess the authority to reject the petition on grounds other than its failure to adhere to the provisions of this Charter. The petition committee shall file for a supplementary petition within 2 days of the receipt of the certificate and return the completed supplementary petition to the Township Office within 10 days. If within 5 days of the receipt of the Supplementary petition, the amended petition is improper or insufficient, the petitioners' committee shall file for an additional supplementary petition or request council review. If neither action is taken within 10 days, the Township Office shall file the certificate with the Board of Supervisors and the certificate will constitute the final determination as to the sufficiency of the petition.
- (b) Board Review. If the petition is certified insufficient and the petitioner does not file for amendment or if the amended petition is judged insufficient, the committee may, within 2 days after receiving the certificate, file a request with the Board of Supervisors for review. The Board of Supervisors shall review the certificate at its next meeting and rule on the sufficiency. The Board ruling will then constitute the final determination as to the sufficiency of the petition pending court review.
- (c) Court Review. The final determination of the sufficiency of the petition shall be subject to court review. Any such appeal to the Court of Common Pleas for review must be filed within 10 days after final determination by the Board of Supervisors. A final determination of the Court of insufficiency does not prejudice in any manner the filing of a new petition for the same purpose.

Section 709 *Action on Petition*

- (a) Action by the Board. When the initiative or referendum petition has been judged sufficient, the Board shall promptly consider the proposed initiative Ordinance in a manner outlined by this



Charter or reconsider the referred Ordinance by repealing it. If the Board fails to adopt the initiative Ordinance within 60 days, or to repeal the referred Ordinance within 30 days after the date the petition was judged sufficient, it shall submit the proposed or referred Ordinance to the voters of the Township.

(b) The vote of the Township electors on a proposed or referred Ordinance shall be held at the next following primary, municipal or general election occurring not less than sixty (60) days, nor more than six (6) months, from the date of the final Board action.

(c) An initiative or referendum petition may be withdrawn by four members of the petition committee at any time prior to the fifteenth day after the petition was judged sufficient.

#### Section 710 Election Results

(a) Initiative. If a majority of qualified electors favor the proposed initiative Ordinance, it shall be considered adopted upon certification of the election results. If conflicting Ordinances are approved at the same election, the one receiving the larger number of affirmative votes shall prevail to the extent of the conflict.

(b) Referendum. If a majority of qualified electors reject a referred Ordinance, it shall be considered repealed upon certification of the election results.

Section 711 Recall Any person holding a Township elected office whether by election, succession or appointment to fill a vacancy shall be subject to removal from office at a recall election in accordance with the provisions outlined in this Charter.

(a) Recall Procedure. The recall of an incumbent of an elective office shall be initiated by a petition signed by 30% of the electors of the Township as determined by the number of registered electors who were registered at the most recent general election. The recall petition must name both the office and official against whom it is directed. Each elector signing the recall petition must sign in ink and that signature shall be accompanied by the signer's address, signer's printed name and the date of signing. Signatures may be on separate sheets but the form and content must be uniform and suitable for filing. On the back of each sheet an affidavit must be included by the circulator verifying the authenticity of the signers, their awareness of the contents of the petition and that the other information is correct. The recall petition shall be submitted to the Board of Supervisors by the recall committee. Signatures that are dated more than 60 days prior to submission to the board of elections shall be invalid. Upon receipt by the Board, the petition shall be made available for public inspection. The Board shall pass on the validity of the petition. The decision of the Board shall be subject to review upon appeal to the Court of Common Pleas. Any such appeal must be filed within 10 days after the decision of the Board.

(b) Notice to Incumbent. Upon verifying the validity and sufficiency of the petition, the election board shall notify the incumbent named of this fact. Upon receipt of such notice, the incumbent may resign thereby terminating the recall proceedings.

(c) Recall Elections. If the incumbent does not resign within 10 days after receiving notice of the filing of the petition, a recall election shall be arranged. If a regular election is to occur not less than 30 days or more than 90 days after the 10 days grace period, the recall question shall be placed before the electors at this time. Otherwise a special recall election shall be arranged by the Board not earlier than 30 days or more than 90 days following the 10 days grace period. If the incumbent resigns in the intervening period, the election shall not be held. The question

presented to the voters at a recall election shall read as follows: "Shall (name of incumbent) be recalled and removed from the office of (name of office)?" Proper provision shall be made for the elector to vote "yes" or "no" on the question. If a majority of registered electors who vote at a recall election vote "yes," the incumbent shall be recalled and removed from office. If a majority vote "no," the incumbent shall remain in office. If the result is in the affirmative, the official date of removal and vacancy shall correspond to the date of the certification of the election unless postponed by the court.

(d) Limitations. No recall petition shall be filed against any incumbent of an elective office within the first year or the last nine months of the term of that person's office or within nine months after an unsuccessful recall election against that person. Any officer re-elected to a successive term shall be subject to recall also during the first year of such term.

Section 712 Town Meeting At least once yearly, on a date or dates to be set by the Board of Supervisors and advertised in accordance with the requirements of this Section, there shall be held a Town Meeting for the consideration or reconsideration of Ordinances, amendments, measures and significant variances from Ordinances dealing with land use, subdivision and zoning, and other issues set forth in this Charter, to be voted upon by the electorate of Blaine Township, acting in their capacity as Governing Body of the Township. The Town Meeting shall be scheduled on a day and hour deemed by the Board of Supervisors most likely to be convenient for the greatest number of Township electors to attend. An agenda for the Town Meeting, specifying the measures and general nature of those measures sufficient for the general reader to understand their effect, shall be published in a newspaper of general circulation in the Township at least three times in three separate weeks no more than 30 days prior to the scheduled Town Meeting. The Town Meeting shall require a vote of all qualified electors present at that meeting on the question of adopting or rejecting any measures advertised and included in the agenda pertaining to land use, subdivision or zoning, as well as adoption or continuance of the Comprehensive Plan and other issues set forth in this Charter. The Town Meeting shall be conducted according to the following procedure:

- (1) Electors of the Township shall constitute and shall act in the capacity of the Governing Body of Blaine Township when voting upon any measure put before them during Town Meeting.
- (2) Every elector who shall demonstrate residency within Blaine Township with a document noting name and address, such as driver's license, voter registration, or other verifiable document, shall be eligible to vote upon measures at Town Meeting. The Board of Supervisors may designate separate seating for eligible electors within the meeting place for ease of tallying votes on measures.
- (3) Only eligible electors of the Township shall speak or address questions to the Board of Supervisors during Town Meeting.
- (4) Calling the vote of all present qualified electors of Blaine Township on each Ordinance or measure upon the agenda shall be mandatory.
- (5) Questions subject to a Town Meeting vote shall not be withdrawn or rescheduled to avoid a public vote, except by the Governing Body constituted to include present qualified electors and the Board of Supervisors of the Township.
- (6) All final action in adopting Ordinances or other measures by Town Meeting shall be by vote of the Governing Body. The number of the yeas and nays of all electors voting on a question

shall be entered in the minutes of the meeting. Each member of the Board of Supervisors and each present qualified elector shall have one vote, with a simple majority vote being sufficient to enact any Ordinance or measure.

(7) An Ordinance adopted in accordance with this sub-section shall be deemed to have been enacted by the Governing Body of the Township, and shall have the same weight in law as Ordinances adopted either by the Board of Supervisors or by popular initiative.

(8) The repeal of any Ordinance adopted according to the Town Meeting provisions of this sub-section shall not become effective unless by majority vote through a referendum process, in accord with the method prescribed by this Charter.

(9) No proposed Ordinance or measure shall be withheld from consideration by the Governing Body on account of its content, purpose, or effect or as prior restraint upon provisions deemed by any authority to be “illegal” or “unconstitutional,” unless it would have the effect of denying, abridging or removing rights of People, natural communities or ecosystems, as determined by the Blaine Township Constitutional Commission.

(10) The Board of Supervisors shall be deemed not to have been the Governing Body, and its vote on an Ordinance or measure shall be deemed void if the Board of Supervisors votes on its own at any subsequent meeting upon any Ordinance or measure once adopted or repealed by a Town Meeting vote.

Section 713 Advisory Recall – State Representative and State Senator Upon the presentment of a petition signed by 30% of the electors of Blaine Township supporting the advisory recall of a State Representative or State Senator representing the People of Blaine Township, the Blaine Township Board of Supervisors shall circulate notice of the petition to all other Township governments within the same Representative or Senatorial District, and urge those other Township governments to publicly call for the resignation of that State Representative or State Senator. The format of the Advisory Recall petition shall conform to the requirements of Section 707 (b), (c), (d) and (e) of this Charter Article.

## ARTICLE VIII      ORDINANCES

### Section 801 General Ordinance Requirement

(a) Every Ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting where final action was taken. The official seal of the Township shall be affixed to the original copy of each Ordinance. However, failure on the part of the presiding officer to sign an Ordinance or affix the official seal shall not in any way invalidate an otherwise valid Ordinance. No final action shall be taken on any Ordinance and amendments without public hearing thereon and at least 10 days' prior public notice, containing a summary of the major provisions of the Ordinance or the entire Ordinance, in a newspaper circulating generally in the Township.

(b) The People may enact or nullify Ordinances by way of the Initiative, Referendum or Town Meeting process defined in Articles VII and XLIV of this Charter. An Ordinance adopted by the People acting in their capacity as Governing Body through Initiative shall take effect upon certification of the vote, and shall not be repealed by the Board of Supervisors, but only by a vote of the electors. Advertising and review of the Ordinance by the electors prior to voting shall satisfy all requirements for public hearings and review for recommendations of planning boards and other bodies. No Ordinance or action by the Board of Supervisors or any of its boards or commissions shall limit or remove the authority of the People to enact or repeal Ordinances by way of Initiative or Referendum, regardless of subject matter. No Ordinance, once repealed by the People acting in their capacity as Governing Body through Referendum, shall be re-adopted by the Board of Supervisors.

(c) Any Township supervisor who shall be interested to any appreciable degree, either directly or indirectly, in the passage or failure of an Ordinance shall be recused from voting on advertising or adopting the Ordinance. If a supervisor is financially or otherwise interested., the supervisor shall so inform the Board of Supervisors and refrain from voting on the Ordinance and shall in no manner participate in determining its content, affect, or adoption . Any supervisor who knowingly violates this provision is subject to surcharge to the extent of the damage shown to be sustained by the Township, is ousted from office and commits a misdemeanor of the third degree. Interest in the subject matter of an Ordinance for which a supervisor shall be required to refrain from voting shall not include having expressed an opinion, having made campaign statements, or having a "bias" on the subject matter.

(d) No Ordinance shall be voted upon by the Governing Body or through the Initiative process if its enactment would have the effect of denying, abridging or removing rights of natural persons, natural communities or ecosystems.

### Section 802 Land Use

(a) The Governing Body shall have power to govern land use and development within the Township. Requests and applications for land use, zoning, subdivision and other permits, variances or waivers, including conditions set for approval of plans and permits that significantly depart from Charter provisions, Ordinances, Policies or the Comprehensive Plan of the Township, as well as major land development plans and any matter governed or regulated by the Township either by powers acknowledged by State law, by this Charter or by Township Ordinance, shall be approved or rejected by the Governing Body. The power to approve or reject

applications for land development and subdivision permits, waivers, and variances from standards implemented through this Charter or Ordinances, conditional approvals of plans and permits, and any matter governed or regulated by the Township shall be exercised by the Board of Supervisors, unless approval of an application, variance, condition or waiver would significantly depart from Charter provisions, Ordinances, Policies or the Comprehensive Plan of Blaine Township and whenever a major land development plan is proposed. The power to approve or reject land use, zoning, subdivision and other Ordinances, measures, variances or waivers, including conditions set for approval of plans and permits, that significantly depart from existing Charter provisions, Ordinances, Policies or the Comprehensive Plan of the Township, or any major land development plan, is specifically reserved as an option to the electors of Blaine Township. The electors of the Township may exercise this option through Town Meeting, and if a sufficient number of Township electors equal to or greater than 15% of those voting in the previous general election submit a petition to the Township calling for a Town Meeting vote on any such question, they shall have that vote within 60 days of filing the petition, and the Board of Supervisors shall suspend voting upon those measures, but shall schedule a Town Meeting and advertise those measures specified in the petition to be brought before the electorate in their capacity as Governing Body of the Township. The Board of Supervisors shall have authority to certify the sufficiency of the petition, in accordance with and subject to the limitations of the procedures for initiative and referendum petitions.

(b) Any planning or zoning agency designated in a Township Ordinance shall be advisory to the Governing Body, and its recommendations shall be subject to final approval by the Governing Body. All powers of the Governing Body shall be exercised in accordance with the provisions of this Charter, subdivision and land development Ordinances and other policies and laws of the Township. No request for land development, subdivision, waivers, variances from standards implemented through this Charter or Ordinances, conditional approvals of plans and permits, or any matter governed or regulated by the Township shall be approved which would violate any rights recognized in this Charter, or that would violate the Charter, provisions, Ordinances and policies of Blaine Township, as determined by the Blaine Township Constitutional Commission.

(c) The Blaine Township Comprehensive Plan is the formal statement of the community's right to assert self-governing authority to protect the health, safety, welfare and quality of life for the people and environment of the Township; it expresses the Township's vision for the present and the future and is the law of the Township. Permission to engage in land development within the Township shall be conditional upon strict compliance, in all respects, with the Comprehensive Plan. Any permit, conditional use, zoning change, order or agreement of any description that violates the letter and intent of this provision shall be void as a matter of law.

(d) Every major land development project shall comply fully with the provisions of the Blaine Township Comprehensive Plan.

(e) Compliance with the Blaine Township Comprehensive Plan shall be determined by both the Township Planning Commission and the Township Board of Supervisors, by a review of all plans, proposals, contracts, applications and any information either body shall require to make that determination. Compliance shall be deemed insufficient if either body shall rule in the negative, and shall be deemed sufficient only if both bodies shall so rule.

(f) A Comprehensive Plan may be drafted in accordance with the Pennsylvania Municipalities Planning Code procedures, however; the Comprehensive Plan shall be adopted as an Ordinance of the Township and shall thereafter be enforceable as law. The procedure for adoption of the

Comprehensive Plan as a Township Ordinance shall comply with the requirements for the Referendum process, except that the Board of Supervisors shall by resolution refer the question of adoption to the County Board of Elections, which shall prepare the question for consideration by the electorate, in their capacity as Governing Body, in the manner of a Referendum question submitted by petition of the People. Alternatively, the Comprehensive Plan may be adopted by Town Meeting vote, in which case the referendum shall not be held.

(g) When the electorate adopts a land use, zoning or subdivision Ordinance, or a Comprehensive Plan, in its capacity as the Governing Body, the measure shall take effect upon certification of the vote. Advertising and opportunity for review of the Ordinance or measure by the electors prior to voting shall satisfy all requirements for public hearings and review for recommendations of planning boards and other bodies.

(h) The Comprehensive Plan as recommended by the Blaine Township Planning Commission on March 14, 2004 is hereby continued in effect, until such time as it shall be amended or replaced by adoption of a new Comprehensive Plan in accordance with the provisions of this Charter.

Section 803 Recording of Ordinances and Resolutions All Ordinances and resolutions of the Township shall be entered verbatim and without delay in permanent separate record books for Ordinances and resolutions. No Ordinance shall be considered in force until the same is recorded in the Ordinance book. The Ordinance book and the resolution book shall be open and available for public inspection at reasonable hours. These books shall be in the custody and control of the Township Secretary and all entries made therein shall be made at the direction of the Secretary.

Section 804 Publication and Effective Date of Ordinances After adoption, all Ordinances shall be published one time in a newspaper circulating generally within the Township. The full text of the Ordinance need not be published; instead the title and a general summary of the substance of the Ordinance will be sufficient to meet publication requirement. Publication shall occur within 30 days of the enactment of the Ordinance. The effective date of the Ordinance shall be the publication date unless a later date is specified in the Ordinance. A “plain language” version of the Ordinance, limited to two pages, shall be provided to the residents of the Township upon request.

Section 805 Penalties Penalties for violation of any Ordinance shall be specified in the Ordinance. Any Ordinance may provide that for continuing violations, each day that a violation exists may be regarded as a separate offense and punishable as such. The limit of fines may be increased by the Supervisors to the extent of the maximum fine that may be levied by any non-charter municipality in the Commonwealth of Pennsylvania as that limit is from time to time established by the General Assembly.

Section 806 Emergency Ordinances To meet a public emergency affecting life, health, property or public safety, the Board by a 2/3 vote of the entire Board may adopt an emergency Ordinance at the meeting at which it is introduced, and may make it effective immediately except that no such Ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. No emergency Ordinance shall have the effect of denying, abridging or removing rights of People, natural communities or ecosystems. After the adoption of an emergency Ordinance, the Board shall have it published in full within 10 days in a daily

newspaper of general circulation. Unless otherwise revoked, emergency Ordinances will be subjected to a time limit of six months after the date of passage.

Section 807 Codification of Ordinances Within 3 years after adoption of this Charter, all Ordinances and resolutions of the Township of a general and permanent nature shall be codified and promulgated according to a system of continuous numbering and revision as specified by Ordinance.

Section 808 Continuation of Ordinances Ordinances in effect prior to adoption of this Charter are hereby adopted as Ordinances of Blaine Township under the Charter government. If there is any conflict or duplication between an existing Ordinance and this Charter, the Charter shall supersede and repeal the Ordinance.

**ARTICLE IX            CHARTER AND PROVISIONS ARE SELF-EXECUTING**

Section 901 All Rights delineated in the Blaine Township Charter, and all provisions, policies, findings and purposes of this Charter, without exception, are self-executing and legally enforceable.



## **ARTICLE X                    TOWNSHIP OFFICERS GENERALLY**

Section 1001 *Public Servants* Every person elected or appointed to any Township office is a public servant, subject to the self-governing authority and consent of the People of Blaine Township. No public servant of the Township shall violate their oath of office or fail in their public obligations, as expressed in this Charter.

Section 1002 *Oath of Office* Every person elected or appointed to any Township office shall before assuming the duties of the office take and subscribe an oath or affirmation before a notary public, district justice or judge to support the Constitutions of the United States and of the Commonwealth, to represent and defend the rights of the People and natural communities of the Township, to protect the health, safety, environment and quality of life of its people, to seek the consent of the People in all governing decisions and to perform the duties of the office with fidelity. A copy of the oath or affirmation shall be filed with the Township secretary before assuming the duties of the office.

Section 1003 *Bonds* When any officer or employee of the Township is required to give bond for the faithful performance of the duties of the office, the bond shall be with a surety company or other company authorized by law to act as surety, and the Township may pay the premium on the bond.

Section 1004 *Removal for Failure to Perform Duties* Any person holding a Township elected office whether by election, succession or appointment to fill a vacancy shall be subject to removal from office at a recall election in accordance with the provisions outlined in this Charter.

Section 1005 *Other Township Officers and Employees* The Board of Supervisors may establish other offices or positions in addition to those created by this Charter and may prescribe the functions thereof.

Section 1006 *Township Employees - Qualification* All appointments of Township officers and employees shall be made solely on the basis of merit and fitness as demonstrated by examination or other evidence of competence.

Section 1007 *Rules and Regulations* The Board of Supervisors shall provide for the adopting of a set of rules and regulations governing Township employees, which provide for:

- (a) Classification of all Township positions based on duty, authority and responsibility, of each position with adequate and proper reclassification when required.
- (b) A pay plan for all Township employees.
- (c) Methods for evaluating employee performance for promotion or merit and fitness of candidates for appointment.

- (d) Policy and procedures regulating reduction in force or removal.
- (e) Working hours, attendance regulations, sick and vacation leave.
- (f) Policies and procedures governing persons holding provisional appointments.
- (g) Policies and procedures governing relationship with employee organizations.
- (h) Policies regarding in-service training programs.
- (i) Grievance procedures.
- (j) Other practices and procedures necessary for efficient and effective administration of the Township personnel system.

Section 1008 *Civil Rights* The Township shall not deny to any employee any constitutional or civil right, or any rights recognized by this Charter, nor discriminate, nor allow discrimination against any person in the exercise of any of these rights, because of race, color, religious belief, ancestry, gender, sexual orientation, age, or national origin. Every Township officer, employee, contractor, agent or representative shall retain all rights on the job, including but not limited to those recognized in this Charter, the Pennsylvania Constitution, the Constitution of the United States, and other laws.



three-member board, three supervisors shall be elected to serve from the first Monday of January after the election, when the terms of the officers of the five-member Board of Supervisors shall cease. The three candidates receiving the highest number of votes for the office of supervisor shall be elected. The candidate receiving the highest number of votes shall serve for a term of six years. The candidate receiving the second highest number of votes shall serve for a term of four years. The candidate receiving the third highest number of votes shall serve for a term of two years. After that, supervisors shall be elected under section 403.

#### Section 1103 Supervisors

(a) Except as provided under section 1102(b) for the election of additional supervisors or under section 1102(e) for a return to a three-member board, or when vacancies create shorter terms, at each municipal election, the electors of the Township shall elect one supervisor to serve for a term of six years from the first Monday of January after the election.

(b) Except as otherwise provided in this act, no supervisor shall at the same time hold any other elective or appointive Township office or position. Nothing in this subsection shall prohibit a supervisor from being a member of a Township planning commission.

(c) Supervisors shall reside in the Township and shall have resided in the Township continuously for at least one year before their election.

#### Section 1104 Auditors

(a) Except when vacancies create shorter terms, at each municipal election, the electors of the Township shall elect one auditor to serve for a term of six years from the first Monday of January after the election. Auditors shall reside in the Township and shall have resided in the Township continuously for at least one year immediately preceding their election.

(b) No auditor shall at the same time hold any other elective or appointive Township office or position or be an employee of the Township for which he has been appointed.

(c) In the event that there concurrently exists two or more vacancies for the position of Township auditor, a person shall be ineligible to seek nomination or election to fill more than one such vacancy.

#### Section 1105 Assessor

(a) The electors of the Township shall elect one assessor to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election.

Assessors shall reside in the Township and shall have resided in the Township continuously for at least one year immediately preceding their election.

#### Section 1106 Tax Collector

(a) The electors of the Township shall elect one tax collector to serve for a term of four years, except when vacancies create shorter terms, from the first Monday of January after the election. Tax collectors shall reside in the Township and shall have resided in the Township continuously for at least one year immediately preceding their election.

(b) If the electors of the Township fail to choose a tax collector or if any person elected to the office fails to give the required bond or to take the required oath, the vacancy shall be filled under section 1107.

Section 1107 Vacancies in General If the electors of the Township fail to choose a supervisor, tax collector, auditor or assessor or if any person elected to any office fails to serve in the office or if a vacancy occurs in the office by death, resignation, removal from the Township or otherwise, the Board of Supervisors may appoint a successor who is an elector of the Township and has resided in the Township continuously for at least one year prior to their appointment, and, upon their failure to make the appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. The vacancy board shall consist of the Board of Supervisors and one elector of the Township, who shall be appointed by the Board of Supervisors at the board's first meeting each calendar year or as soon after that as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within fifteen days, the People may by petition fill the vacancy, and the person having received the greater number of elector's signatures as determined by the vacancy board shall assume the office. If two or more vacancies in the office of supervisor occur on a three-member board or three or more vacancies on a five-member board, the People may by petition fill the vacancies, and the two persons having received the greater number of elector's signatures as determined by the vacancy board shall assume the office. The successor so appointed shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty days after the vacancy occurs, at which election an eligible person shall be elected for the unexpired term.

Section 1108 Removal from Office Elected officers of the Township shall be subject to removal pursuant to the provisions of the Recall process in Article VII of this Charter.

## **ARTICLE XII            TOWNSHIP SECRETARY**

Section 1201 Township Secretary The Board of Supervisors shall appoint a Township secretary to serve at the pleasure of the Board of Supervisors.

Section 1202 Secretary's Duties The Township secretary is a clerk to the Board of Supervisors. The Township secretary shall:

- (a) Record the proceedings of the Board of Supervisors and all court orders relative to the laying out, opening and vacating of roads in a minute book.
- (b) Preserve the minute book and other records and turn them over to the successor in office.
- (c) With the consent of the Board of Supervisors and in conformity with other laws governing the retention and disposition of municipal records, have the authority to destroy records and papers of the Township other than the minute book and account book after the lapse of six years from the date of the records.
- (d) Inform supervisors of all Township meetings, including special meetings of the Board of Supervisors.

Section 1203 Secretary's Compensation The Board of Supervisors shall determine the compensation of the Township secretary. When a supervisor is appointed Township secretary, the board of auditors shall determine the compensation. A person may not receive hourly compensation for work as a superintendent, roadmaster or laborer for time spent in the performance of the duties of Township secretary.

Section 1204 Assistant Secretary The Board of Supervisors may appoint an assistant secretary who shall assist the Township secretary or, in the absence or disability of the Township secretary, perform the duties of the Township secretary. The assistant secretary may be appointed from the membership of the Board of Supervisors. The Board of Supervisors shall determine the compensation of the assistant secretary. When a supervisor is appointed assistant secretary, the board of auditors shall determine the compensation.

## **ARTICLE XIII      TOWNSHIP MANAGER**

### Section 1301 Township Manager, Appointment, Removal, Powers and Duties; Compensation; Bond

(a) The Governing Body may by Ordinance at any time create the office of Township manager and may in like manner abolish the office. While the office exists, the Board of Supervisors shall appoint one person to fill the office. The Township manager serves at the pleasure of the Governing Body.

(b) The powers and duties of the Township manager shall be established by Ordinance. The compensation shall be set by resolution and paid out of the general fund of the Township. The Board of Supervisors may delegate, subject to recall, any of their nonlegislative powers and duties to the Township manager. The Township manager shall give bond to the Township, with sufficient surety, in the amount directed by the Board of Supervisors, conditioned for the faithful performance of the duties of the office.

(c) The office of Township manager is not incompatible with the office of Township secretary, Township treasurer or any other Township office or employment, except that of supervisor, auditor, assessor or Township police officer.

## ARTICLE XIV TOWNSHIP TREASURER

Section 1401 Township Treasurer The Board of Supervisors shall appoint a Township treasurer to serve at the pleasure of the Board of Supervisors.

Section 1402 Treasurer's Bond The Township treasurer, if an individual, shall give bond with a surety company in an amount established by the Board of Supervisors for the faithful performance of the duties of the office. The amount of the bond shall equal the highest amount of Township funds estimated by the Board of Supervisors to be available to the Township treasurer at any time during the current year. The bond shall be filed with the board of auditors of the Township.

Section 1403 Treasurer's Compensation The Board of Supervisors shall determine the compensation of the Township treasurer. When a supervisor is appointed as Township treasurer, the board of auditors shall determine the compensation. A person may not receive hourly compensation for work as a superintendent, roadmaster or laborer for time spent in the performance of the duties of Township treasurer.

Section 1404 Treasurer's Duties The Township treasurer shall:

- (a) Receive all moneys due the Township and deposit them promptly in a designated depository in the name of the Township.
- (b) Keep distinct and accurate accounts of all sums received from taxes and other sources, which accounts shall be open to the inspection of the Board of Supervisors and any citizen of this Commonwealth.
- (c) Pay out all moneys of the Township only on direction by the Board of Supervisors.
- (d) Annually state the accounts and make them available to the board of auditors for settlement.
- (e) Preserve the account books, papers, documents and other records of the office and turn them over to the successor in office.

Section 1405 Assistant Treasurer The Board of Supervisors may appoint an assistant treasurer who shall assist the Township treasurer or, in the absence or disability of the Township treasurer, perform the duties of the Township treasurer. The assistant treasurer may be appointed from the membership of the Board of Supervisors. The assistant treasurer shall be bonded for the same amount as the Township treasurer when acting in the capacity of Township treasurer. The Board of Supervisors shall determine the compensation of the assistant treasurer. When a supervisor is appointed assistant treasurer, the board of auditors shall determine the compensation.

Section 1406 Use of Special Funds; Penalty When any moneys are collected for any special purpose, neither the Township treasurer or Board of Supervisors may apply those moneys to any purpose other than that for which they were collected. Every misapplication shall be a misdemeanor of the third degree, and, in addition to the fine or penalty that may be imposed upon conviction, the defendant shall be required to pay restitution in the amount of moneys improperly spent.



Section 1407 *Penalty for Failure to Perform Duties* A Township treasurer or assistant treasurer who fails to perform any duties of the office other than those for which specific penalties are provided commits a summary offense and, in addition to the fine or penalty which may be imposed upon conviction, is required to pay to the Township an amount equal to the amount of the financial loss that occurred, if any, for not performing the duties of the office. That person is disqualified from holding the office of Township treasurer or assistant treasurer.

Section 1408 *Depositories of Township Funds*

- (a) The Board of Supervisors shall designate by resolution a depository or depositories for Township funds. Any funds deposited with any banking institution of this Commonwealth shall be insured with the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successor agencies, to the extent that accounts are so insured. The Board of Supervisors shall require each banking institution to furnish additional bond, insurance or security to cover the amount of any deposits in excess of the insured limits. The designation is valid for a period of one year or until another depository or other depositories are designated by similar action of the Board of Supervisors.
- (b) The depository or depositories shall be banks, banking institutions or trust companies located in this Commonwealth.
- (c) The Township treasurer or assistant treasurer shall, upon the designation of the depository or depositories by the Board of Supervisors, immediately transfer thereto the Township funds and after that make deposits solely in the depository or depositories in the name of the Township.
- (d) No Township treasurer or assistant treasurer complying with the provisions of this section, nor his surety or sureties, shall be chargeable with losses of Township funds caused solely by the failure or negligence of the depository or depositories.

## **ARTICLE XV            TOWNSHIP SOLICITOR**

Section 1501 *Appointment, Qualification and Compensation* The Board of Supervisors shall appoint a legal officer for the Township and establish a suitable compensation. The legal officer shall be appointed on any basis which will most efficiently serve the needs to the Township. The legal officer shall be a member in good standing of the Bar of the Commonwealth of Pennsylvania, and shall be learned in constitutional and human rights law.

Section 1502 *Powers and Duties* The Township legal officer, when directed or requested to do, shall prepare or approve such bonds, obligations, contracts, leases, conveyances, Ordinances and assurances to which the Township may be a party. Except when the Board of Supervisors retains other legal counsel with specific expertise as needed, the legal officer shall commence and prosecute all actions brought by the Township for or on account of any of the estates, rights, trusts, privileges, claims or demands, as well as defend all actions or suits against the Township, or any officer thereof, wherein or whereby any of the estates, rights, trusts, Ordinances, resolutions or accounts of the Township, may be brought in question before any court in the Commonwealth and shall do every professional act incident to the office which the legal officer may be authorized or required to do by the Board of Supervisors and this Charter. The legal officer shall, whenever directed by members of the Board of Supervisors, furnish members of the Board of Supervisors or other Township departments, offices and agencies with his/her opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

Section 1503 *Legal Officer's Obligation to the People* The Township Legal Officer is an employee of the People of Blaine Township, and not of a municipal corporation. In the exercise of those powers and duties designated by the Board of Supervisors, and in offering legal opinions, the Legal Officer shall represent the rights and interests of the People of Blaine Township and its natural communities and ecosystems, as enumerated and expressed in this Charter, and these duties shall supersede all other legal duties.

## **ARTICLE XVI      TOWNSHIP ENGINEER**

Section 1601 Township Engineer The Board of Supervisors may appoint and determine the compensation of a Township engineer who shall be a registered and licensed professional engineer. The Township engineer serves at the pleasure of the Board of Supervisors.

Section 1602 Engineer's Duties; Preparation of Plans The Township engineer shall perform duties as the Board of Supervisors may direct for the construction, reconstruction, maintenance and repair of streets, roads, pavements, sanitary sewers, bridges, culverts and other engineering work. The Township engineer shall prepare plans, specifications and estimates of the work undertaken by the Township and furnish the Board of Supervisors with reports, information or estimates on any Township engineering work or on questions submitted by the Board of Supervisors.

Section 1603 Certificate of Commencement and of Completion of Municipal Improvements The Township engineer shall certify to the Township secretary the date of commencement and of completion of all municipal improvements, the cost of which, in whole or in part, is to be paid by the owners of the abutting property. The certification shall be made a part of the permanent records of the Township. The certified time of commencement and completion is conclusive on all parties. The term "certified time of completion" means the time of the completion of the whole contract for the improvement.

## ARTICLE XVII ACCOUNTANTS; AUDITORS

### Section 1701 Appointment of Accountant

- (a) At its annual organization meeting, or any time thereafter, the Board of Supervisors shall by resolution appoint a certified or competent public accountant or a firm of certified or competent public accountants, either of which shall be registered in this Commonwealth, to make an examination of all the accounts of the Township for the fiscal year stated in the resolution. The Board of Supervisors shall determine the compensation of the appointed accountant.
- (b) The accountant or firm has the powers given under this Article and the audit shall be made in accordance with generally accepted auditing standards, and the accountant or firm appointed under subsection (a) are subject to the penalties enumerated under this Article. The report of the accountant or firm is subject to appeals as herein specified.

Section 1702 Subpoenas; Oaths; Perjury The appointed accountant may issue subpoenas to obtain the attendance of the officers whose accounts they are required to audit or adjust, of their executors and administrators and of any person whom it may be necessary to examine as a witness and to compel their attendance, by attachment, the same as any court of common pleas may in cases pending before them and may also compel the production of all books, vouchers and papers relative to Township accounts. The subpoena and attachment shall be issued by a district justice. The appointed accountant may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses or otherwise. All persons swearing or affirming falsely upon examination are guilty of perjury.

### Section 1703 Completion, Filing and Publication of Annual Township Report and Financial Statement

- (a) The appointed accountant shall audit, settle and adjust the accounts of all elected or appointed officials of the Township and its boards or agencies that received or disbursed funds of or owing to the Township during the immediately preceding calendar year.
- (b) The appointed accountant shall also make an audit of the dockets, transcripts and other official records of the district justices to determine the amount of fines and costs paid over or due the Township, and the dockets and records of the district justices shall be open to inspection by the board of auditors for the purpose of assessing surcharges. The audit shall be conducted at the place the records of the officer are normally kept.
- (c) The appointed accountant shall complete the audit, settlement and adjustment before the first day of March of each year.
- (d) The appointed accountant shall make a report of the affairs of the Township, executed copies of which report shall be filed not later than ninety days after the close of the fiscal year with the Township secretary, the clerk of the court of the county or the prothonotary under local rules of court. Each copy of the report shall be signed by the appointed accountant and duly verified by the oath of a notary public.
- (e) The Township report shall contain the names and addresses of the chairman and members of the Board of Supervisors, the Township secretary and the Township treasurer, a statement of the receipts of the Township from all sources and of all accounts and revenue which may be due and

uncollected at the close of the fiscal year, a statement of the disbursements of the Township during the fiscal year, a statement of the balance in the Township treasury at the beginning of the fiscal year, a statement of the assets and liabilities of the Township at the end of the fiscal year, a detailed statement of the indebtedness of the Township at the close of the fiscal year and the provisions made for the payment thereof together with the purposes for which it was incurred, a statement of the cost of ownership and operation of each public service industry owned, maintained or operated by the Township and other information as may be required in this Charter or by Ordinance of the Township.

(f) On or before the tenth day of March of each year, the Board of Supervisors shall publish once in one newspaper of general circulation in the Township a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year by major classifications, all expenses paid during the fiscal year by major functions and the current assets and liabilities of the Township at the end of the fiscal year, the gross liability and net debt of the Township, the amount of the assessed valuation of the Township, the assets of the Township with the character and value thereof, the date of the last maturity of the respective forms of funded debt and the assets in the sinking fund.

(g) The Board of Supervisors may post five copies of the financial statement in public places in the Township in lieu of publication in a newspaper.

Section 1704 Penalty for Failure to Perform Duty Any appointed accountant who fails to comply with this Article commits a summary offense.

Section 1705 Township Auditors; Meetings; Quorum

(a) The board of auditors shall meet annually at the place of meeting of the Board of Supervisors on the day following the day designated by this Charter for organization of the Board of Supervisors, and they shall organize by the election of a chairman and secretary. Two auditors shall constitute a quorum.

Section 1706 Auditor's Compensation

(a) Each auditor shall receive fifteen dollars (\$15) for each hour necessarily employed in the duties of the office upon presentation to the Board of Supervisors of an itemized listing of the dates, times, places and hours worked to perform their duties. No auditor in the Township is entitled to receive more than one thousand dollars (\$1,000) compensation in any given year.

(b) Each auditor shall be reimbursed for travel costs incurred in the performance of the auditing duties at the rate established by the Board of Supervisors, and for other expenses, including postage, notary fees or publication costs, incurred during the exercise of their duties.

Section 1707 Interest in Township Transactions Any auditor who is financially interested, directly or indirectly, in any Township transaction commits a summary offense. The auditor shall forfeit the office and forfeit to the Township any financial benefit derived from the transaction.

Section 1708 Township Auditors; Duties

(a) Compensation Rates The board of auditors shall determine the compensations for the current year authorized for the compensation of supervisors, when employed as roadmasters, laborers, secretary, treasurer, assistant secretary, assistant treasurer or in any employee capacity not otherwise prohibited by this Charter, and the board of auditors shall determine an hourly, daily, weekly, semi-monthly or monthly rate, which shall be comparable to compensation paid in the locality for similar services.

(b) Surcharge by Auditors The board of auditors shall review the annual audit and all records of the court pertaining to Township funds and shall surcharge any elected or appointed officer for the amount of any loss to the Township caused in whole or in part by the officer's act or omission in violation of this Charter. The surcharge shall include but not be limited to damages incurred for the violation of any rights, policies or prohibitions, and for failing to seek remedy and restitution as required by provisions of this Charter, as well as cases involving fraud or collusion on the part of the officers. Official failure to seek remedy and restitution as required by this Charter shall be reported by the board of auditors as a balance against the individual members of the Board of Supervisors. Surcharges collected for damages and restitution for rights violations shall be collected, in the case of the violation of the rights of natural communities and ecosystems, and shall be used for the specific restoration of the damaged ecosystem. In the case of the violation of the rights of natural persons, collected surcharges and liens shall be secured for and on behalf of the injured Township residents.

(c) Any balance in any report of the board of auditors against any officer of the Township constitutes a surcharge against the officer as fully as if expressly stated in the report to be a surcharge. The board of auditors shall direct the clerk of court of common pleas to certify the amount of every balance or surcharge from which no appeal has been taken under sub-sections (e) and (f) of this section to the court of common pleas, and the prothonotary shall enter the balance or surcharge as a judgment against the officer in favor of the Township.

(d) Collection of Surcharge; Bond Any auditor, elector or taxpayer 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, upon filing in the court of common pleas a bond (in the case of an elector or taxpayer), with one or more sureties, conditioned to indemnify the Township for all costs which may accrue in the proceedings undertaken, subject, however, to all rights of appeal from the report of the board of auditors.

(e) Appeals from Report The Board of Supervisors or any elector or taxpayer of the Township or any officer whose account is settled or audited by the appointed accountant and reviewed by the board of auditors may appeal from any settlement or audit of the board of auditors to the court of common pleas on questions of fact within forty-five days after the settlement has been filed in the court of common pleas. Any appeal which challenges the meaning, interpretation, constitutionality or legality of the Charter or any of its rights, policies, prohibitions, duties, obligations or provisions shall be filed with the Blaine Township Constitutional Commission, in accordance with Article XLIV of this Charter, within forty-five days after the settlement has been filed in the court of common pleas. If the Constitutional Commission rules that surcharges are appropriate and in accord with this Charter, the court of common pleas shall hear the facts and file its finding on the facts.

(f) Taxpayer's Appeal; Bond No appeal by an elector, taxpayer or officer shall be allowed unless the appellant enters into recognizance to prosecute the appeal with effect, and to pay all costs accruing thereon, in case, if the appellant is an elector or taxpayer, he fails to obtain a final

decision more favorable to the Township than that awarded by the board of auditors or, if the appellant is an officer, he fails to obtain a final decision more favorable to the officer than that awarded by the board of auditors.

(g) Consolidation of Appeals When more than one appeal from the report of the board of auditors is taken, whether by the Board of Supervisors, by an officer thereof or by an elector or taxpayer, the Township Constitutional Commission or the court may direct that the several appeals be consolidated.

(h) Report; Prima Facie Evidence; Burden of Proof The accounts of the officer in question may be investigated de novo. The figures and facts found and stated by the appointed accountant in the report of audit shall be taken as prima facie correct as against any officer and the burden shall be upon each officer whose accounts are in question to establish the validity of the credits which he claims.

(i) Findings; Judgment After hearing, the court shall file findings of fact, and if an appeal is required before the Township Constitutional Commission, it shall file findings of law. Either or both shall enter judgment, as to fact and law respectively, and the judgment so entered, may be enforced by appropriate proceedings by any auditor, officer, elector or taxpayer of the Township. In case of a conflict over findings of law between the court and the Township Constitutional Commission, the latter findings shall prevail.

(j) Costs In all cases of appeal from the report or audit to the court of common pleas, the costs shall be determined by the court.

(k) Attorney Fees Upon final determination of an appeal from any report, audit or settlement of the account of any Township officer, attorney fees shall be awarded as follows:

(1) If in the opinion of the court the final determination is more favorable to the Township officer involved than that awarded by the board of auditors, the Township shall pay reasonable attorney fees, or a portion of reasonable attorney fees, incurred by the officer in connection with the surcharge proceeding.

(2) In the case of an appeal taken by the Township, an elector or a taxpayer, if in the opinion of the court the final determination is more favorable to the Township than that awarded by the board of auditors, the Township officer who is the subject of the surcharge proceeding shall pay reasonable attorney fees, or a portion of reasonable attorney fees, incurred by the Township, elector or taxpayer in connection with the surcharge proceeding.

(3) If in the opinion of the court the final determination is in part more favorable to the Township and in part more favorable to the Township officer involved in the surcharge proceeding than that awarded by the board of auditors, the court may order the Township to pay a portion of reasonable attorney fees incurred by the officer in connection with the surcharge proceeding, or it may order the Township officer who is the subject of the surcharge proceeding to pay a portion of reasonable attorney fees incurred by the Township, elector or taxpayer in connection with the surcharge proceeding.

## **ARTICLE XVIII TAX COLLECTOR, ASSESSOR**

Section 1801 Tax Collector; Powers, Duties and Liabilities The tax collector shall collect all county, Township, school, institution district and other taxes levied within the Township. The tax collector may also be designated in the tax-levying Ordinance or resolution. In addition to the powers, duties and responsibilities under this Article, the tax collector shall exercise all the powers and perform all the duties and be subject to all the obligations and responsibilities for the collection of taxes as are conferred upon tax collectors by law. The tax collector shall not be subject to the provisions of Pennsylvania's Act 32 of 2009.

Section 1802 Assessor; Powers and Duties The assessors have all the powers and duties, are subject to all the obligations and responsibilities and may receive the compensation provided under law. The assessors shall not be subject to the provisions of Pennsylvania's Act 32 of 2009.



## ARTICLE XIX TOWNSHIP POLICE

Section 1901 *Creating or Disbanding Police Force* The Board of Supervisors may by resolution create or disband a police force within the Township or, upon the petition of not less than twenty-five registered electors or taxpayers of the Township, appoint police officers.

Section 1902 *Appointment of Police* The Board of Supervisors shall provide for the organization and supervision and determine the number and the compensation of the police officers. The position of police officer is incompatible with the office of supervisor, auditor, tax collector, assessor and manager. The chairperson of the Board of Supervisors may swear in police officers. The Board of Supervisors may assign any police officer to undergo a course of training at any training school for police officers established or made available by the Federal or State Government and provide for payment of the officer's expenses while in attendance at the training school.

Section 1903 *Contracts to Secure Police Service* The Township may contract with any municipal corporation to secure the services within the Township of the police of the municipal corporation. When any contract is made, the police officers of the employing municipal corporation have all the powers and authority conferred by this Charter on police officers in the Township.

Section 1904 *Contract to Provide Police Service* The Township may contract with any municipal corporation to provide police services within the other municipal corporation. When a contract is made, the Township police have all the powers and authority conferred by this Charter on police in Blaine Township, and shall exercise that authority in accordance with the rights secured herein.

Section 1905 *Powers* Each Township police officer has those powers and abilities as are granted to police officers under the laws of this Commonwealth or the rules of the Supreme Court or the Charter and Ordinances of the Township for which a fine or penalty is imposed, except that no police officer shall enforce any law which would violate or conflict with the rights, policies and provisions enumerated in this Charter.

Section 1906 *Shield* Each police officer when on duty shall wear a shield or badge with the words "Township police" and the name of Blaine Township inscribed thereon.

Section 1907 *Equipment* The Board of Supervisors may provide each police officer with a uniform, equipment and means of transportation and the maintenance thereof.

Section 1908 *Lockups* The Board of Supervisors may provide lockup facilities.

Section 1909 *Certain Compensation Prohibited* No police officer may charge or accept any fee or other compensation in addition to the salary paid by the Township for any service rendered or performed by the police officer, except public rewards.

Section 1910 Police Pension Fund

(a) The Governing Body may by Ordinance or resolution establish a police pension fund or pension annuity into which each member of the police force may be required to pay a member contribution of an equal and proportionate charge which, except to the extent that section 607(c) of the act of December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," applies, shall not exceed annually three percent of the pay of the member.

(b) The fund shall be under the direction of the Board of Supervisors for the benefit of members of the police force who receive honorable discharge therefrom by reason of age or disability and the families of members who may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

(c) The Ordinance or resolution establishing the police pension fund shall prescribe a minimum period of continuous service of not less than twenty years, after which the members of the force may be retired from active duty. Township police officers so retired may be subject to service as police reserves until unfit for service by reason of age or disability, when they may be finally discharged.

(d) The basis of the apportionment of the pension is determined by the rate of monthly pay of the member at the date of death, honorable discharge or retirement.

(e) Payments made on account of police pensions are a charge on no fund of the Township other than the police pension fund.

(1) The Township shall make contributions to the police pension fund in an amount sufficient to meet the minimum obligation of the municipality with respect to the pension plan pursuant to the "Municipal Pension Plan Funding Standard and Recovery Act," and may take by gift, grant, devise or bequest any money or property in trust for the benefit of the police pension fund. The care, management, investment and disposal of trust funds or property is vested in the Board subject, whenever possible or practical, to any directions for administration which the donors of the funds and property may prescribe.

(g) A person participating in the police pension fund and entitled to receive a benefit therefrom may not be deprived of his right to an equal and proportionate share therein except for the following causes: conviction of a crime or misdemeanor or failing to comply with some general regulation relating to the management of the fund, which may be made by Ordinance or resolution and which provides that a failure to comply therewith terminates the right to participate in the pension fund after notice and hearing as it prescribes.

Section 1911 Removal of Police Officers The Board may suspend, remove or reduce in rank a police officer who violates any provision of this Charter.

Section 1912 Special Fire Police The Board may confirm any members of a volunteer fire company to serve as special fire police under the act of June 18, 1941 (P.L. 137, No. 74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, Township or home rule municipality." The chairman of the Board of Supervisors may swear in special fire police officers.

Section 1913 School Crossing Guards

(a) Upon request of the board of school directors of a school district located wholly or partially within the Township, the Board by resolution may appoint school crossing guards to control and direct traffic at or near schools. The school crossing guards shall be in uniform and shall be authorized only in the management of traffic and pedestrians. School crossing guards serve at the pleasure of the Board of Supervisors, except as provided in subsection (b) and are not eligible to join any Township pension fund. The Board shall determine the compensation of school crossing guards, to be paid by the Township or jointly by the Township and the school district in a ratio to be determined by the two boards. If the Township and school district cannot determine the ratio of compensation to be paid by each board, each board shall pay one-half of the compensation of the school crossing guards.

(b) The Governing Body may approve an Ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the Governing Body may approve such an Ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The Ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provision of this act nor shall they fall under the bargaining unit of the school district nor be considered an employee as defined under section 1101-A of the act of March 10, 1949 (P.L. 30. No.14), known as the "Public School Code of 1949" or a "school employee" as defined under 24 PA.C.S. § 8102 (relating to definitions) or under any plans hereafter effective. Once the Ordinance receives approval by the Governing Body, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the Board of Supervisors of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the Ordinance.

## **ARTICLE XX            BOARD OF HEALTH**

Section 2001 *Establishment of Board of Health* The Board of Supervisors may appoint a Township board of health and Township health officer to administer and enforce the health and sanitation laws of the Township. If a board of health is appointed, the board of health may appoint a health officer or inspector whose duties shall be to implement and enforce the health and sanitation laws of the Township and actions of the board of health. The health officer or inspector, whether appointed by the Board of Supervisors or by the board of health, shall not assume the performance of the duties of office until certified as a qualified health officer or inspector by the Department of Environmental Protection, the Department of Agriculture and the Department of Health.

Section 2002 *Members of Board of Health* A board of health appointed under this article shall be composed of five members, at least one of whom shall be a licensed physician with not less than two years' experience in the practice of his profession. The members of the board of health shall be appointed by the Board of Supervisors. Upon the creation of a board of health, one member shall be appointed to serve for one year, one for two years, one for three years, one for four years and one for five years, and after that one member shall be appointed each year to serve for five years. Upon the creation of a board of health in a Township which has an existing sanitary board, the Board of Supervisors may continue the incumbent members of the sanitary board as members of the board of health. The members of the board of health shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

Section 2003 *Organization, Secretary, Health Officer and Inspectors* The members of the board of health shall annually organize by electing a chairman from among the members of the board of health, a secretary who may be a member of the board of health and a health officer and inspectors who shall not be members of the board of health. The secretary, health officer and inspectors shall each receive a salary as determined by the Board of Supervisors and shall serve for a period of one year or until their successors may be appointed and qualified.

Section 3004. *Duties of Secretary.*-The secretary of the board of health shall keep the minutes of the proceedings of the board of health, keep accurate accounts of the expenses of the board of health, draw all requisitions for the payment of moneys on account of the board of health from appropriations made by the Board of Supervisors to the board of health and present them to the board of health for approval, render statements of the expenses to the board of health at each stated meeting or as frequently as the board of health may require, prepare under the direction of the board of health the annual report to the Board of Supervisors, together with the estimate of appropriation needed for the ensuing year, and make other reports and perform other duties as the board of health may require.

Section 2005 *Powers and Duties of Health Officer and Inspectors* The health officer and inspectors shall attend all stated and special meetings of the board of health and at all times be ready and available for the prompt performance of their official duties. They shall make inspections and execute the orders of the board of health.

Section 2006 Powers of Board of Health

(a) The board of health shall enforce the health and sanitation laws of this Commonwealth and any regulations adopted under those laws and the health and sanitation laws and regulations of the Township.

(b) Regulations, when authorized by ordinance of the Township, shall have the force of ordinances of the Township. All penalties prescribed for violation of the regulations, as well as the expenses actually and necessarily incurred in enforcing ordinances and regulations, are recoverable in enforcement proceedings and shall be paid into the general Township fund. Townships may establish and revise fees for licenses or permits issued by the Township as necessary.

Section 2007 Entering Premises The board of health, health officer or inspectors may enter at any time any premises within the Township where there is reasonably suspected to exist any health hazard or violation of health or sanitation laws or regulations or which are of a type that may give rise to a health hazard.

Section 2008 Written Order for Violation When the board of health, health officer or inspectors determine that a health or sanitation hazard or violation exists, a written order shall be directed to the owner or occupant of the premises involved, ordering an abatement of the hazard or violation and the taking of corrective action as the board of health, health officer or inspectors may deem necessary under the circumstances. The order shall set forth a specific time in which the abatement and corrective action shall be accomplished. If the order is not complied with within the time provided, the board of health, health officer or inspectors may enter the premises and issue orders for the immediate termination of activities creating the violation, the potential violation and all acts of commerce conducted in, on or at the premises in question. In addition, the board of health, health officer or inspectors may proceed to enforce the law or regulation being violated the same as ordinances of the Township.

Section 2009 Appropriations and Annual Report The Board of Supervisors shall make an annual appropriation to the board of health as the Board of Supervisors determines. The board of health or health officer shall before the preparation of the annual budget of the Township submit to the Board of Supervisors the estimated expenses of the board of health or health officer for the ensuing year. The board of health or health officer shall by the first day of February of each year prepare and submit to the Board of Supervisors and the regional office of the Department of Environmental Protection, the Department of Agriculture and the Department of Health an annual report in writing, setting forth the activities and expenditures of the board of health or health officer during the prior calendar year.

Section 2010 Cooperation With Other Municipal Corporations

(a) Any Township may cooperate and contract with any other municipal corporation in the administration and enforcement of health and sanitation laws.

(b) If the Board of Supervisors abolishes the board of health or positions of health officers or inspectors and discontinues services under this article, the Department of Environmental Protection, the Department of Agriculture and the Department of Health shall be notified. An official copy of the action of the Board of Supervisors shall be transmitted to the regional office

of the Department of Environmental Protection, the Department of Agriculture and the regional office of the Department of Health.

(c) The Board of Supervisors, the board of health or the health officer may request assistance from the Department of Environmental Protection, the Department of Agriculture or the Department of Health if the assistance is deemed necessary for the health and safety of Township citizens.

## **ARTICLE XXI      TAXATION AND FINANCE**

Section 2101 Fiscal Year The fiscal year in the Township commences on the first day of January in each year. All receipts, disbursements, contracts and purchases shall be entered as of record in the fiscal year in which made.

### Section 2102 Annual Budget

(a) The Board of Supervisors shall annually prepare a proposed budget for all funds for the ensuing fiscal year. The proposed budget shall reflect as nearly as possible the estimated revenues and expenses of the Township for the year for which the budget is prepared. A Township shall not prepare and advertise notice of a proposed budget when it is knowingly inaccurate. Upon any revision of the proposed budget, if the estimated revenues or expenses in the final budget are increased more than ten percent in the aggregate or more than twenty-five percent in any major category over the proposed budget, it may not be legally adopted with those increases unless it is again advertised once, the same as the original proposed budget, and an opportunity given to taxpayers to examine the amended proposed budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item. The budget shall be prepared on a uniform form prepared and furnished under section 3203. The estimates in the budget shall specify the amount of money necessary for each governmental activity of the Township for which a special tax levy may or may not be authorized and the amount of money necessary for the payment of debts and other miscellaneous purposes.

(b) Upon the preparation of the proposed budget, the Board of Supervisors shall give public notice by advertisement once in one newspaper of general circulation in the Township that the proposed budget is available for public inspection at a designated place in the Township. After the proposed budget has been available for public inspection for twenty days, the Board of Supervisors shall, after making revisions as are appropriate, adopt the final budget not later than the thirty-first day of December and the necessary appropriation measures required to put it into effect.

(c) The total appropriation shall not exceed the revenues estimated as available for the fiscal year.

(d) During the month of January next following any municipal election, the Board of Supervisors may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the Township secretary of the proposed amended budget, after notice by the Township secretary to that effect is published once in a newspaper of general circulation in the Township, shall intervene between the adoption of the proposed amended budget and the final adoption of the amended budget. Any amended budget must be adopted by the Board of Supervisors on or before the fifteenth day of February. No proposed amended budget shall before final adoption be revised upward in excess of ten percent in the aggregate or in excess of twenty-five percent of the amount of any major category in the proposed amended budget. A major category is a group of related revenue or expense items, the combined total of which is listed as a line item.

(e) The Board of Supervisors may by resolution make supplemental appropriations for any purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing authorized by law.

Supplemental appropriations may be made whether or not an appropriation for that purpose was

included in the original budget as adopted.

(f) The Board of Supervisors may by resolution transfer unencumbered moneys from one Township account to another, but no moneys may be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy or assessment for a particular purpose. Transfers shall not be made during the first three months of the fiscal year. No moneys shall be paid out of the Township treasury except upon appropriation made according to law.

#### Section 2103 Investment of Township Funds

(a) The Board of Supervisors may:

(1) Make investment of Township sinking funds as authorized by the act of July 12, 1972 (P.L. 78 1, No. 185), known as the "Local Government Unit Debt Act."

(2) Make investment of moneys in the general fund and in special funds of the Township.

(3) Liquidate any investment, in whole or in part, by disposing of securities or withdrawing funds on deposit. Any action taken to make or to liquidate any investment shall be made by the officers designated by action of the Board of Supervisors.

(c) The Board of Supervisors may issue bonds and make investments and purchases to advance sustainable energy, sustainable agriculture, sustainable water and other sustainable policies of the Township.

(d) The Board of Supervisors shall invest Township funds consistent with sound business practice.

(e) The Board of Supervisors shall provide for an investment program subject to restrictions contained in this Charter and any rules and regulations adopted by the Board of Supervisors.

(f) Authorized types of investments of Township funds are:

(1) United States Treasury bills.

(2) Short-term obligations of the Federal Government or its agencies or instrumentalities.

(3) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation, or their successor agencies, to the extent that the accounts are so insured and, for any amounts above the insured maximum, if approved collateral therefore is pledged by the depository.

(4) Obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision.

(5) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if the only investments of that company are in the authorized investments for Township funds listed in paragraphs (1) through (4).

(6) Certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation, or their successor agencies, to the extent that the accounts are so insured. However, for any amounts above the insured maximum, the certificates of deposit shall be secured by a pledge or



assignment of assets of the institution, and the collateral may include loans, including interest in pools of loans, secured by first mortgage liens on real property. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities.

(7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to fiduciaries investments). This paragraph is limited to investments for any pension or retirement fund.

(g) In making investments of Township funds, the Board of Supervisors may:

(1) Permit assets pledged as collateral under subsection (d)(3) to be pooled under the act of August 6, 1971 (P.L. 281, No. 72), entitled "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets."

(2) Combine moneys from more than one fund under Township control for the purchase of a single investment if each of the funds combined for the purpose is accounted for separately in all respects and the earnings from the investment are separately and individually computed and recorded and credited to the accounts from which the investment was purchased.

(3) Join with one or more other municipal corporations, municipality authorities or school districts under the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law, in the purchase of a single investment if the requirements of paragraph (2) on separate accounting of individual funds and separate computation, recording and crediting of the earnings therefrom are adhered to.

#### Section 2105 Township and Special Tax Levies

(a) The Board of Supervisors may by resolution levy taxes upon all real property within the Township made taxable for Township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates specified in this section. All taxes shall be collected in cash.

(1) An annual tax not exceeding fourteen mills or the amount currently allowed to Second Class Townships for general Township purposes. If the Board of Supervisors places an Ordinance before the People, in accordance with the referendum procedures of this Charter for the authority to levy additional millage, the People may approve a greater rate than that allowed to Second Class Townships to be levied.

(2) An annual tax not exceeding five mills or the millage allowed to Second Class Townships to light the highways, roads and other public places in the Township.

(3) An annual tax not exceeding fifty percent of the rate of assessment for the general Township tax to procure land and erect public buildings thereon and for the payment of indebtedness incurred in connection therewith.

(4) An annual tax not exceeding three mills or the millage allowed to Second Class Townships to purchase and maintain fire apparatus and a suitable place to house fire apparatus, to make appropriations to fire companies located inside and outside the Township, to make appropriations for the training of fire company personnel and for fire training schools or centers and to contract with adjacent municipal corporations or volunteer fire companies therein for fire

protection. If an annual tax is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the Township.

(5) A tax not exceeding two mills or the millage allowed to Second Class Townships to establish and maintain fire hydrants and fire hydrant water service.

(6) A tax to acquire, maintain and operate parks, playgrounds, playfields, gymnasiums, swimming pools and recreation centers.

(7) An annual tax sufficient to pay interest and principal on any indebtedness incurred under the act of July 12, 1972 (P.L. 781, No. 185), known as the "Local Government Unit Debt Act."

(8) An annual tax not exceeding one-half mill to support ambulance and rescue squads serving the Township. If an annual tax is proposed to be set higher than one-half mill or the millage allowed to Second Class Townships, the question shall be submitted to the voters of the Township.

(9) An annual tax not exceeding five mills or the millage allowed to Second Class Townships to create and maintain a revolving fund to be used in making permanent street, sidewalk, water supply or sewer improvements before the collection of all or part of the cost from the property owners. A revolving fund may also be used for the deposit of funds raised through the issuance of general obligation bonds of the Township for the making of permanent street, sidewalk, water supply or sewer improvements. When all or part of the cost of the construction of any permanent street, sidewalk, water supply or sewer improvement is paid from the revolving fund and is later assessed and collected from the owners of the property adjoining or abutting upon the improvement, the collections shall be applied to the credit of the revolving fund to the extent of the withdrawal therefrom for that purpose.

(10) An annual special tax not exceeding two mills or the millage allowed to Second Class Townships to create and accumulate moneys in a road equipment fund to be used exclusively for purchasing road equipment.

Section 2105 Procedure for Referendum on Tax Questions When the assent of the electors is required under this Article for special tax levies, the county board of elections shall frame the question under the election laws of this Commonwealth for submission to the voters of the Township at the first municipal or general election occurring not less than sixty days after submission of the question.

Section 2106 Taxes for Special Districts This Article does not include the levy of any taxes upon particular districts or parts of any Township for particular purposes.

Section 2107 Tax Rate to be Expressed in Dollars and Cent When the Board of Supervisors by resolution establishes the rate of taxation for any year at a mill rate, the resolution shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars (\$100) of assessed valuation of taxable property.

Section 2108 Tax Duplicates The Board of Supervisors shall require a duplicate to be made designating the amount of Township tax levied against each taxpayer of the Township, and also duplicates for all other taxes levied and assessed under this act, and deliver the duplicate within thirty days after the adoption of the budget or within thirty days after receipt of the assessment roll from the county, whichever is later, to the Township tax collector.

Section 2109 Additions and Revisions to Duplicates

(a) When there is any construction of a building or buildings not otherwise exempt as a dwelling after the first day of January of any year and the building is not included in the tax duplicate of the Township, the authority responsible for assessments in the Township shall upon the request of the Board of Supervisors direct the assessor in the Township to inspect and reassess, subject to the right of appeal and adjustment by the State law under which assessments are made, all taxable property in the Township to which major improvements have been made after the first day of January of any year and to give notice of the reassessments within ten days to the authority responsible for assessments, the Township and the property owner. The property shall be added to the duplicate and is taxable for Township purposes at the reassessed valuation for that proportionate part of the fiscal year of the Township remaining after the property was improved. Any improvement made during the month shall be computed as having been made on the first day of the month. A certified copy of the additions or revisions to the duplicate shall be furnished by the Board of Supervisors to the Township tax collector, together with its warrant for collection of the taxes, and within ten days the Township tax collector shall notify the owner of the property of the taxes due in the Township.

(b) When an assessment is made for a portion of a year, the assessment shall be added to the duplicate of the following or succeeding year unless the value of the improvements has already been included in that duplicate.

## ARTICLE XXII      COLLECTION OF ASSESSMENTS

### Section 2201 Assessments Collected by Tax Collector

(a) When any assessment for streetlights, fire hydrant service, police protection or other service is implemented by the Board of Supervisors and charged to the tax collector for collection, assessments for the service shall be filed with the Township tax collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing notice to the owner of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general Township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the Township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the Board of Supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Assessments, when collected, shall be paid over to the Township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the appointed accountant of the Township.

(b) When any assessment for refuse collection in special districts or other service is charged against the owners, occupants or tenants of property within the Township, the collection of which is charged to the tax collector, the assessments for the service shall be filed with the tax collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing to the owner, occupant or tenant of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general Township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the Township solicitor for collection by action in assumpsit for the amount of the unpaid assessment, plus interest established by the Board of Supervisors from the date the assessment was due and all costs incurred in the collection of the assessment. Assessments, when collected, shall be paid over to the Township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the appointed auditor of the Township.

### Section 2202 Assessments Collected by Township Treasurer

(a) When any assessment for construction, maintenance and repair of street, sewer, water, sidewalks, curbs or other service is implemented by the Board of Supervisors, the collection of which is not charged to the tax collector, the assessments for the service shall be filed with the Township treasurer. The Township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and shall be served by mailing it to the owner of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the Township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the Board of Supervisors from the date the assessment was due. If an owner has two or more lots against which there is an

assessment for the same year, the lots shall be embraced in one claim. Upon receipt of payment of assessments, the Township treasurer shall deposit the assessments in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the appointed auditor of the Township.

(b) When any assessment for refuse collection or other service is charged against the owners, occupants or tenants of property within the Township, the collection of which is not charged to the tax collector, the assessments shall be filed with the Township treasurer. The Township treasurer shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing it to the owner, occupant or tenant of the property. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the Township solicitor for collection by action in assumpsit for the amount of the unpaid assessment, plus interest established by the Board of Supervisors from the date the assessment was due and all costs incurred in the collection of the assessment. Upon receipt of the assessments, the Township treasurer shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the appointed accountant of the Township.

#### Section 2203 *Installment Payments*

(a) When the Township authorizes the construction or acquisition of any sanitary sewer or system of sanitary sewers, or the improvement of any street or portion thereof, or the installation of curbing or sidewalks, or a water supply or water systems, and all or part of the cost is assessed against the properties benefited, improved or accommodated by the sewer or system of sewers, or curbing or sidewalks, or water supply, or abutting upon the street or portion thereof, the Board of Supervisors may authorize the payment of the assessment in equal annual or more frequent installments. The Ordinance shall specify the length of time over which the installments may be extended and whether payments are to be made by annual or more frequent installments.

Installments shall bear interest at a rate not to exceed six percent or a higher amount equal to the amount of interest on the indebtedness, if any, commencing at the time established by Ordinance. If bonds have been issued and sold to provide for the payment of any street improvement, the assessments shall not be payable beyond the term for which the bonds are issued, and the expenses for the improvements and interest thereon to the first day when interest is payable on the bonds shall be taken as the cost of the improvement to be assessed on the property benefited.

(b) Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the same form and shall be collected in the same manner as municipal claims are filed and collected.

(c) Assessments are payable to the Township treasurer in quarterly, semi-annual or annual installments, with interest from the date from which interest is computed on the amount of the assessments.

(d) If there is a default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall become due, and the Township solicitor shall proceed to collect the assessment under the general laws relating to the collection of municipal claims.

(e) Any owner of property against whom any assessment is made may pay the assessment in full, at any time, with interest and costs thereon to the due date of the next installment, and that payment shall discharge the lien.

## ARTICLE XXIII    CONTRACTS

Section 2301 *Power to Make Contracts* The Board of Supervisors may make contracts for purchases, so long as those contracts do not conflict with the rights, prohibitions, policies and provisions of this Charter and laws of the Township. No contract purporting to have effect in the Township, which violates any of the rights, prohibitions, policies or provisions of this Charter, shall be valid within Blaine Township.

### Section 2302 *Letting Contracts*

(a) All contracts or purchases in excess of ten thousand dollars (\$10,000), except those specifically excluded, shall not be made except with and from the lowest responsible bidder after due notice in one newspaper of general circulation in the Township. The notice for bids shall be published at least two times at intervals of not less than three days in daily newspapers or once a week for two successive weeks in weekly newspapers. The first advertisement shall be published not more than forty-five days, and the second advertisement not less than ten days, before the date set for the opening of bids. Notice of proposed contracts or purchases shall also be posted where the Board of Supervisors normally meets or in a conspicuous place within the Township. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, state the amount of the performance bond determined under subsection (g) and give the date, time and place of a meeting at which an individual or committee appointed by the Board of Supervisors or the Board of Supervisors will open and read the bids.

(b) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(c) The Board of Supervisors may purchase or make contracts under the act of October 27, 1979 (P.L. 241, No. 78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," if no bids are received on an item after proper notices.

(d) The amount of the contract, whether of straight sale price, conditional sale, lease, lease purchase or otherwise, is the entire amount the Township pays to the successful bidder in order to obtain the services or property, or both, and does not mean only the amount which is paid to acquire title or to receive any other particular benefit or benefits.

(e) The award of contracts shall only be made by public announcement at the meeting at which bids are opened by the Board of Supervisors, or received from the individual or committee appointed by the Board of Supervisors to open and read bids, or at a subsequent meeting of the Board of Supervisors, the time and place of which shall be publicly announced when bids are

received. If for any reason one or both of the meetings are not held, the same business may be transacted at a subsequent meeting if at least five days' notice of the meeting is published in the same newspaper as the notice of bids. Bidders shall be notified and other interested parties, upon request, shall be notified of the date, time and location of the opening of bids and may be present when the bids are opened.

(f) The Board of Supervisors may reject all bids received if it is believed to be in the best interest of the Township, and at a public meeting the reasons for the rejection of all bids shall be announced and be noted in the minutes.

(g) Unless covered under the bonding requirements of the act of December 20, 1967 (P.L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967," the successful bidder shall furnish a bond guaranteeing performance of the contract, in an amount as determined by the supervisors at the time of advertising for bids which shall be not less than ten percent nor more than one hundred percent of the amount of the contract, within twenty days after the contract is awarded. If the bidder fails to furnish the bond within twenty days, unless delivery is made or the entire contract is fulfilled during that time, the contract is void. Delivery, accomplishment and guarantees may be required in all cases, including the exceptions contained in this section.

(h) The contracts or purchases made by the Board of Supervisors involving payments in excess of the required advertising amount, which do not require advertising, bidding or price quotations are as follows:

(1) Those made for emergency or routine maintenance, repairs or replacements for water, electric light and other public works of the Township if they do not constitute new additions, extensions or enlargements of existing facilities and equipment.

(2) Those made for improvements, repairs or maintenance of any kind made or provided by any Township through its own employees. All contracts or purchases of materials used for improvement, maintenance or construction in excess of four thousand dollars (\$4,000) but less than the required advertising amount are subject to the provisions contained in subsection (b), and those contracts or purchases in excess of the required advertising amount are subject to the advertising requirements contained in subsection (a).

(3) Those involving any policies of insurance or surety company bonds, those made for public utility service, those made for electricity, or telecommunications service and those made with another municipal corporation, county, school district or municipality authority or Federal or State Government, including the sale, leasing or loan of any supplies or materials by the Federal or State Government or their agencies. ((3) amended October 11, 2000, P.L.535, No. 70)

(4) Those involving personal or professional services.

(5) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).

(6) Those contracts involving equipment rental with operators if more than fifty percent of the total labor personnel hours required for the completion of the contract is supplied by the Township through its own employees.

(7) Those contracts for the purchase of repair parts or materials for use in existing Township equipment or facilities if the item or material to be purchased is the sole item of its kind on the market or is manufactured as a replacement for the original item or equipment being repaired.

(8) Those for used equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility.

(9) Those where particular types, models or pieces of equipment, articles, apparatus, appliances,

vehicles or parts thereof which are patented and manufactured products.

(i) No Township official, either elected or appointed, or Township employee who knows, or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the Township or for any work to be done for the Township involving the payment by the Township of more than five hundred dollars (\$500) in any year unless the contract is awarded through the public bid process. This limitation does not apply if the officer or appointee of the Township is an employee of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and the officer cannot possibly be benefited thereby, either financially or otherwise. If a supervisor is within this exception, the supervisor shall so inform the Board of Supervisors and refrain from voting on the payments and shall in no manner participate in the contract. Any official or appointee who knowingly violates this provision is subject to surcharge to the extent of the damage shown to be sustained by the Township, is ousted from office or employment and commits a misdemeanor of the third degree.

(j) Contracts for the purchase of materials or rental of equipment for the construction, reconstruction, maintenance and improvement of roads and bridges shall be in writing and let only on standard specifications of the Department of Transportation.

(k) Contracts for the purchase of materials or supplies may be bid on a per-unit basis.

(l) No person, consultant, firm or corporation contracting with a Township for purposes of rendering personal or professional services to the Township shall share with any Township officer or employee, and no Township officer or employee shall accept, any portion of the compensation or fees paid by the Township for the contracted services provided to the Township except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the Board of Supervisors.

(2) The Board of Supervisors must approve the sharing of any fee or compensation for personal or professional services before the performance of the services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of the commensurate for similar personal or professional services.

Section 2303 Road Contracts The Board of Supervisors may make a contract for the improvement and keeping in repair of Township roads. No contract shall extend over a period of more than four years. Every contractor for road work shall give bond for the amount of the contract and sign specifications furnished by the Board of Supervisors for the building and care of the contract roads.

Section 2304 Evasion of Advertising Requirements

(a) No supervisor shall evade the provisions of section 2302 as to advertising for bids by purchasing or contracting for services and personal properties piecemeal to obtain prices under the required advertising price. This provision is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below the required advertising price, when the transactions involved should have been made as



one transaction for one price. Any supervisors who vote in violation of this provision and who know that the transaction upon which they vote is or ought to be part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids are jointly and severally subject to surcharge for ten percent of the full amount of the contract or purchase.

(b) Any supervisor who votes to unlawfully evade the provisions of this article and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote. This penalty shall be in addition to any surcharge which may be assessed pursuant to subsection (a).

Section 2305 Bonds for Protection of Labor and Material Suppliers Before any contract exceeding five thousand dollars (\$5,000) is awarded to any prime contractor or construction manager for the construction, reconstruction, alteration or repair of any building or other public work or public improvement of the Township, the contractor shall furnish to the Township a payment bond for the protection of claimants supplying labor or materials to the prime contractor to whom the contract is awarded, at one hundred percent of the contract amount, conditioned for the prompt payment of all materials furnished or labor supplied or performed in the prosecution of the contract under the act of December 20, 1967 (P.L. 869, No. 385), known as the "Public Works Contractors' Bond Law of 1967."

Section 2306 Purchase Contracts for Supplies and Equipment; Fire Company, Et Cetera; Participation The Board of Supervisors may permit any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the Township to participate in purchase contracts for supplies and equipment of the Township and agreeing that it will be bound by any terms and conditions the Township prescribes.

Section 2307 Separate Specifications for Branches of Work In the preparation of specifications for the erection or alteration of any public building, when the entire cost of the work exceeds the advertising requirement price, the architect, engineer or person preparing the specifications shall prepare separate specifications for the plumbing, heating, ventilating and electrical work, and the Township shall receive separate bids upon each of those branches of work and award the contract to the lowest bidder.

Section 2308 Workers' Compensation Insurance

(a) All contracts executed by the Township which involve the construction or performance of any work involving the employment of labor shall contain a provision that the contractor shall accept, and file with the Township proof of compliance with or exemption from, insofar as the work covered by the contract is concerned, the act of June 2, 1915 (P.L. 736, No. 338), known as the "Workers' Compensation Act."

(b) Any contract executed in violation of this section is void.

Section 2309 Engineers and Architects Not to be Interested in Contracts

(a) No architect or engineer in the employ of a Township and engaged in the preparation of plans, specifications or estimates may bid on any public work at any letting of the work in the Township.

(b) An officer of the Township who is charged with letting any public work may not award a contract to any architect or engineer in the employ of the Township.

(c) An architect or engineer in the employ of the Township may not be interested in any contract for public work in the Township or receive any remuneration or gratuity from any person interested in any contract except under section 2302(a).

(d) Any person who violates this section commits a misdemeanor of the third degree.

## **ARTICLE XXIV FIRE PREVENTION AND PROTECTION**

Section 2401 Authority of Board of Supervisors The Board of Supervisors may provide for fire protection within the Township.

### Section 2402 Fire Hydrants and Water Supply

(a) The Board of Supervisors may place, replace, operate, maintain and repair or contract with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys within the Township or provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire. The moneys necessary for providing or acquiring these fire protection services may be obtained by one of the following methods:

(1) The Board of Supervisors may annually assess the cost of fire protection by an equal assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred and eighty feet of any fire hydrant based upon the assessment of property for county tax purposes.

(2) The Board of Supervisors may annually assess the cost of fire protection by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon highways, streets, roads and alleys within seven hundred and eighty feet of any fire hydrant in proportion to the number of feet the property abuts any water main or within seven hundred and eighty feet of any fire hydrant on the water main. The Board of Supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable.

(3) The Board of Supervisors may pay the cost for fire protection out of the general Township fund. If the Board of Supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.

(b) When assessments are made under this section, no assessment shall be made against any farmland or an airport which is privately owned and which is not open nor intended to be open to the public; but vacant lots between built-up sections, either tilled or not tilled, are not farmland.

(c) All assessments for fire protection shall be collected by the tax collector under section 2201(a).

(d) The assessment may be billed on the annual real estate tax bill for Township purposes if authorized by the Governing Body.

### Section 2403 Fire Companies, Facilities and Training

(a) The Board of Supervisors may appropriate moneys for the use of the Township or to fire companies located in the Township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus, for the construction, repair and maintenance of fire company houses, for training of fire company personnel and, as set forth in this section, for fire training schools or centers in order to secure fire protection for the inhabitants of the Township. The fire companies shall submit to the Board of Supervisors an annual report of the use of the

appropriated moneys for each completed year of the Township before any further payments may be made to the fire companies for the current year.

(b) The Governing Body may by Ordinance make rules and regulations for the government of fire companies which are located within the Township and their officers.

(c) The Board of Supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the Township.

(d) No volunteer fire company not in existence in the Township before the effective date of this Charter may organize or operate unless the establishment or organization is approved by resolution of the Board of Supervisors.

(e) The Board of Supervisors may annually appropriate funds to fire companies located within the Township for the training of its personnel and to lawfully organized or incorporated county or regional firemen's associations or an entity created pursuant to the act of July 12, 1972 (P.L.762, No. 180), referred to as the Intergovernmental Cooperation Law, to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any Township, Borough, Town or City within this Commonwealth.

Section 2404 Ponds, Dams or Impoundments for Fire Protection The Board of Supervisors may construct or contribute moneys for or participate in the construction of ponds, dams or other impoundments to provide water for fire protection for the Township.

Section 2405 Fire Prevention Code The Board of Supervisors may adopt any standard fire prevention code published and printed in book.

Section 2406 Prohibition of Fire-Producing Devices The Governing Body may by Ordinance prohibit the smoking or carrying of lighted cigarettes, cigars, pipes or matches and the use of matches or fire-producing devices in retail stores, offices, and other indoor work places, to protect the rights of workers on the job.

**ARTICLE XXV      ACTIONS BY TOWNSHIP**

Section 2501 *Recovery of Township Claims*

(a) In addition to the remedies under law for the filing of liens for the collection of Township claims, the Township may proceed for the recovery and collection of any Township claim by action of assumpsit against the person who was the owner of the property when the improvement was completed, even if there was a failure on the part of the Township or its agents to enter the municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought.

(b) Any action in assumpsit shall be commenced within three years after the completion of the improvement from which the claim arises.

## **ARTICLE XXVI     SANITARY SEWERS**

Section 2601 *Sanitary Sewers* The Governing Body may establish and construct sanitary sewer systems which shall if possible be constructed along and within the lines of the rights-of-way of public roads. If the Board of Supervisors determines that the systems shall be located on or through private property, the Governing Body may acquire the land by gift, purchase or eminent domain.

### Section 2602 *Sanitary Sewer Connections*

(a) The Governing Body may not require adjoining and adjacent property owners to connect with and use the sanitary sewer system, whether constructed by the Township or a municipality authority or a joint sanitary sewer board. In the case of a sanitary sewer system constructed by the Township pursuant to section 2601, the Board of Supervisors may impose and charge to property owners who desire to connect to the Township's sewer system a connection fee, a customer facilities fee, a tapping fee and other similar fees, as enumerated and defined by clause (t) of subsection B of section 4 of the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," as a condition of connection to a Township-owned sewer collection, treatment or disposal facility. If any owner of property adjoining or adjacent to or whose principal building is within one hundred and fifty feet from the sanitary sewer fails to connect with and use the sanitary sewer for a period of sixty days after notice to do so has been served by the Board of Supervisors, either by personal service or by registered mail, the property owner wishing to connect to the sanitary sewer system at a future time shall bear all costs of construction and associated costs.

(b) When an existing sanitary sewer system owned by or leased to the Township is extended or altered at the expense of a developer or other private person or corporation under the supervision of the Township or a municipality authority of the Township, the Governing Body may by ordinance or resolution take over the extension or alteration and compel all owners of property which is not already connected to an existing public sanitary sewer system and which is accessible to and whose principal building is within one hundred and fifty feet from the sanitary sewer extension to make connection therewith and use the sanitary sewer system as the Board of Supervisors may order.

(c) Whenever a sewer system or any part or extension thereof owned by the Township has been constructed by the Township at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the Township at the expense of the private person or corporation, the Board of Supervisors shall have the authority to charge a tapping fee, including a reimbursement component, and refund said reimbursement component to the person or corporation who has paid for the construction of said sewer system or any part or extension thereof.

Section 2603 *Referendum Required* No sanitary sewer system shall be constructed under this article unless by a referendum of the People such construction is authorized.

Section 2604 *Entering Lands to Mark Sanitary Sewer Routes; Damages* In the absence of an agreement with the owners of land required for sanitary sewer systems or for the marking of the

route of the systems, the Board of Supervisors or its agents have the right to enter the lands for that purpose. For all damage done by entering the land under this section, the general fund of the Township shall be pledged as security.

Section 2605 Sanitary Sewer Systems; Acquisition of Land and Facilities; Damages The Governing Body may acquire by eminent domain or make contracts with other municipal corporations, corporations or persons for the acquisition of lands or facilities for the location, construction, maintenance, reconstruction and enlargement of sanitary sewer systems and treatment facilities. Acquisitions may be made for the purpose of future construction or additions to existing systems. The acquired land may be located either inside or outside the boundaries of the Township. For all damage done to owners of land by reason of the taking of the land, the general fund of the Township shall be pledged as security.

Section 2606 Cost of Construction; How Paid All or part of the cost of construction of a sanitary sewer system constructed under this article may be charged upon the properties accommodated or benefited by the construction.

Section 2607 Sanitary Sewer Districts

(a) When a sanitary sewer system is constructed by the Township for the accommodation of a certain portion of the Township, the Board of Supervisors may before or after the construction designate the territory accommodated as one sanitary sewer district or divide it into several sanitary sewer districts. The Board of Supervisors shall estimate the proportion of the cost of the sanitary sewer system to be charged on each of the districts and declare and establish the apportionment by resolution.

(b) When a sanitary sewer system is constructed by the Township for the benefit only of a certain portion of the Township and the cost of main sanitary sewers, pumping stations, pressure lines, et cetera, is charged against the sanitary sewer district or sanitary sewer districts, all or part of the amount charged to each district may be assessed to the district by an assessment upon each lot or piece of land in the district, in proportion to its frontage abutting on the sanitary sewer, or by an assessment upon the several properties abutting on the sanitary sewer, in proportion to benefits, or upon the properties connected with and using the sanitary sewers as rental fees, or each lot or piece of ground abutting upon the sanitary sewer may be assessed, in proportion to its frontage or according to benefits, the cost of a local sanitary sewer, and the balance of the amount charged against the district may be assessed upon the properties connected with and using the sanitary sewer, as rental fees. No district shall be charged with more than its due proportion of the cost of the main sanitary sewers, pumping stations, et cetera, used jointly by more than one district. If the whole of the Township is accommodated by the sanitary sewer system, it may be treated as a single district.

Section 2608 Rental Fees

(a) All persons whose property is connected to a sanitary sewer system shall pay to the Township treasurer, in addition to the cost of making the connection, a monthly, quarterly, semi-annual or annual charge adopted by a resolution of the Board of Supervisors. The charges constitute a lien until paid against the property connected to the sanitary sewer system, and the amount thereof may be recovered by due process of law. All water utilities supplying water to users within the

boundaries of any Township shall at the request of the Board of Supervisors furnish to the Township, on or before the fifteenth day of the month following the month during which bills are issued, a list of all water meter readings and flat-rate water bills and the basis for each flat-rate water charge so that the data may be used in calculating rental fees. The Township may pay to the utilities clerical and other expenses incurred in the preparation of the lists.

(b) Nothing in this section shall be construed to repeal or modify any of the provisions of 66 Pa.C.S. (relating to public utilities).

(b) All sewer rentals received shall be deposited in a special fund to be used only for the payment of the cost of construction, reconstruction, repair, operation and maintenance of the sanitary sewer system.



## **ARTICLE XXVII ROADS, STREETS, BRIDGES AND HIGHWAYS**

### Section 2701 Road and Bridge Maintenance, Repair and Construction

- (a) The Governing Body may purchase or hire materials, equipment, machinery and implements necessary for the construction, repair and maintenance of roads and bridges and make and maintain bridges over streams, gullies, canals and railroads where bridges are necessary for the ease and safety of travelers. The bridges shall be deemed to be a part of the road.
- (b) The Governing Body may for adequate consideration construct, reconstruct, improve or maintain driveways on lands owned or occupied by school districts in the Township.
- (c) The Governing Body may construct, reconstruct and improve and contract for the construction, reconstruction and improvement of roads in the Township.
- (d) The Governing Body may for adequate consideration contract with the Commonwealth, a county or a municipal corporation to construct, reconstruct, improve or maintain public roads or highways under the jurisdiction of the Commonwealth, a county or a municipal corporation. Contracts executed under this subsection need not be submitted to the Local Government Commission for review under the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law.
- (e) The Governing Body may employ one or more roadmasters. The roadmasters are subject to removal by the Governing Body.

### Section 2702 Duties of Roadmasters The roadmasters shall:

- (1) Report to the Governing Body any information that may be required by the Governing Body and by the Department of Transportation.
- (2) Inspect all roads and bridges as directed by the Governing Body.
- (3) Do or direct to be done all work necessary to carry out the responsibilities imposed by the Governing Body with respect to the maintenance, repair and construction of Township roads..

Section 2703 Road Complaints If any complaint alleges that the public roads and highways of any Township are not maintained in accordance with law, the court may appoint three persons who shall examine the highways and report the findings to the court. In these cases, the complainants shall first enter security, in a sum as the court may fix, to pay all costs.

### Section 2704 Power to Lay Out, Open, Widen, Vacate, Et Cetera

- (a) The Governing Body may by Ordinance enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all roads and bridges and parts thereof which are located wholly or partially within the Township.
- (b) The Governing Body may by Ordinance provide for the widening, straightening or improvement of a State highway, with the consent of the Department of Transportation, and may spend Township funds in connection therewith.
- (c) When any petition is presented to the Governing Body requesting the Governing Body to open or vacate a specific road in the Township and the Governing Body fails to act on the petition within sixty days, the petitioners may present their petition to the court of common pleas which shall proceed thereon under the act of June 13, 1836 (P.L. 551, No. 169), referred to as the General Road Law. If the Governing Body acts on the petition but denies the request of the

petition, the Governing Body shall notify the person designated in the petition of its denial. If the request of the petition is denied, the petitioners, or a majority of them, may within thirty days after receipt of the notice petition the court of common pleas for the appointment of viewers and proceedings shall be taken thereon under the General Road Law.

(d) No road shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship or as a public or parochial school, educational or charitable institution or seminary, unless the consent of the owner of the premises is first secured. If the owner is unknown, this prohibition does not apply.

Section 2705 Hearing; Report; Exceptions Thereto; View and Notice

(a) Before the passage of any Ordinance for the laying out, opening, changing or vacating of any road or highway or section thereof, the Governing Body shall give ten days' written notice to the owners of property adjacent to the road or portions thereof involved of the time and place set for a hearing on the proposed Ordinance.

(b) If the Governing Body votes in favor of exercising the power, it shall enact the necessary Ordinance and file a copy of the Ordinance, together with a draft or survey of the road showing the location and width thereof, in the office of the clerk of the court of common pleas.

(c) Any resident or property owner affected by the Ordinance may within thirty days after the enactment of the Ordinance of the Governing Body, upon entering in the court sufficient surety to indemnify the Governing Body for all costs incurred in the proceedings, file exceptions to the Ordinance together with a petition for a review. Upon receipt of the exception and surety, the court of common pleas shall appoint viewers from the county board of viewers for the purpose of reviewing the Ordinance and exceptions thereto.

(d) After the expiration of the term allowed for filing exceptions or upon the order of the court upon disposition of any exceptions, the court of common pleas, on application by petition by the Governing Body or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding unless the damages and benefits are otherwise agreed upon.

Section 2706 Width of Public Roads The width of the right-of-way of a public road in Townships shall not be less than thirty-three feet or more than one hundred and twenty feet, and the width of the right-of-way of alleys opened by the Township as public roads shall not be less than fifteen feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills.

Section 2707 Certain Roads Declared Public Roads Every road which has been used for public travel and maintained and kept in repair by the Township for a period of at least twenty-one years is a public road having a right-of-way of thirty-three feet even though there is no public record of the laying out or dedication for public use of the road.

Section 2708 Opening, Repairing and Closing Roads

(a) Public roads in the Township shall, as soon as practicable, be effectually opened. All public roads shall at all seasons be kept in repair and reasonably clear of all impediments to easy and convenient traveling at the expense of the Township.

(b) The Governing Body may temporarily close any Township road when it determines that

conditions have rendered that road unfit or unsafe for travel and immediate repair or maintenance, because of the time of year or other conditions, is impracticable. The road or portion of road closed shall be properly marked at its extremities, and a means of passage for the customary users of the road shall, when possible, be provided.

(c) Anyone using the road or portion thereof after the road has been properly closed and marked, without a permit from the Governing Body, commits a summary offense. All fines recovered are payable to the general Township fund. Persons who have no outlet due to the closing of a road may drive on, over or across the road with the written consent of, and subject to conditions imposed by, the Governing Body or their agents or contractors without being subject to the penalties imposed by this section.

Section 2709 Time Within Which Roads to be Opened When proceedings have been initiated under this Article for the opening and laying out of any public road in the Township, the road shall be physically opened for use by the public within a period of five years after completion of the proceeding. If the road is not opened or if no proceedings have been commenced to compel the opening in five years, then the proceedings are void and the land proposed to be taken shall revert to the owners of the land free of any easement or right of the public to use the land.

Section 2710 Detours

(a) Except for emergencies, no public road shall be closed to traffic except upon order of the Governing Body, and no public road shall be closed to traffic when it has been designated as a detour by the Department of Transportation unless the written consent of the Department of Transportation is first obtained or unless the Governing Body by resolution declares the closing necessary for the protection of the public safety.

(b) When any public road is closed, the Governing Body shall designate a detour on which shall be erected and maintained while the detour is in use legible direction signs at each public road intersection through the length of the detour. When the detour is in use, the Governing Body shall maintain the detour in safe and passable condition, except for State and county highways. The Governing Body shall immediately remove all detour signs when the road that was originally closed is open for traffic. Except for State and county highways, the Governing Body may acquire, by agreement or right of eminent domain, right-of-way privileges over private property for the period when the road is closed to traffic. In the exercise of the rights conferred by this section, the Governing Body may pay for the necessary maintenance, subsequent repair and land rental.

(c) Any person who removes, defaces, destroys or disregards any barricade, light, danger sign, detour sign or warning of any other character whatsoever erected or placed under authority of this section or who drives on, over or across any road which has been properly closed commits a summary offense.

(d) In addition to the penalties imposed by this section, the Governing Body may in an action at law recover damages from any person or persons who have damaged a road by driving on the road when it is closed to vehicular traffic under this act.

(e) All fines and moneys collected under this section shall be paid to the Township treasurer.

Section 2711 Relocating or Vacating Roads by Agreement

(a) When the Governing Body relocates or vacates any part of any public road under its supervision and can agree with the property owners affected by the relocation or vacation, it may relocate or vacate the public road without the formality of a view.

(b) A copy of the agreement setting forth the facts regarding the relocation or vacation, accompanied by a map or draft of the road agreed to be relocated or vacated, shall be presented and recorded in the office of the recorder of deeds or similar office in home rule counties after which the new location is the public road or the old location is vacated.

#### Section 2712 Elimination of Curves; Acquisition of Views

(a) Any Township may acquire, by purchase or by the right of eminent domain, any property and lands along or adjacent to any Township road that may be necessary to eliminate dangerous curves and widen roads and provide a free and unobstructed view over lands located at or near the intersection of any two roads or highways, or a road and a railroad or railway, or at any curve in any road, for the better protection and safety to the traveling public.

#### Section 2713 Roads in or near Public Parks

(a) The Governing Body may contract with the Commonwealth, a county or a municipal corporation owning and operating parks inside the Township to establish, relocate, alter or vacate public roads inside or contiguous to those parks. Any road when altered or relocated under this section shall be maintained and repaired the same as other Township roads.

(b) The agreement shall be adopted by Ordinance, and, within thirty days, the road shall be a public road of the Township.

(c) The owner of any land through which any public road may be located or relocated may apply by petition to the court of common pleas, setting forth the injury which has been sustained by reason of the relocation of the public road, and the proceedings relative to the assessment and payment of damages of the landowner shall be under this act for eminent domain.

#### Section 2714 Petition of Property Owners for Improvements

(a) The Township may improve any public street in the Township upon the petition of property owners representing a majority in number of feet front of the properties abutting on the street proposed to be improved at the expense of the property owners.

(b) The cost of the improvement may be collected from the owners of the real estate abutting on the street or highway, or part thereof, by an equal assessment on the foot-front basis.

(c) The assessments for improvement shall be filed with the Township treasurer under section 2202(a).

(d) The term "owner," as used in this section, means all individuals and public or private corporations, copartnerships and associations having title in the assessed property. If the owner is a nonresident of the Township and the place of residence is unknown or if the ownership of the property cannot be ascertained, the notice shall be posted on the premises and a copy shall be left with the occupant, if any.

#### Section 2715 Improvements Without Petition

(a) The Governing Body may by Ordinance provide for the construction, reconstruction, repair or other improvements to any public street in the Township.

(b) The cost of improvements may be collected from the owners of the real estate abutting on the

street or highway, or part thereof, by an equal assessment on the foot-front basis; but in no instance shall any abutting property owner be liable for the cost of improvements in an amount greater than fifteen percent of the assessed valuation of the abutting property: Provided, further, with respect to any property used exclusively for forestry purposes, for agricultural purposes, or for both as of the time of the assessment, That the assessment shall be based upon the actual foot frontage of such property or one hundred and fifty feet, whichever is less. Any expense above the maximum liability of abutting property owners shall be paid by the Township.

(c) All assessments for improvements shall be filed with the Township treasurer under section 2202(a).

(d) If abutting property owners fail to pay the expenses of the improvements for which they are liable, the Governing Body may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.

#### Section 2716 Acceptance of Land for Road Purposes

(a) The Governing Body may by resolution accept any land dedicated by deed to the Township to be used as a road, street or alley. A copy of the resolution, together with a draft or survey of the road, street or alley, showing location and width thereof, shall be filed with the clerk of the court of common pleas.

(b) When plans of dedicated roads, streets or alleys located in Townships have been approved and recorded under this Article, the Governing Body may by resolution accept any roads, streets or alleys as public roads if shown in the plans as dedicated to that use and if the roads or streets are not less than thirty-three feet in width and the alleys are not less than fifteen feet in width.

(c) Upon the filing with the clerk of court of common pleas of the county a certified and attested copy of the resolution, the roads, streets or alleys become a part of the public road system of the Township and shall be so recorded in the court.

#### Section 2717 Approval of Plans

(a) No person shall construct, open or dedicate any road or any drainage facilities for public use or travel without first submitting plans thereof to the Governing Body or its approval. The plans shall be prepared under rules and regulations adopted by the Governing Body and shall show the profiles of the roads, the course, structure and capacity of any drainage facilities, the method of drainage of the adjacent or contiguous territory and any other details that may be required under the rules or regulations adopted by the Governing Body. The Governing Body may alter the plans and specify any changes or modifications of any kind and may make its approval of the plans subject to those alterations, changes or modifications. The plans when so approved shall be signed by the Governing Body, and a copy shall be filed with the secretary of the Township. No road or drainage facilities shall be opened, constructed or dedicated for public use or travel except in compliance with plans approved by the Governing Body and until the approved plan is recorded as required in this section.

(b) If the Governing Body refuses to approve any plans submitted to it under this section, any person aggrieved by the action of the Governing Body may within thirty days appeal to the court of common pleas. The court shall hear the matter de novo and, after hearing, may enter a decree affirming, reversing or modifying the action of the Governing Body.

(c) The action of the Governing Body, or of the court on appeal, in approving any plans shall be

recorded by the person applying for the approval in the office of the recorder of deeds of the county.

(d) No person shall present to the recorder of deeds any plan that has not been approved by the Governing Body. Approval shall be so indicated on the plan presented for recording.

(e) If any road or any drainage facilities are opened, constructed or dedicated for public use or travel, except in compliance with plans approved and recorded, neither the Governing Body nor any public authorities shall be required to place, construct or operate any sewer, drain, water pipe or other facilities or do any work of any kind in or upon that road; and neither the Governing Body nor any other public authorities have any responsibility of any kind with respect to the road or drainage facilities even if they are in use by the public. Nothing in this act shall prevent the laying of trunk sewers, drains or water or gas mains if required by engineering necessity for the accommodation of other territory.

(f) Any person who constructs, opens or dedicates any road or any drainage facilities in connection therewith for public use or travel in any Township without having first complied with this section and any resolutions of the Governing Body commits a misdemeanor of the third degree and is subject to a suit for all costs and damages incurred by the Township or property owners in the course of correcting all substantive violations of State or municipal law or regulations resulting from or arising out of the unlawfully recorded plan. All fines and moneys so recovered shall be paid to the Township treasurer.

(g) No approval of plans by the Governing Body shall obligate or require the Township to construct, reconstruct, maintain, repair or grade the roads.

Section 2718 Markers and Monuments The Governing Body and its agents may enter any land and property and maintain marks and monuments in carrying out its powers and duties under this article.

Section 2719 Power to Open Drains and Ditches

(a) The Governing Body or its agents may enter any lands or enclosures and cut, open, maintain and repair drains or ditches through the property when necessary to carry the water from the roads.

(b) Any person who damages or diverts any drain or ditch without the authority of the Governing Body commits a summary offense and is liable for the cost of restoring the drain or ditch. All fines and moneys so recovered shall be paid to the Township treasurer.

Section 2720 Permits No railroad or street railway shall be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in, any portion of the Township road except under conditions, restrictions and regulations specified in permits granted by the Township for that purpose. Each application shall be submitted to the Township in duplicate. The Township shall collect a fee as determined by the Department of Transportation for processing the application and another fee for making the inspection. Each application shall be accompanied by both fees. When the Township grants the permit, the Governing Body or its agents shall inspect the work authorized by the permit upon the completion thereof and, when necessary, enforce compliance with the conditions, restrictions and

regulations specified by the Township. In addition to that inspection, the Governing Body or its agents may reinspect the work not more than two years after its completion, and, if any settlement of the road surface or other defect appears in the work contrary to the conditions, restrictions and regulations of the Township, it may enforce compliance therewith. If the applicant fails to rectify a defect which presents an immediate or imminent safety or health problem within forty-eight hours or any other defect within sixty days after written notice from the Governing Body to do so, the Governing Body or its agents may do the work and impose upon the applicant the cost thereof, together with an additional twenty percent of the cost, which may be recovered by an action in assumpsit in the court of common pleas of the county. All fees received by the Township shall be paid into the Township treasury. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within five days after completion of the work, after which time the remaining provisions of this section apply.

Section 2721 Penalty for Destroying Signs A person shall not destroy, remove, injure or deface any sign legally erected upon or near any public street, road or bridge by the Governing Body, or by any club, association or other organized body, for the direction, guidance or safety of travelers. A person shall not destroy, remove, injure or deface any temporary traffic-control device legally erected to enhance traffic or worker safety in a construction or maintenance work zone, including, but not limited to, cones, batons, barrels, barricades, signs, sign trucks, arrow boards or other devices specified in a traffic safety plan approved by the Township or the Department of Transportation. Any person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for the first offense and a mandatory fine of five hundred dollars (\$500) for the second or any subsequent offense, with costs of prosecution, together with the value of the destroyed, removed or defaced sign. All fines and moneys imposed and collected shall be paid to the Township treasurer.

Section 2722 Protection of Highways from Snowdrifts

(a) The Governing Body may enter private property adjacent to any public road or highway and place thereon a snow fence to within a limit of one hundred feet from the right-of-way line of the public road in order to eliminate snow drifting on the traveled portion of the public road.

(h) A snow fence may not be placed before the first day of November or remain in place after the first day of April of the succeeding year unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of the snow fence.

(c) If the Governing Body and the owner of the property upon which a snow fence is placed and removed under this section cannot agree to the amount of compensation, if any, to be paid to the owner for placing the fence, including the amount of damages, if any, to be paid for injury to the property resulting from placing and removing the fence, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in the manner provided in this act for eminent domain proceedings. Damages, if any, when ascertained shall be paid by the Township from the general Township fund.

Section 2723 Saving Trees and Shrubbery

- (a) The Governing Body or its agents shall not remove any shrub or tree growing within the right-of-way of any Township road or street except those shrubs and trees the Governing Body finds to constitute a hazardous or dangerous condition to the use of the highway or those which impair the use or maintenance of the public road or street. No tree having a trunk diameter in excess of six inches shall be removed without notice of the proposed removal having first been given to the abutting property owner. The Township supervisors shall determine by resolution the form of notice to property owners.
- (b) All logs, cordwood, branch wood or other forms of wood derived from the destruction or removal of any trees growing along the highways shall be surrendered to and remain the property of the abutting owners.
- (c) The Governing Body may clear out brush and other refuse along the sides of the road to the legal width thereof. All clearing and removal of brush and refuse shall be confined to growth that is within the right-of-way and to the removal of branches that in any way interfere with public travel. No other injury by fire, cutting, abrasion or otherwise shall be done to the standing timber.
- (d) Any person who violates the provisions of this section commits a summary offense. All fines shall be paid into the general Township fund.
- (e) Nothing in this section prevents the Governing Body or roadmasters or other persons in their employ from removing roadside trees which may be thrown down by wind or lodged in a position as to be a menace to public travel or which, by reason of any other cause, may become a source of danger to the public.

Section 2724 Obstructions and Nuisances Any person who obstructs any public road or commits any nuisance thereon by felling trees, making fences, turning the road, diverting water onto or in any other way and who does not, on notice given by the Governing Body, immediately remove the obstruction or nuisance and repair the damages done to the road commits a summary offense. Nothing in this section shall debar a prosecution for any nuisance as in case of misdemeanor at common law.

Section 2725 Traffic Lights and Signals The Governing Body may provide for the erection, maintenance and operation of traffic lights and traffic signals in accordance with 75 Pa. C.S. (relating to vehicles).

Section 2726 Regulation of Parking

- (a) The Governing Body may by Ordinance regulate parking, provide parking accommodations to promote the convenience and protection of the public, post signs regulating parking in areas established or designated for handicapped or severely disabled veteran parking and impose penalties for the violation of those regulations.
- (b) The Governing Body may provide for the erection, maintenance and regulation of parking meters, and it may by Ordinance establish parking meter charges and impose penalties for the violation of those regulations.

Section 2727 Naming of Streets The Governing Body may provide for and regulate the naming of streets, roads and highways. When the naming of a street, road or highway will affect signing maintained by the Department of Transportation, the Governing Body shall notify the department.



Section 2728 *Bike Paths* The Governing Body may provide for the construction and maintenance of bike paths for the protection or convenience of the traveling public.

Section 2729 *County Bridges* When the cost of construction or maintenance of a bridge located within the Township is paid in whole or in part by the county, the Governing Body may make agreements for the maintenance and repair of the bridge.

Section 2730 *Boundary Roads and Bridges*

(a) When any road or bridge, other than a State or county road or bridge, is created or located along, on or over boundaries between Townships and any other municipal corporation, the creation, location, construction, maintenance and repair of the road or bridge shall be the joint responsibility of the Township and the municipal corporation with which the common boundary is shared.

(b) The Governing Body may make agreements with any adjacent municipal corporation to provide for the apportionment of the cost of construction, repair and maintenance of boundary roads or bridges.

(c) If an amicable agreement on the proportionate share of costs of construction, repair and maintenance of boundary roads or bridges cannot be executed, the Governing Body or the governing body of the other municipal corporation involved may petition the court of common pleas of the county or counties for a determination of the rights and responsibilities of the respective municipal corporations involved.

## **ARTICLE XXVIII    SIDEWALKS, FOOTPATHS AND CURBS**

### Section 2801 *Location, Lines, Grades and Width of Curbs, Sidewalks or Footpaths; Costs*

(a) The Governing Body may by Ordinance regulate the line, grade and width of curbs, sidewalks or footpaths constructed along the roads or highways in the Township, shall have general supervision over them and may establish a grade or grades for curbs, sidewalks or footpaths, which grade or grades may be separate and apart from the grade or grades established for the cartway or roadway.

(b) The costs of construction of sidewalks, footpaths or curbs may be paid by one of the following methods:

(1) The Board of Supervisors, upon the request of any landowner whose land fronts upon a public road or highway within the Township, may establish a sidewalk or curbs along one or both sides of the road or highway along the lands of the owner. When the sidewalks or curbs are established, the landowner shall pay for the construction of the sidewalks or curbs and keep them in repair.

(2) The Board of Supervisors may construct sidewalks or curbs along the roads or highways, upon the petition of property owners representing a majority in number of feet front of the properties abutting on the roads or highways where the sidewalks or curbs are to be constructed. When a petition is filed with the Board of Supervisors, the property owner shall be given notice by the Board of Supervisors to construct the sidewalk or curb. If the owner fails to complete the sidewalk or curb within a period of sixty days after the receipt of the notice, the Board of Supervisors may construct the sidewalk or curb. When any sidewalk or curb is constructed by the Board of Supervisors, the expense of the construction of the sidewalk or curb shall be paid by the abutting property owners in proportion to their frontage. If the owners fail to pay the expenses of the construction of the sidewalk or curb, the Board of Supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.

(3) The Board of Supervisors may by ordinance in absence of a petition, provide for the construction, reconstruction and repair of sidewalks and curbs within the Township. When any sidewalks or curbs are constructed, reconstructed or repaired by the Board of Supervisors under the ordinance, the expense of the construction of the sidewalks or curbs shall be paid by the abutting property owners in proportion to their frontage, but no owner shall be liable for the cost of construction of the sidewalk or curb in an amount greater than fifteen percent of the assessed valuation of the abutting property. Any expense above the maximum liability of abutting property owners shall be paid by the Township. If abutting property owners fail to pay the expenses of the construction of the sidewalks or curbs for which they are liable, the Board of Supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties under law for the filing and collection of municipal liens.

(4) When the Board of Supervisors establishes that any part of any road or highway is dangerous to the traveling public and the danger could be materially reduced or lessened by the construction of a sidewalk, curb or footpath, the Board of Supervisors may lay out and construct a sidewalk, curb or footpath along the dangerous portion of the road or highway at Township expense.

(c) All assessments for costs levied under this article shall be filed with the Township treasurer and collected under section 2202(a).

## **ARTICLE XXIX    PARKS, RECREATION CENTERS AND FORESTS**

Section 2901 Acquisition of Lands and Buildings The Governing Body may designate lands or buildings owned, leased or controlled by the Township for use as parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, public parks and other recreation areas and facilities and acquire lands or buildings by lease, gift, devise, purchase or by the exercise of the power of eminent domain for recreational purposes and construct and equip facilities for recreational purposes.

Section 2902 Recreation Facilities Employees The Board of Supervisors may employ persons to maintain the recreation facilities or supervise the use of the recreation facilities.

### Section 2903 Regulation of Parks and Public Amusements

(a) The Governing Body may, by Ordinance, regulate the use and enjoyment by the public of any park or recreation grounds owned and operated by the Township or charitable organizations for the use of the public.

(b) The Board of Supervisors may prescribe rules for the use by the public of parks and recreation grounds and the facilities and amusements connected therewith and post the rules at conspicuous places in the parks or recreation grounds. Any person who violates the rules commits a summary offense.

(c) The Governing Body may by Ordinance regulate the time of opening and closing and the conduct of places of public entertainment, amusement and recreation.

(d) The Governing Body may by Ordinance or resolution appropriate funds for recreation programs not directly sponsored by the Township.

### Section 2904 Creation of Recreation Boards

(a) The Governing Body may by Ordinance create a recreation board to supervise, regulate, equip and maintain Township-funded recreation programs and facilities. The recreation board has only those non-legislative powers specifically delegated to it by the Governing Body.

(b) Recreation boards, when established, shall consist of five, seven or nine persons. The members shall be appointed by the Board of Supervisors and shall serve for terms of five years or until their successors are appointed, except that the members first appointed shall be appointed so that the terms of not more than two members expire annually. Members shall serve without pay but may be reimbursed by the Township for all expenses incurred in performing their duties. All persons appointed shall serve their full terms unless voluntarily resigned or removed by the Board of Supervisors for dereliction or neglect of duty. Vacancies occurring other than by expiration of term shall be for the unexpired term and shall be filled in the same manner as original appointments.

(c) The members of a recreation board shall elect a chairman and secretary and select all other necessary officers to serve for a period of one year. The recreation board may adopt rules and regulations for the conduct of all business within its jurisdiction and exercise powers and functions concerning parks and recreation facilities not in conflict with this Charter, as may be delegated to it by the Governing Body. The recreation board shall submit an annual report to the

Board of Supervisors, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and leadership.

Section 2905 *Joint Ownership and Maintenance* The Board of Supervisors may join with any one or more municipal corporations, counties or school districts to acquire, create, equip, maintain and operate any park or recreation area to serve residents of the Township under the act of July 12, 1972 (P.L. 762, No. 180), referred to as the Intergovernmental Cooperation Law.

Section 2906 *Expenses for Maintenance* All expenses incurred in the operation of parks, recreation areas and facilities are payable from the general Township fund or from the treasury of the municipal corporations, counties or school districts under the agreement of those bodies.

Section 2907 *Forest Lands*

- (a) The Township may acquire, by purchase, gift or lease, and hold tracts of land covered with forest or tree growth, or suitable for the growth of trees. The tracts may be of any size and may be located inside or outside the Township limits.
- (b) When the Governing Body intends to acquire any lands for forests, it shall so declare by an Ordinance, setting forth all facts and conditions relating to the proposed action.
- (c) The rules governing the administration of the forests shall have for their main purpose the preservation and protection of natural communities and ecosystems.
- (d) All revenue and emoluments arising from the forests shall be paid into the general Township fund.
- (e) Township forests may be used by the public as general outing or recreation grounds, subject to the rules adopted by the Governing Body.
- (f) When the Governing Body decides to sell or lease any Township forest, or part thereof, it shall so declare by an Ordinance, setting forth all the facts and conditions relating to the proposed action. No Ordinance shall be effective until it has been approved by a majority vote of the electorate at the next ensuing municipal or general election.
- (g) The Board of Supervisors may, on behalf of the Township, accept the title to lands which may be donated to the Township.

## **ARTICLE XXX      SHADE TREE COMMISSION**

Section 3001 *Right of Establishment* The Board of Supervisors may regulate the planting, maintenance and removal of shade trees in the Township, or it may appoint a shade tree commission to administer regulations for shade trees.

Section 3002 *Commission Members; Appointment; Terms; Vacancies* A shade tree commission shall be composed of three members who shall be residents of the Township. The initial terms of members shall be for periods of three years, four years and five years respectively. All subsequent terms shall be for a period of five years. Members of the commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Vacancies in the office of shade tree commissioner shall be filled by the Board of Supervisors for the unexpired term.

Section 3003 *Powers May be Vested in Recreation Board* When there exists a board for the care of public parks, the Governing Body may by Ordinance confer on the recreation board all the powers and duties under this article for a shade tree commission.

Section 3004 *General Powers of Commission* The shade tree commission has exclusive control of the shade trees in the Township and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the Township, excluding State highways.

Section 3005 *Hiring of Employees* The shade tree commission may with the approval of the Board of Supervisors employ persons to perform the duties and directions of the commission and make, publish and enforce regulations for the care and protection of the shade trees of the Township. No regulations shall be in force until approved by the Board of Supervisors and until published at least once in a newspaper of general circulation in the Township.

Section 3006 *Report of Commission* The shade tree commission shall annually report to the Board of Supervisors its transactions and expenses for the preceding fiscal year of the Township.

Section 3007 *Removal of Diseased or Dangerous Trees*

(a) The shade tree commission or, if no commission exists, the Governing Body may by Ordinance require owners of property to cut and remove trees located on the property if the condition of the trees, through disease or otherwise, unreasonably affects or interferes with the health, safety or welfare of the public or the right of the public to the unobstructed use of public roads or property.

(b) If within thirty days after the date of notice by certified mail, return receipt requested, to remove the trees, the property owner has not complied with that order, the commission or the Board of Supervisors may enter the premises and remove the trees.

(c) The cost of cutting and removal of trees by the Township shall be charged to the property owner. The charge shall be a lien against the real estate of the property owner and shall be collected in the same manner as other municipal liens.

Section 3008 Maintenance by Township Funds The shade tree commission shall annually certify the costs incurred under this article to the Board of Supervisors. The costs shall be paid from the general Township fund.

Section 3009 Penalties The shade tree commission, to the extent provided by ordinance of the Township, may assess penalties for the violation of its regulations and of this article as far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.

Section 3010 Disposition of Penalties All penalties or assessments imposed under this article shall be paid to the Township.

## **ARTICLE XXXI    STREET LIGHTS**

Section 3101 *Lighting* The Board of Supervisors may light and illuminate the highways, roads and other public places of the Township and remove, alter or improve lighting as may be appropriate and in the best interests of the Township and make contracts for securing and maintaining a supply of light.

### Section 3102 *Street Light Districts*

(a) The Board of Supervisors may provide streetlights and make regulations therefor within the Township or within any district of the Township established by the Board of Supervisors for that purpose.

(b) Upon receipt of a petition signed by seventy percent of the property owners within any defined area of the Township, the Board of Supervisors shall establish the defined area as a lighting district or include the defined area within an existing lighting district and shall provide public lighting within the area.

(c) The Board of Supervisors may contract with electric lighting companies to light and illuminate roads and highways and other public places, so long as such contract is in compliance with the Township's Sustainable Energy Policy.

### Section 3103 *Costs*

(a) The Board of Supervisors may pay for the cost of public lighting by any one or a combination of the following means, whether the installation of the lighting was initiated by action of the Board of Supervisors or by petition:

(1) From the general fund.

(2) Through uniform annual assessments made upon benefited properties on the foot-front basis.

(3) By uniform annual assessment upon each property benefited.

(4) By an equal assessment upon each property benefited, based upon the assessment for county tax purposes.

(5) By any combination of the above methods or other equitable means of assessment as the Board of Supervisors may determine.

(b) If public street lighting is currently in existence and is being paid for by a certain means or method, the Board of Supervisors may alter or amend the means of assessing the cost of the lighting.

(c) Properties are subject to assessment for this purpose, whether or not the property is exempt from taxation by existing law.

(d) If the foot-front method of assessment is used, the assessment shall be by equal assessment on all property in proportion to the number of feet the property fronts on the street or highway or portion thereof to be lighted. The Board of Supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable. No assessment shall be made against any farmland, but vacant lots between built-up sections, whether tilled or not tilled, are not farmland. The assessment for each foot front against vacant lots shall be only twenty-five percent of the assessment for each foot front against property with improvements.

(e) All annual assessments for streetlights shall be filed with the Township tax collector under

section 2201(a). The assessment may be billed on the annual real estate tax bill for general Township purposes if authorized by the Board of Supervisors.



## **ARTICLE XXXII PUBLIC BUILDINGS**

Section 3201 Township Buildings The Governing Body may procure by purchase, gift, devise or the exercise of eminent domain a lot or lots of ground located within the Township and erect or use buildings thereon for Township purposes. No land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary or place of public worship shall be taken or appropriated under this section.

Section 3202 Use of Public Land Acquired for Other Purposes When the Governing Body desires to take any public lands previously granted or dedicated to a use or purpose for which they are no longer used, it shall pass an Ordinance declaring its intention and shall petition the court of common pleas for leave to file the bond of the Township to secure any person or persons who may be entitled to compensation for the taking. The court shall direct notice to be given by publication in at least one newspaper circulating generally in the Township. The court may increase the amount of the bond, shall hear all exceptions that are filed against the petition and the sufficiency of the bond and may grant or deny the request of the petition. Upon the granting of the petition and the approval of the bond, the Board of Supervisors may enter lands for the purposes of erecting public buildings.

Section 3203 How Damages Are Assessed The compensation and damages arising from taking, using and appropriating private or public property for Township purposes shall be ascertained, determined, awarded and paid under the provisions of this Charter for eminent domain proceedings.

Section 3204 Garages and Warehouses The Board of Supervisors may purchase or lease land inside or outside the limits of the Township and erect garages, warehouses or other buildings as may be necessary for handling and storing equipment, materials and supplies.

## **ARTICLE XXXIII STORM WATER MANAGEMENT PLANS AND FACILITIES**

Section 3301 Storm Water Management Systems Authorized The Board of Supervisors may plan, design, construct, assemble, install and alter facilities, including, but not limited to, inlets, outlets, systems of piping, diversion terraces, grass waterways, energy dissipaters, storm water retention devices and natural or artificial infiltration areas, to manage surface water runoff.

Section 3302 Construction of Storm Water Management Facilities The Governing Body may acquire by purchase, deed of dedication or eminent domain proceedings all or part of any existing system or facility for the management of surface water runoff which may have been established or constructed by any property owner in the Township or establish, construct and maintain systems or facilities in the best interest of the Township.

Section 3303 Ordinances The Governing Body may enact storm water management Ordinances and require persons conducting earthmoving activities to obtain approval from the Governing Body for those activities.

## ARTICLE XXXIV EMINENT DOMAIN

Section 3401 *Private Property and Eminent Domain* The power of eminent domain shall not be delegated to any person, agency, institution or corporation, nor shall the People of Blaine Township recognize as legitimate its exercise by any authority but that of the People. The taking of private property shall be justified only for a public use that expands or upholds rights that failure to exercise eminent domain powers would otherwise harm. The Township shall not take private property or apply private property to any public use without specific authorization directly from the People through a public referendum, nor without the Township first making or securing just compensation. In any assessment of damages, corporations shall have no claim to “future lost profits” as property interests and thus corporations shall not have standing to recover damages for unrealized gains because of the exercise of the power of eminent domain by Blaine Township. In all instances where the power of eminent domain is mentioned within this Charter, its exercise must conform to the limitations, obligations, and conditions of this Article.

Section 3402 *Scope of Article* When the power of eminent domain or the ascertainment and assessment of damages and benefits in viewer proceedings is exercised by the Township, the proceeding shall be as set forth in this Article.

Section 3403 *Title Acquired* When land or property is taken under eminent domain proceedings, other than for road purposes, or is acquired by gift, purchase or otherwise, the title obtained by the Township is in fee simple. In particular instances, a different title may by agreement be acquired.

Section 3404 *Assessment of Damages and Benefits* The damages may be paid in whole or in part by the Township or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the findings to the court. The total assessment for benefits shall not exceed the total damages awarded or agreed upon. In no case shall a claim to “lost future profits” by a corporation or a person acting on behalf of or in a corporate capacity be included in the ascertainment and assessment of damages.

Section 3405 *Assessment Awards* In proceedings to assess damages and benefits, if the land or property is both benefited and damaged by the improvements, the excess of damages over benefits or the excess of benefits over damages, or nothing if the benefits and damages are equal, shall be awarded to or assessed against the owner of land or property affected thereby. In no case shall a claim to “lost future profits” by a corporation or a person acting on behalf of or in a corporate capacity be included in the assessment of awards.

Section 3406 *Assessments to Bear Interest* All assessments for benefits and costs shall bear interest at six percent annually from the expiration of thirty days after they have been finally ascertained and shall be payable to the Township treasurer.

## ARTICLE XXXV WASTE POLICY

Section 3501 Right to Establish a Waste Policy The residents of Blaine Township possess a right to establish policies to protect the human and natural communities of the Township from harms imposed by imported wastes. That right includes the right to make laws that prohibit the importation, storage, transfer, processing, treatment, disposal or “beneficial use” of waste materials generated outside of Blaine Township within its jurisdiction. The human and natural communities of Blaine Township possess inalienable rights, including the right not to be trespassed upon by toxic or potentially toxic substances, the right to a healthy environment, and other rights enumerated in this Charter, and the people possess the power and authority to enforce laws of their Township that protect these rights.

Section 3502 Findings and General Purpose The general purpose of this Policy is to recognize that corporations engaged in certain types of waste storage, “beneficial use” and/or waste disposal within the Township constitute a threat to the health, safety, welfare, and rights of the residents of Blaine Township due to the limited liability of those corporations, which may prevent full recovery for damages in the event of injuries caused to Township residents and natural communities. That limited liability privilege shields and protects the individuals operating the corporation, and thus serves to thwart any deterrent effect from lawsuits brought to remedy injuries caused by those persons using the corporation to engage in waste disposal. The People of Blaine Township declare that persons using corporations to store or dump dredged material, coal ash, sewage sludge, hazardous waste, construction and demolition (C&D) waste, radioactive material, and other waste deemed by the Township to be hazardous, toxic, or dangerous, place the residents and environment of the Township at increasing risk, due to the harmful and dangerous composition of those wastes. The People of Blaine Township also declare that corporations, engaging in waste disposal in any neighboring municipality, that causes harm to residents of the Township, shall be held strictly liable for the migration of toxic and hazardous contaminants across municipal borders. The People of Blaine Township also declare that waste management, “beneficial use” of waste, waste disposal and mine “reclamation” corporations increasingly determine waste policy in the Commonwealth, and that the Township must take affirmative steps to subordinate the powers of those corporations to the will of the majority within Blaine Township.

Section 3503 Interpretation Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in section 3502 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

### Section 3504 Statements of Law

(a) Accumulation of Ashes, Garbage, Solid Waste and Refuse Materials The Board of Supervisors may prohibit accumulations of ashes, garbage, solid waste and other refuse materials upon private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof.

(b) Collection The Board of Supervisors may collect and remove, by contract or otherwise,

ashes, garbage, solid waste and other refuse materials and recyclables and prescribe penalties for the enforcement thereof. Any contract with refuse haulers may be made for a period not exceeding five years.

(c) Acquisition of Land The Board of Supervisors may acquire any real property and erect, maintain, improve, operate and lease, either as lessor or lessee, facilities for incineration, landfill or other methods of disposal, either inside or outside the limits of the Township, including equipment, either separately or jointly, with any county or municipal corporation in order to provide for the destruction, collection, removal and disposal of ashes, garbage, solid waste or other refuse materials, for the collection and storage of recyclable materials or for the composting of leaf and yard waste. The Board of Supervisors may provide for the payment of the cost thereof out of the funds of the Township. The Board of Supervisors may acquire land for landfill purposes, either amicably or by exercising the power of eminent domain, and maintain lands and places for the dumping of ashes, garbage, solid waste and other refuse materials.

(d) Charge for Services The Board of Supervisors may establish, alter, charge and collect rates and other charges for the collection, removal and disposal of ashes, garbage, solid waste, other refuse materials and recyclable materials, and the costs of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefore, and the amount due under any contract with any county or municipal corporation furnishing the services or facilities.

(e) Appropriations The Board of Supervisors may make appropriations to any county or municipal corporation for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal, disposal or marketing of ashes, garbage, solid waste, other refuse materials, recyclable materials or composted leaf and yard waste.

(f) Prohibitions on Importation of Waste Within Blaine Township it shall be unlawful for any person, corporation, or other entity to use a corporation or to assist a corporation to engage in the storage, transfer, "beneficial use," land application, or disposal of waste originating outside the Township, including but not limited to hazardous waste, coal ash, slag or slurry from mining, "frack water," carbon "sequestration," residual waste or materials derived from residual waste, sewage sludge, dredged material, PCB-containing waste, construction and demolition (C&D) waste, chemotherapeutic waste, infectious waste, or radioactive material as those terms are defined within Title 25, Chapter 271 *et seq.*, of the Pennsylvania Code, the Atomic Energy Act of 1954, and the definitions and provisions of this Charter.

Section 3505 Administration This policy shall be administered by Blaine Township.

Section 3506 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.

## ARTICLE XXXVI TOXIC TRESPASS POLICY

Section 3601 *Right to Establish a Toxic Trespass Policy* The residents of Blaine Township possess a right to establish policies to protect the people, natural communities and ecosystems from toxic trespass within the Township. That right includes the right to make laws that declare the involuntary intrusion of corporate produced, mined, transported and processed chemicals, toxins, radioactive materials and genetically modified organic materials into the bodies of Township residents and ecosystems of the community a form of trespass. The human and natural communities of Blaine Township possess inalienable rights, including the right not to be trespassed upon, the right to a healthy environment, and other rights enumerated in this Charter, and the people possess the power and authority to enforce laws of their Township that protect these rights.

Section 3602 *Findings and General Purpose* The People of Blaine Township recognize that over eighty thousand (80,000) corporate-produced chemicals are currently used in the United States, and that scientists estimate that over seven hundred (700) of those corporate-produced chemicals are now found within the body of every human. Only a small percentage of those chemicals have ever been screened for even one potential health effect, such as cancer, reproductive toxicity, developmental toxicity, or injury to the immune system. Among the approximately fifteen thousand (15,000) chemicals tested, few have been studied enough to conclude that there are no risks from exposure. Even when testing is done, each chemical is tested individually rather than in synergistic combinations that reflect actual human exposure in the real world.

The People recognize that one thousand eight hundred (1,800) new chemicals enter the stream of commerce annually – thus entering into the bodies of People, and into the air, water, soil, and food - with few of those chemicals tested for adverse impacts on human health or ecosystems. The People of the Township also recognize that sufficient data and experience exist for a reasonable person to conclude that a significant percentage of both currently used and newly manufactured chemicals are harmful to humans, animals, and ecosystems.

One purpose of this Article is to recognize that it is an inviolate, fundamental, and inalienable right of each person residing within the Township of Blaine to be free from involuntary invasions of their bodies by corporate chemicals. Since government is the People's means of protecting rights and enforcing laws that have that effect, and since it is the Township's responsibility to protect the health, safety, and welfare of the residents, it is inextricably the essence of that responsibility for the Township to protect residents against bodily chemical trespass. Therefore, the People of Blaine Township declare that persons owning and managing corporations that manufacture, distribute, sell and deposit chemicals and chemical compounds found to be trespassing on the bodies of residents of the Township, or into the ecosystems within Blaine Township, must be held liable for those trespasses. The People of Blaine Township also declare that the failure and refusal of the United States government and the government of the Commonwealth of Pennsylvania to ensure that corporate chemicals do not trespass on the residents of Blaine Township makes them jointly and severally liable for those trespasses.

Section 3603 Interpretation Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Section 3602 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

Section 3604 Statements of Law

(a) Poisoning is Trespass; Prohibition Against Toxic Trespass The deposition of toxic substances or potentially toxic substances within the body of any resident of Blaine Township, or into any natural community or ecosystem, which results from activities prohibited by provisions of this Charter, Ordinances of the Township, or through negligence, is declared a form of trespass, and is hereby prohibited. It shall be unlawful for any corporation engaged in activities prohibited by provisions of this Charter, or Ordinances of the Township to engage in the production, generation, distribution, use, transportation, mining, disposal or sale of toxic and potentially toxic substances within the Township.

(b) Culpable Parties Persons owning or managing corporations which manufacture, generate, sell, mine, distribute, apply, transport, use or dispose of toxic or potentially toxic substances detected within the body of any resident of Blaine Township or within any natural community or ecosystem within the Township and that through negligence, or by engaging in activities prohibited by provisions of this Charter, or Ordinances of the Township, shall be deemed culpable parties, along with the corporation itself, for the recovery of trespass damages, compensatory damages, punitive damages, and the instatement of permanent injunctive relief. If more than one corporation manufactured or generated the detected toxic or potentially toxic substance, persons owning and managing those corporations, along with the corporations themselves, shall be held jointly and severally liable for those damages, in addition to being subject to injunctive relief.

(c) Provision of Information Corporations that through negligence, or by engaging in activities prohibited by provisions of this Charter, or Ordinances of the Township, and that manufacture, generate, sell, mine, distribute, apply, transport, use or dispose of toxic or potentially toxic substances detected within the body of a Township resident, shall provide information about the manufacture or generation of those chemicals to the municipality sufficient for a determination by the municipality of the culpability of that particular corporation for the manufacturing or generation of a particular toxic or potentially toxic chemical.

(d) Duty of the Township It shall be the duty of the Township to protect the right of Township residents, natural communities and ecosystems to be free from chemical trespass under the provisions of this Charter, and to obtain damages for any violation of that right. If the presence of toxic or potentially toxic substances is detected within the body of any Township resident, or within a natural community or ecosystem within the Township, the municipality shall initiate litigation to recover trespass, compensatory, and punitive damages – and permanent injunctive relief - from all culpable parties. If a significant number of Township residents have been similarly trespassed against, the municipality shall select representative plaintiffs and file a class action lawsuit on behalf of all Township residents to recover trespass, compensatory, and punitive damages – and permanent injunctive relief - from all culpable parties.

(e) Strict Liability Persons, corporations, and other entities engaged in the manufacture, generation, sale, mining, distribution, application, transportation, use or disposal of toxic or

potentially toxic substances within the Township shall be strictly liable for the deposition of toxic substances and potentially toxic substances into the bodies of residents of the Township and within natural communities and ecosystems within the Township when that trespass occurs through negligence, or by engaging in activities prohibited by provisions of this Charter, or Ordinances of the Township. Culpable parties shall be deemed strictly liable if one of their toxic or potentially toxic substances is discovered within the body of a Township resident or within any natural community or ecosystem within the Township. The municipality's showing of the existence of that substance within the body of a resident living in the Township or within a natural community or ecosystems within the Township, and the municipality's showing that the Defendant(s) are responsible for the manufacture, generation, sale, mining, distribution, application, transportation, use or disposal of that substance within the Township, shall constitute a *prime facie* showing of causation under a strict liability standard. Current and future damages resulting from the culpable parties' trespass shall be assumed, and the burden of proof shall shift to the culpable parties for a showing that the substance could not cause harm or contribute to causing harm, either alone or in combination with other factors, or that the culpable parties are not responsible for the trespass of that particular substance into the body of residents of the Township or within a natural community or ecosystem within the Township.

(f) Testing The Township shall select a laboratory with expertise in the testing for toxic substances and potentially toxic substances, including, but not limited to, those chemical compounds and other substances defined as toxic or potentially toxic in this Charter. The Township shall provide financial resources for the first ten residents who request to be tested for the presence of toxic substances and potentially toxic substances within their bodies, and make all reasonable efforts to provide financial resources for the testing of additional residents.

(g) Permits Void No permit, license, privilege or charter issued by any State or federal Regulatory Agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Article or deprive any Township resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within the Township of Blaine. Additionally, any employee, agent or representative of any State or federal Regulatory Agency, Commission or Board who issues a permit, license, privilege or charter to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Charter or deprive any Township resident(s), natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to the Township of Blaine for restoration of those natural communities and ecosystems.

Section 3605 Administration This policy shall be administered by Blaine Township.



Section 3606 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.

## **ARTICLE XXXVII SUSTAINABLE AGRICULTURE POLICY**

Section 3701 *Right to Establish a Sustainable Agriculture Policy* The residents of Blaine Township possess a right to establish policies to promote and support locally-based, sustainable agriculture within the Township. That right includes the right to make laws that support a system of agriculture which is economically and environmentally sustainable, which supports the ability of farms to produce food indefinitely - without causing damage to ecosystems, which sustains the economic viability of independent farm operations, and which does not violate the rights secured by this Charter.

Section 3702 *Purpose* One purpose of this policy is to recognize and protect the inalienable rights of the residents and natural communities of Blaine Township including but not limited to those enumerated in this Charter, particularly the Right to Self-Government in the place of residence, to Establish Sustainability Policies, to Water, to Self, to a Healthy Environment, to Home and Livelihood, and to Cultural Heritage.

The people of Blaine Township understand that responsibility for remedying or simply enduring harmful industrial farming practices, both locally and globally, is borne predominantly by the public. State and federal authorities regularly sanction damaging industrial and corporate behavior, and the people of Blaine Township recognize that they are forced to endure or attempt to repair the harm to their environment that they are told they have no commensurate authority to prevent, under current state and federal law. The people of Blaine Township adopt this policy as part of their Charter to correct that error.

The State of Pennsylvania and the federal government have bestowed legal protections and immunities upon corporations and those who benefit from them, and have disallowed the people from making those persons reaping financial benefits from harmful corporate activities bear responsibility for damage inflicted. In light of this fundamental denial of the right of the people to self-determination, the interference with ecosystems' right to exist and flourish, and the denial of the right to demand restitution for harms, the Township of Blaine, under authority of the people, subordinates corporations to the rights and self-governance of the people, prohibits corporations from violating rights, and to achieve the purposes herein outlined, enacts this Charter policy.

Section 3703 *Interpretation* Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Section 3702 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

### Section 3704 *Statements of Law*

(a) Corporations Shall Not Engage In Farming No corporation may acquire, or otherwise obtain an interest, whether legal, beneficial, or otherwise, in any real estate used for farming in this Township, or engage in farming. The phrase “engaging in farming” shall include corporate

involvement in the day-to-day management of a farming operation, corporate ownership of livestock, control over agricultural processes, or contractual arrangements entered into between an individual and a corporation in which control over the farm operation, the marketing of produce, or the ownership of animals, is transferred to the corporation.

(b) Exceptions The restrictions in section 3704(a) of this Charter do not apply to:

(1) A family farm corporation. A family farm corporation is a corporation engaged in farming or the ownership of agricultural land, in which seventy-five percent (75%) of the partnership interests, shares, stock, or other ownership interests are held by members of a family or a trust created for the benefit of a member of that family. In order to qualify for this exception, at least one of the family members in a family farm corporation shall reside on or be actively engaged in the day-to-day labor and management of the farm located within Blaine Township. Day-to-day labor and management shall require both daily and routine substantial physical exertion and administration. None of the corporation's partners, members, or stockholders may be nonresident aliens, or other corporations, unless all of the stockholders, members, or partners of such entities are persons related within the fourth degree of kinship to the majority of partners, members, or stockholders in the family farm corporation;

(2) Agricultural land acquired or leased, or livestock kept, fed or owned, by a cooperative organized under the laws of any state, if a majority of the shares or other interests of ownership in the cooperative are held by members in the cooperative who are natural persons actively engaged in the day-to-day labor and management of a farm, or family farm corporations, and who either (1) acquire from the cooperative, through purchase or otherwise, such livestock, or crops produced on such land, or

(3) Nonprofit corporations organized under state non-profit corporation law;

(4) Mineral rights on agricultural land;

(5) Agricultural lands or livestock acquired by a corporation by process of law in the collection of debts, or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise. Any lands so acquired shall be disposed of within a period of five (5) years and may not be used for farming before being disposed of, except under a lease to a family farm corporation, or a non-corporate farm. Any livestock so acquired shall be disposed of within six months;

(6) Agricultural lands held by a state or nationally chartered bank as trustee for a person, corporation, that is otherwise exempt from the provisions of this Charter, inclusive of this Article;

(7) A bona fide encumbrance taken for purposes of security;

(8) Custom spraying, fertilizing, or harvesting;

(c) Disqualification If a family farm corporation that has qualified under all the requirements of a family farm corporation ceases to meet the defined criteria, it has three months (if the ownership of the majority of the stock of such corporation continues to be held by persons related to one another within the fourth degree of kinship or their spouses, and their land holdings are not increased), to either requalify as a family farm corporation or dissolve and return to personal ownership.

(d) Animal and Livestock Surveillance Prohibited It shall be unlawful to require that animals within Blaine Township be “tagged” or “chipped” with electronic tracking devices, and any such requirement, law or rule shall constitute a violation of the right of the People of Blaine Township to be free from involuntary surveillance.

(e) Genetic Trespass Prohibited It shall be unlawful to plant, propagate or harvest genetically modified vegetation within Blaine Township. A violation of this prohibition, which results in an infestation of genetically engineered organisms or the pollination of any resident's crops or plants with the genetic traits of such organisms, shall be an unlawful trespass, and the land owner, grower, patent holder, and distributor of those genetically modified organisms shall be liable for damages and recovery of all costs associated with recovery of those damages and for the violation of the rights of natural communities and ecosystems.

(f) Agricultural Security Areas The agricultural security areas and conservation easements in effect prior to adoption of this Charter remain in effect to the extent that they do not conflict with the Sustainable Agriculture Policy or other provisions of this Charter.

Section 3705 Administration This policy shall be administered by Blaine Township

Section 3706 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.

## ARTICLE XXXVIII

## SUSTAINABLE WATER POLICY

Section 3801 *Right to Establish a Sustainable Water Policy* The residents of Blaine Township possess a right to establish policies to promote and support the sustainable use and management of water within the Township. That right includes the right to make laws that prohibit certain corporate activities, including but not limited to water withdrawal for export outside the Township, and damage to surface and subsurface water sources resulting from mining. All residents, natural communities and ecosystems in Blaine Township possess a fundamental and inalienable right to sustainably access, use, consume, and preserve water drawn from natural water cycles and sources that provide water necessary to sustain life within the Township. The Blaine Township Sustainable Water Policy is a responsible exercise of the People's authority to make binding decisions about water that vindicate the rights secured by this Charter.

Section 3802 *Purpose* The People of Blaine Township understand that responsibility for remedying or simply enduring harmful effects brought about by the privatization of water and corporate damage to natural water sources, is borne predominantly by the public. State and federal authorities regularly sanction damaging industrial and corporate behavior, and state and federal lawmakers and courts exercise preemptive authority over community attempts to prohibit harmful corporate behavior locally. Water is essential for the life, prosperity, sustainability and health of the community and damage to natural water sources imposes great tangible loss, to the People, natural communities and ecosystems of Blaine Township, not just for today but for future generations. The People of Blaine Township recognize that they are forced to endure or attempt to repair the harm to their environment and to their vital water supply, which they have no commensurate authority to prevent, under current state and federal law. The people of Blaine Township adopt this Sustainable Water Policy to correct that error.

While the State of Pennsylvania and the federal government have bestowed legal protections and immunities upon corporations and those who benefit from them, they have concurrently disallowed the people from making those persons reaping financial benefits from harmful corporate activities bear responsibility for damage inflicted. In light of this fundamental denial of the right of the people to self-determination, the interference with ecosystems' right to exist and flourish, the denial of peoples' freedom from chemical trespass, the denial of peoples' right to natural water cycles Blaine Township, under authority of the People, subordinates corporations to the rights and self-governance of the people, prohibits corporations from violating rights, and to achieve the purposes herein outlined, enacts this policy.

Section 3803 *Interpretation* Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Section 3802 of this Article, over such accounting and business terms characterized as "economy," "efficiency," and "scheduling factors."

Section 3804 *Statements of Law*

(a) Corporate Water Withdrawal Prohibited Within Blaine Township it shall be unlawful for any corporation to engage in water withdrawal for export and sale outside the Township. It shall be unlawful for any person to assist a corporation to engage in water withdrawal within Blaine Township for export and resale outside of Blaine Township. It shall be unlawful for any director, officer, owner, or manager of a corporation to use a corporation to engage in water withdrawal within Blaine Township for export and resale outside Blaine Township.

(b) Exceptions The people of Blaine Township hereby allow the following exceptions to the Statements of Law contained within Section 3804(a) of this Charter:

(1) Municipal authorities established under the laws of the State of Pennsylvania engaged in water withdrawals providing water only to residential and commercial users within Blaine Township;

(2) Nonprofit educational and charitable corporations organized under state non-profit corporation law, and qualified under §501(c)(3) of the federal Tax Code, which do not sell water withdrawn within Blaine Township outside of Blaine Township;

(3) Utility corporations operating under valid and express contractual provisions in agreements entered into between Blaine Township and those utility corporations, for the provision of service within Blaine Township;

(4) Corporations operating under valid and express contractual provisions in agreements entered into between persons in Blaine Township and those corporations, when the withdrawn water is used solely for on-site residential, household, agricultural, or commercial use within Blaine Township, provided that such commercial use does not involve the withdrawal of water for export and sale outside of Blaine Township, or involve the purchase of water withdrawn from Blaine Township for export and sale outside of the Township.

(c) Water Not to be Used for Mining It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to extract water from any source, whether surface or subsurface, within Blaine Township, for the purpose of engaging in mining activities.

(d) Water Not to be Damaged by Corporations It shall be unlawful for any corporation or any director, officer, owner, or manager of a corporation to use a corporation to damage natural water sources, whether surface or subsurface, within Blaine Township, including but not limited to aquifers, springs, wetlands, streams, creeks, rivers, lakes and ponds, and the compensatory value for loss or damage to those natural water sources resulting from or associated with mining activities shall be set at a dollar amount equal to or greater than the fair market value of all the mineral, fossil fuel or energy sources mined and extracted from Blaine Township by a mining corporation, as calculated from the time this Charter takes effect until such mining activities permanently cease. For damage to water sources resulting from or associated with non-mining corporate activities, the compensatory lost value of the water source shall be equal to or greater than the full market value of all materials produced, extracted or processed by a corporation in Blaine Township, as calculated from the time this Charter takes effect until such production, extraction or processing activities permanently cease. Monies collected by the Township for damage to natural water sources shall be used to restore that water source and ecosystem to its original state. Any remaining monies shall be used for environmental protection within the Township.

(e) Compensation to Township for Corporate Impact on Water Corporations and their directors, officers, owners and managers shall be liable to the Township for full compensation of damaged

water sources when surface or subsurface water sources are extracted, diverted, lost, damaged, altered, chemically trespassed upon or lessened in quality to any degree upon in the course of mining activities anywhere in the Township. The amount of compensation to be paid to the Township shall be equal to or greater than the fair market value for all the mineral, fossil fuel or energy sources mined and extracted by the corporation from beneath that surface estate, as calculated from the time this Charter takes effect until mining activities permanently cease. For damage to water sources resulting from or associated with non-mining corporate activities, the compensatory lost value of the water source shall be equal to or greater than the full market value of all materials produced, extracted or processed by a corporation in Blaine Township, as calculated from the time this Charter takes effect until such production, extraction or processing activities permanently cease. Monies collected by the Township for damage to natural water sources shall be used to restore that water source and ecosystem to its original state. Any remaining monies shall be used for environmental protection within the Township.

(f) Surface Estate Compensation for Corporate Damage to Water Corporations and their directors, officers, owners and managers shall be liable to the owner of the surface rights upon land where surface or subsurface water sources are extracted, diverted, lost, damaged, altered or chemically trespassed upon in the course of mining activities. The amount of compensation to be paid to the owner of those surface rights shall be equal to or greater than the fair market value for all the mineral, fossil fuel or energy sources mined and extracted by the corporation from beneath that surface estate, as calculated from the time this Charter takes effect until mining activities permanently cease. For damage to water sources resulting from or associated with non-mining corporate activities, the compensatory lost value of the water source shall be equal to or greater than the full market value of all materials produced, extracted or processed by a corporation in Blaine Township, as calculated from the time this Charter takes effect until such production, extraction or processing activities permanently cease. Monies collected by the owner of the surface estate for damage to natural water sources shall be used to restore that water source and ecosystem to its original state. Any remaining monies shall be used for environmental protection within the Township.

(g) Contracts with Water Companies and Municipal Corporations and Acquisition of Water Systems

(1) The Board of Supervisors may by contract with any private corporation or any adjacent municipal corporation owning a waterworks system provide water for public and private uses, to be delivered through lines owned by that company or municipal corporation within the Township. The contract shall provide the manner by which the cost of the water service shall be paid by the consumers.

(2) The Board of Supervisors may purchase or acquire a privately owned water system to provide water for public and private uses. If a privately owned water company fails to render service, the Governing Body may exercise the right of eminent domain to acquire the water system of the water company to provide water for public and private uses.

(3) The Township may by agreement connect with an existing water system owned by any adjacent municipal corporation.

(h) Water Lines and Connections The Board of Supervisors may contract with any private corporation or any adjacent municipal corporation owning a water system to provide water for public and private uses to be delivered into the lines of the Township at or near the boundary

thereof. The Board of Supervisors may by contract lay water lines and extensions and regulate the making of connections therewith.

(i) Connection to Water System: The Board of Supervisors may not require that abutting property owners of a water system provided by the Township or a municipality authority or a joint water board connect with and use the system. If any owner of property abutting the water system fails to connect with and use the system within ninety days after notice of the opportunity to do so has been served by the Board of Supervisors, all costs for connecting to the system after that time shall be the sole responsibility of the property owner.

(j) Water Rents The Board of Supervisors may provide for the collection of water rents from users of water supplied by the Township.

(k) Cost of Construction; How Paid All or part of the cost of construction of any water system constructed by the authority of this article may be charged upon the properties accommodated or benefited thereby.

(l) Joint Construction, Acquisition or Maintenance of Water Systems: The Township may join with any municipal corporation in the construction or acquisition and maintenance of water systems.

Section 3805 Administration This policy shall be administered by Blaine Township

Section 3806 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.



## **ARTICLE XXXIX SUSTAINABLE ENERGY POLICY**

Section 3901 *Right to Establish a Sustainable Energy Policy* The residents of Blaine Township possess a right to establish policies to promote and support the sustainable production and consumption of energy and extraction of fossil fuels within the Township. That right includes the right to make laws that declare certain energy production, consumption and extraction activities environmentally unsustainable, that support the ability of residents to enjoy a healthy and pleasant quality of life indefinitely, and that do not violate the rights as secured by this Charter.

### Section 3902 *Purpose*

(a) Declaration of Unsustainability The people of Blaine Township recognize that the current energy policy of Pennsylvania and the United States – based on non-renewable fossil fuels and radiation-creating nuclear fission for energy generation – is inherently destructive to the health of human and natural communities, requires tremendous infrastructure expenditures and military control over oil resources, results in atmospheric damage caused by global warming, and the emission of radiation harmful to all life. The people of this Township recognize that the energy policy of Pennsylvania and the United States has long been directed by a handful of oil and other energy corporations and the directors of those corporations. That control, in turn, has denied the ability of people and communities over the past century to create and implement their own sustainable energy futures – to make sane, logical, and appropriate decisions about energy investments and technologies.

(b) Declaration of Sustainable Energy Policy for Blaine Township The people of Blaine Township, exercising their right to establish sustainability policies for the Township, declare that they reject the current unsustainable and anti-democratic energy policy enabled and regulated by the Commonwealth of Pennsylvania and the United States and therefore, through this Article, adopt a sustainable, locally-defined energy policy based on truly renewable energy sources. Energy investments, production, transmission, and use within the Township of Blaine shall be guided by that principle, and that principle shall serve as the foundation for the development of an annual Sustainable Energy Plan for Blaine Township.

Section 3903 *Interpretation* Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Section 3902 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

### Section 3904 *Statements of Law*

(a) Unsustainable Energy Production It shall be unlawful for any person or corporation to engage in unsustainable energy production, or the manufacture of unsustainable energy sources, or to engage in the extraction, mining, distribution or transmission of unsustainable energy or unsustainable energy sources within Blaine Township.

(b) Unsustainable Energy Extraction, Specifically The Blaine Township Corporate Mining Policy, Article XL of this Charter, shall govern the extraction and mining of unsustainable energy sources and fuels.

(c) Unsustainable Energy Distribution It shall be unlawful for any person or corporation to engage in unsustainable energy distribution within Blaine Township. It shall be unlawful for a corporation to purchase or lease land or secure rights of way for use in the conveyance or distribution of unsustainable energy or unsustainable energy sources within Blaine Township.

(d) Unsustainable Energy Use The use of energy within Blaine Township generated from unsustainable energy production shall be reduced by 20% during each three year period, beginning within 60 days of publication of the first Sustainable Energy Plan, through the installation and use of sustainable energy systems, until the residents and businesses within the Township are relying on energy generated by unsustainable energy systems only for energy that cannot be generated by sustainable energy production. The goals set by this policy shall be based on an annual survey of energy consumption completed by the Sustainable Energy Committee; the methods for reaching these goals and the procedures for participation by residents shall be determined by the annual Sustainable Energy Plan.

(e) Exemption for Production and Distribution Corporations and persons using unsustainable energy systems to actively produce, extract or distribute unsustainable energy or fuels within the Township prior to, and on the date of, the adoption of this Charter shall be exempted from the operation of this Article only if those corporations and persons are producing, extracting or distributing unsustainable energy or fuels under a valid and pre-existing contractual agreement. This exemption only applies for the duration of the existing contractual arrangement under which corporations and persons are engaged in energy production, distribution or fuel extraction within the Township, and no such contractual arrangement shall be amended, transferred, sold or renewed.

(f) Annual Sustainable Energy Plan The Township shall adopt and publish an annual Sustainable Energy Plan for Blaine Township, identifying specific measures to which the Township is committed during each fiscal year to achieve the targeted reduction in unsustainable energy consumption. Revenue sources and application procedures for sustainable energy assistance shall be included in the annual Plan. Accordingly, the Township Board of Supervisors shall, within three months of adoption of this Charter, appoint a Sustainable Energy Committee, made up of five residents of the Township, to survey Township residences and businesses to make an assessment of energy consumption that is based on unsustainable energy production. Residential and business participation in each survey shall be voluntary, but only residences and locally owned and controlled businesses that participate shall be eligible for assistance from the Township in transitioning to sustainable energy systems. The Sustainable Energy Committee shall publish the first annual Sustainable Energy Plan within twelve months of the Committee being formed, and each year following.

(g) Financing Sustainable Energy Transition Blaine Township shall adopt all necessary financial measures, including the issuance of general revenue bonds, to assist and subsidize residents and locally owned and controlled businesses to transition from unsustainable energy systems to sustainable energy systems, and to create local jobs to attain that transition. At the discretion of the Township Board of Supervisors, these means and methods may include tax credits, subsidies or other financial incentives for private residences and locally owned and controlled businesses, to be applied by the recipients to the financing of a transition to sustainable energy systems, and

for no other purpose. Any resident or locally owned and controlled business seeking a tax credit, subsidy, or other financial incentive must produce evidence, records, or other proof of having installed or adapted residential sustainable energy systems as the Sustainable Energy Committee may define them.

(h) Certain Permits Invalid No permit, license, privilege or charter issued by any municipal, county, state or federal regulatory agency, commission, or board that would allow a person or corporation to violate the provisions of this Article or deprive any Township resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter shall be valid. This prohibition shall also apply to permits issued to corporations and persons engaging in unsustainable energy production, distribution, and extraction in a neighboring municipality, county, or state.

(i) Government Agents It shall be unlawful for any employee, agent, or representative of any municipal, county, state or federal regulatory agency, commission, or board to issue a permit, license, privilege, or charter to any person or any corporation operating under a State charter – or to any director, officer, owner, or manager of a corporation operating under a State-issued charter – that would violate the provisions of this Charter, or deprive any resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws. This prohibition shall also apply to permits issued to corporations and persons engaging in unsustainable energy production, distribution, and extraction in a neighboring municipality, county, or state.

(j) Governmental Agent Liability Any government agent violating the preceding section of this Article shall be liable to any parties injured by the agent’s actions and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney’s fees. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to the Township for restoration of those natural communities and ecosystems.

(k) Manufacture and Sale of Electricity The Township may engage in sustainable energy production by means of facilities owned or operated by the Township for the use of the inhabitants of the Township. The Township may make contracts for the sale of electricity to persons engaged in the business of the manufacture or sale of electricity.

(l) Regulation of Use and Prices The Township may govern the production and use of electricity in dwellings, business places and other places in the Township and the rate to be charged for electricity generated by the Township.

(m) Submission to Electors Before the Township constructs or purchases a power generating facility, the question shall first be submitted to the qualified voters of the Township.

Section 3905 Administration This policy shall be administered by Blaine Township.

Section 3906 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.

## **ARTICLE XL            CORPORATE MINING POLICY**

Section 4001 *Right to Establish a Sustainable Mining Policy* The residents of Blaine Township possess a right to establish policies to promote and support sustainable practices regarding mining within the Township. That right includes the right to make laws that prohibit environmentally unsustainable mining activities, that support the ability of residents to enjoy a healthy and pleasant quality of life indefinitely, and that do not violate the rights secured by this Charter.

Section 4002 *Purpose* In support of the enactment of the Blaine Township Corporate Mining Policy, the People of Blaine Township find and declare that:

Corporations engaged in mining activities in Western Pennsylvania have damaged and harmed - and continue to damage and harm - people's lives, properties, livelihood, their pursuit of happiness, and their quality of life.

Corporations engaged in mining have also damaged and harmed - and continue to damage and harm - ecosystems and natural communities. Those ecosystems and natural communities are essential for thriving human and natural communities – for both present and future generations.

Damages and harms to residents and ecosystems include subsidence of land and homes, loss of and damage to water, property devaluation, devastation of mountains and natural features, and destruction of complex natural communities, hydrological systems, and other ecosystems. In addition, a small number of multinational mining organizations – run by a handful of corporate Directors and Managers – have used accumulated corporate wealth gained from years of destructive corporate mining to enact statewide laws that strip almost all community decision-making from the citizens of Blaine Township.

The People of Blaine Township find that county, state, and federal governments have failed to protect and preserve either the health, safety, and welfare of residents and natural communities within the Township, or the fundamental right of Blaine Township residents to local control and self-government. The People find that the Pennsylvania Department of Environmental Protection – along with the State's entire environmental regulatory structure – have legalized continuing corporate assaults on life, liberty, and people's basic rights, contrary to the common-sense understanding of the purpose of the rule of law.

In addition, having examined the legacy of regulatory laws and agencies in Pennsylvania and the United States, the People clearly understand that the Department of Environmental Protection's enabling of mining corporations has not been the exception in this State and Nation, but a normal governmental practice.

The People of Blaine Township find that corporate mining in Western Pennsylvania is incompatible with the protection and preservation of the health, safety, and welfare of residents in Blaine Township; and that corporate mining is incompatible with the protection and

preservation of the health, safety, and welfare of natural communities and ecosystems within Blaine Township. The People of Blaine Township find that corporate mining – backed by laws which empower small numbers of corporate directors and managers to override the wishes and values of majorities of citizens – destroys the authority and ability of People within Blaine Township to govern their communities democratically.

As a community in the path of mining corporations seeking ore from under people’s homes and within people’s communities, the People of Blaine Township find it necessary to take action to prevent the creation of yet one more “sacrifice zone.” As we do so, we call for changes in corporate laws and constitutional interpretations regarding legal privileges conferred upon a corporate few, so that people in communities across this nation can take logical steps towards assuring energy needs without subjecting people, communities and nature to long-term destructions and rights-denials.

In order to protect the health, safety, and welfare of the residents of Blaine Township, the soil, groundwater and surface water, cultural heritage, the environment and its flora and fauna, rural quality of life, and democratic self-government within the Township, the Township finds it necessary to ban corporations from engaging in mining within the Township, and to ban corporate ownership of land and mineral estates used for mining. The People also find it necessary to assert their inherent power and right of self-government against competing claims to “rights” asserted by mining corporations, and to restore ownership over land and minerals within the Township to non-corporate mining interests.

Section 4003 Interpretation Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Section 4002 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

Section 4004 Statements of Law

(a) Corporate Mining Prohibited It shall be unlawful for any corporation to engage in mining activities within Blaine Township. It shall be unlawful for any person to assist a corporation to engage in mining activities within Blaine Township.

(b) Corporate Officers It shall be unlawful for any director, officer, owner, or manager of a corporation to use a corporation to engage in mining activities within Blaine Township.

(c) Rights of Nature It shall be unlawful for any corporation or its directors, officers, owners, or managers to interfere with the rights of natural communities and ecosystems to exist and flourish, or to cause damage to those natural communities and ecosystems. The Township of Blaine, along with any resident of the Township, shall have standing to seek declaratory, injunctive, compensatory, and punitive relief for damages caused to natural communities and ecosystems within the Township, regardless of the relation of those natural communities and ecosystems to Township residents or the Township itself. Township residents, natural communities, and ecosystems shall be considered to be “persons” for purposes of the enforcement of the civil rights of those residents, natural communities, and ecosystems.

(d) Water Not to be Used for Mining It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to extract water from any source in Blaine Township for the purpose of engaging in mining activities.

(e) Water Not to be Damaged by Mining It shall be unlawful for any corporation, or any director, officer, owner, or manager of a corporation to use a corporation, to extract, divert, damage, trespass upon or alter in quality any natural water source within the Township in the course of mining activities.

(f) Compensation to Township for Mining's Impact on Water Corporations and their directors, officers, owners and managers shall be liable to the Township for damage to natural water sources within the Township, when surface or subsurface water sources are extracted, diverted, lost, damaged, altered or chemically trespassed upon in the course of mining activities. Corporations engaged in mining activities that cause water to be extracted, diverted, lost, damaged, trespassed upon, or lessened in quality to any degree, after adoption of this Charter, shall pay compensation to the Township in the full amount of the value of all minerals, fuels and energy sources extracted from within the Township, calculated from the time this Charter takes effect until mining activities permanently cease.

(g) Surface Estate Compensation for Mining Damage to Water Corporations and their directors, officers, owners and managers shall be liable to the owner of the surface rights upon land where surface or subsurface water sources are extracted, diverted, lost, damaged, altered or chemically trespassed upon in the course of mining activities. The amount of compensation to be paid to the owner of those surface rights shall be equal to or greater than the fair market value for all the mineral, fuel or energy sources mined and extracted by the corporation from beneath that surface estate, as calculated from the time this Charter takes effect until mining activities permanently cease. The supply of water from other sources, whether transported or piped to the owner of the surface estate, shall not constitute sufficient compensation or restitution, but shall be required.

(h) Corporate Influence on Local Decision-Making It shall be unlawful for any corporation - or the corporation's directors, officers, owners, or managers operating in their corporate capacities - to transfer any monies, services, products, or any other thing of value, to persons serving as candidates for elected or appointed offices within the Township. It shall be unlawful for any corporation - or the corporation's directors, officers, owners, or managers operating in their corporate capacities - to contact, or to communicate with, any resident of Blaine Township concerning any issue related to the substance or enforcement of this policy, after the adoption of this Charter.

(i) Land Purchase It shall be unlawful for any corporation engaging in mining activities, or planning to engage in mining activities, to purchase any land, rights of way or mineral estates within the Township after the effective date of this Charter.

(j) Title Divestment Mining corporations holding existing titles to land to be used for surface mining, or holding existing titles to minerals to be extracted during mining operations, shall divest those titles within sixty (60) days of submitting a permit application to any State agency which seeks a permit to extract minerals within Blaine Township. Persons and entities holding title to surface estates shall possess the right of first refusal to purchase title to minerals beneath those estates. Mineral titles shall be available for purchase at the same price that the titles were originally purchased at the time of original severance from the surface estate. Mineral estates not sold to persons or entities holding title to the surface estate must be conveyed to other persons, or to entities that do not qualify as mining corporations under this Charter, within sixty (60) days of

submitting a permit application to any State agency seeking a permit to extract minerals within Blaine Township. Titles to land to be used for surface mining must be conveyed to persons, or to entities that do not qualify as mining corporations under this Charter, within sixty (60) days of submitting a permit application to any State agency seeking a permit to extract minerals within Blaine Township.

(k) Liability of Corporations in Neighboring Municipalities Persons using corporations to engage in mining in a neighboring municipality shall be strictly liable for all harms caused to the health, safety, and welfare of the residents of Blaine Township from those activities, and for all harms caused to ecosystems and natural communities within the Township.

(l) Illegitimacy of Permits and Public Servant Liability No permit, license, privilege or charter issued by any State or federal Regulatory Agency, Commission or Board to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Charter or deprive any Blaine Township resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be deemed valid within the Township of Blaine. Additionally, any employee, agent or representative of any State or federal Regulatory Agency, Commission or Board who issues a permit, license, privilege or charter to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the provisions of this Charter or deprive any resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to the Township of Blaine for restoration of those natural communities and ecosystems.

Section 4005 Administration This policy shall be administered by Blaine Township.

Section 4006 Effective Date and Existing DEP Permitholders This policy shall be effective immediately upon adoption of the Blaine Township Charter, at which point the policy shall apply to any and all mining corporations, and mining corporation employees, directors, and officers in Blaine Township regardless of the date of the applicable DEP permits.

Section 4007 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.

## ARTICLE XLI      ENFORCING THE RIGHTS OF NATURE

Section 4101 *Right to Establish a Policy to Enforce the Rights of Nature* All residents of Blaine Township possess a fundamental and inalienable right to a healthy environment, which includes the right to unpolluted air, water, soil, flora, and fauna, and the right to protect the rights of natural communities and ecosystems, upon which each resident is both intrinsically a part and dependent. Natural communities and ecosystems possess inalienable and fundamental rights to exist, flourish and naturally evolve within Blaine Township. Human and natural communities that have established sustainable interdependencies within a proliferating and diverse matrix of living organisms, including populations of wildlife, flora, fauna, soil-dwelling and aquatic organisms, coexisting within a natural ecosystem that includes the soil, hills, valleys, atmosphere, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights that the People and Township of Blaine have the authority, power, and duty to protect.

Section 4102 *Findings and General Purpose* The People of Blaine Township recognize that:

- (a) Governments are created to secure and protect inalienable and fundamental rights;
- (b) People and their communities are trustees of nature, and communities of nature and ecosystems form part of the natural trust;
- (c) It is well-settled law that trustees are required to protect and preserve the trust,
- (d) As trustees, People and communities are obligated to protect and preserve natural communities and ecosystems;
- (e) Natural communities and ecosystems are currently being destroyed, degraded, and weakened by corporations and other business entities;
- (f) Governments empower those corporations and other business entities through the bestowal of constitutional “rights” and powers upon them;
- (g) The environmental regulatory system merely regulates how quickly natural communities and ecosystems will be destroyed and degraded;
- (h) The environmental regulatory system has failed to protect and preserve natural communities and ecosystems because regulations focus solely on minimizing the adverse environmental impacts resulting from certain activities,
- (i) The environmental regulatory system fails to protect and preserve natural communities and ecosystems because it treats those communities and systems as property;
- (j) Creation and validation of the environmental regulatory system thus fails to satisfy the duties of humans and communities to be trustees of natural communities and ecosystems;
- (k) Recognition by humans and communities that natural communities and ecosystems have fundamental and inalienable rights is necessary to satisfy the obligation and duty of People and communities as trustees;
- (l) Creating a process for the legal enforcement of those fundamental and inalienable rights by People and communities is necessary to fulfill Peoples’ role as trustees for natural communities and ecosystems.



Section 4103 Specific Purpose The specific purpose of this Article is to acknowledge the inalienable, fundamental rights of nature, and establish an enforcement system whereby People and communities can protect and vindicate the rights of nature against actions taken by corporations and other business entities.

Section 4104 Interpretation Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Sections 4102 and 4103 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

Section 4105 Statements of Law

(a) Rights of Nature Natural communities and ecosystems possess inalienable and fundamental rights to exist and flourish, and no corporation or business entity – or persons acting in corporate or business capacities – shall deny those rights, cause harm, or interfere with the vitality or functioning of those communities or ecosystems.

(b) Living Creatures Part of Natural Communities Every living creature within the Township of Blaine possesses an inalienable and fundamental right to be an integral part of a community of nature and ecosystem, and no corporation or business entity shall deprive or deny living creatures that right.

(c) Limitation on Township Authority The Governing Body of the Township shall not make or enforce any law which shall abridge the rights of natural communities and ecosystems.

(d) Rights Not Enumerated are Retained The enumeration in this Charter, of certain rights, shall not be construed to deny or disparage others retained by natural communities, living creatures, and ecosystems within the Township of Blaine.

(e) Corporations and Rights of Nature It shall be unlawful for any corporation or its directors, officers, owners, or managers to interfere with the existence and flourishing of natural communities or ecosystems, or to cause damage to those natural communities and ecosystems. Such interference shall include but not be limited to the deposition of toxic chemicals and potentially toxic substances into natural communities and ecosystems in the Township.

(f) Duty of Township to Enforce When this Article or the underlying rights recognized by this Charter are violated, it shall be the duty of the Board of Supervisors of the Township to file an enforcement action against any corporation, business entity, or persons acting in corporate or business capacities. Such action shall seek to protect, preserve, and vindicate the rights of nature as recognized by this Charter. Any natural person shall also have the authority to file an action in the appropriate judicial forum against any corporation, business entity, or persons acting in corporate or business capacities, which has violated, is violating, or threatens to violate, the rights of animals or ecosystems within Blaine Township as outlined by this provision. Protecting, preserving, and vindicating the rights acknowledged in this Charter shall include seeking both punitive and compensatory damages against a corporation, business entity, and/or managers of those entities, under the authority of state and federal civil rights statutes.

Section 4106 Administration This policy shall be administered by Blaine Township.

Section 4107 Enforcement. For purposes of the enforcement of the rights acknowledged in this Article, natural communities and ecosystems shall be considered “persons” within 42 U.S.C. §1983 and other federal and state laws adopted to vindicate and enforce rights. The enforcement of these rights shall be in accordance with Article XLV and other applicable Articles and provisions of the Charter.

## ARTICLE XLII CORPORATIONS

Section 4201 *Right to Establish a Policy on Corporations* The residents of Blaine Township possess a right to establish policies to promote and support sustainable self-governance in the Township. That right includes the right to make laws that revoke certain privileges bestowed by government upon small cliques of people using corporations and exercising those privileges in ways that deprive the residents of Blaine Township of their right to govern themselves in this community

Section 4202 *Purpose* The People of Blaine Township recognize that:

- (a) A corporation is a legal fiction created and operated by the express permission of the people of Blaine Township as citizens of the Commonwealth of Pennsylvania;
- (b) Interpretation of the U.S. Constitution by unelected Supreme Court justices to include corporations in the term “persons” has long denied the peoples’ exercise of rights by endowing corporations with constitutional privileges intended solely to protect the citizens of the United States or natural persons within its borders. Enforcement of those corporate “rights” by courts and governments has long wrought havoc on the peoples’ democratic process;
- (c) Interpretation of the U.S. Constitution by Supreme Court justices to afford corporations the protections of the Commerce Clause (Article I, §8 of the Constitution of the United States) and the Contracts Clause (Article I, §10 of the Constitution of the United States) has prevented communities and governments from securing the health, safety, welfare, and rights of citizens and natural persons;
- (d) This illegitimate judicial bestowal of civil and political rights upon corporations prevents the administration of laws within Blaine Township and usurps basic human and constitutional rights guaranteed to the people of Blaine Township;
- (e) The illegitimate judicial designation of corporations as “persons” and the bestowal of constitutional rights upon corporations empowers corporations to sue municipal governments for adopting laws that violate corporate “rights”;
- (f) The illegitimate judicial designation of corporations as “persons” requires that municipal governments recognize corporations as legitimate participants in public hearings, zoning hearing board appeals, and other governmental matters in Blaine Township;
- (g) The illegitimate judicial designation of corporations as “persons” gives corporations First Amendment rights and unfettered access to elections. Those powers enable corporations to deny outright peoples’ First Amendment rights to debate and establish public policy on important issues;
- (h) Buttressed by those constitutional rights, corporate wealth enables corporations – and the few who run corporations - to wield the coercive force of law to overpower citizens and communities, thus denying the peoples’ exercise of their constitutional rights;
- (i) Democracy means government by the majority, with citizen rights secured to all. Only citizens of Blaine Township should be able to participate in the democratic process in Blaine Township and enjoy a republican form of government therein;

(j) Usurpation of the democratic process by corporations – and the few who run them - denies the rights of human persons to participate in their democracy in Blaine Township and enjoy a republican form of government therein;

(k) The ability of citizens of Blaine Township to adopt laws to protect the health, safety, and welfare of Township residents has been denied by the wielding of constitutional “rights” by corporations. The ability of the Blaine Township Governing Body to guarantee to residents a republican form of governance has been, and will be, denied by the wielding of constitutional “rights” by corporations.

Section 4203 Specific Purpose The specific purpose of this Article is to guarantee to the residents of Blaine Township their right to a republican form of governance by refusing to recognize the purported constitutional rights of corporations. By doing so, the People of Blaine Township seek to remedy current and future harms that corporations have caused - and will continue to cause - to the people of Blaine Township by the exercise of such “rights.”

Section 4204 Interpretation Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Sections 4202 and 4203 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

Section 4205 Statements of Law

(a) Corporations Not “Persons” Within Blaine Township, corporations shall not be considered to be “persons” protected by the Constitution of the United States or the Constitution of the Commonwealth of Pennsylvania.

(b) Corporations Not Afforded Same Rights As Township Residents Corporations chartered by government acquire their being, their authority, and their ability to act from the State. Within Blaine Township, corporations shall be prohibited from denying the rights of residents and shall be liable for any such deprivation or denial of rights. To ensure that the rights of the People to make self-governing decisions are never subordinated to the privileges of a few, corporations shall not be afforded the protections of the Commerce Clause (Article I, §8) of the United States Constitution; or the Contracts Clause of the United States Constitution (Article I, §10) and the Constitution of the Commonwealth of Pennsylvania (Article I, §17), as interpreted by the Courts, within Blaine Township.

(c) Corporations Subordinate to the People of Blaine Township Rights of Blaine Township residents secured by this Charter and by other local, state, or federal law cannot be subordinated by the rights of corporations. Accordingly, public and private corporations shall not enjoy privileges or powers under the law that make community majorities subordinate to them or have the effect of nullifying local law. Nor shall corporations possess the authority to enforce State or federal preemptive law against the people of Blaine Township.

(d) Right of the People to Govern Corporate Actions The people of Blaine Township shall have power and authority, through exercise of the initiative and referendum process, and through law making by their elected officials, to limit or prohibit activities by public and private corporations within Blaine Township.

(e) Future Profits Not Property Within the Township of Blaine, corporate claims to “lost future profits” or value speculated but not tangibly possessed shall not be considered property interests under the law, and thus, shall not be recoverable by corporations seeking those damages as a result of the enforcement of any Article, section, policy, prohibition, requirement or provision of this Charter or Ordinances of the Township.

(f) Corporate Disclosure of Violations Corporations shall comply with the Blaine Township Corporate Disclosure Policy.

(g) Municipal Corporations Subordinate to the People Use of the “Blaine Township” municipal corporation by the People of the Township to make law shall not be construed to limit or surrender the sovereign authority or immunities of the People to a municipal corporation that is subordinate to them in all respects at all times. The People at all times enjoy and retain an inalienable and indefeasible right to self-governance in the community where they reside. The Township of Blaine shall be the People’s convenient tool for self-governance responsible to, and governed by, the residents of the Township.

Section 4206 Administration This policy shall be administered by Blaine Township

Section 4207 Enforcement This policy, including civil rights provisions, shall be enforced in accordance with Article XLV of this Charter and other applicable Articles and provisions of the Charter.

## ARTICLE XLIII CORPORATE DISCLOSURE POLICY

Section 4301 Right to Establish a Corporate Disclosure Policy The residents of Blaine Township possess a right to establish policies to promote and support sustainable business practices within the Township. That right includes the right to make laws that ensure that the People of Blaine Township are aware of the activities engaged in by chartered corporations within Blaine Township, to limit or prohibit those activities and those corporations that pose a threat to the rights, health, safety, quality of life and welfare of the People and environment of the Township.

Section 4302 Purpose The purpose of this Charter provision is to protect the health, safety, and welfare of Blaine Township residents by ensuring that the Township is informed about the nature of business being conducted by corporations within the municipality; and to guarantee that corporations doing business or planning to do business within Blaine Township are aware of all applicable taxes and do not have a history of consistent violations of law, and that corporations' Principal Owners do not have a history of violating the law. The purpose of this Charter provision is also to provide for the security and protection of the health, safety, and welfare of Blaine Township residents by ensuring that the Directors or Officers of corporations doing business or planning to do business in Blaine Township do not serve as Officers or Directors of other corporations that have a history of violating the law. The people of Blaine Township find it necessary to adopt this Charter provision because the people have found that the Township cannot adequately enforce its existing laws – or future laws - without knowing the activities being undertaken by corporations within its jurisdiction. In addition, the people of Blaine Township find it necessary to adopt this Charter provision because the people find that corporations – and those managing corporations – which possess a consistent history of violating the law, pose a threat to the health, safety, and welfare of the residents of the Township.

Section 4303 Interpretation Anyone interpreting, implementing, or applying the provisions of this policy shall give priority to the findings and purposes stated in Section 4302 of this Article, over such accounting and business terms characterized as “economy,” “efficiency,” and “scheduling factors.”

### Section 4304 Statements of Law

(a) Disclosure Application All corporations doing business within the Township of Blaine shall submit to the Blaine Township Supervisors a disclosure application form a minimum of sixty (60) days prior to commencement of any activity, or if activity has commenced prior to the adoption of this Charter provision, within sixty (60) days of the adoption of this Charter provision.

(b) Disclosure Statement The disclosure form submitted to the Blaine Township Supervisors shall include details that describe the nature and extent of the business pursued, or to be pursued, within the municipality by that corporation, with such particularity to enable the Supervisors and residents of Blaine Township to understand the effect and impact of that business. A separate disclosure form shall be used for each location within the Township in which the corporation

plans to do business, or is currently doing business. The form shall include a statement detailing which State Routes and Township roads will be used for that business and the impact upon those roads. The form shall also include the anticipated hours of operation for the location and the use of roads within the Township. The form shall include whether or not subcontractors are being used at the location and shall identify those subcontractors. Subcontractors shall also be required to complete a disclosure statement and disclose to Blaine Township the details of their proposed activities. It shall be the responsibility of the corporation doing business within the Township to ensure compliance by its subcontractors. Use of undisclosed subcontractors shall constitute a violation of this Charter provision.

(c) Corporate Activities Prohibited Proposed activities at locations covered by the disclosure statement shall be prohibited until an application is submitted, taxes or fees paid and the disclosure form accepted as complete by the Board of Supervisors of Blaine Township. Incomplete applications or submittals that do not meet the requirements as detailed by this Charter provision shall not be approved and the acceptance of the disclosure statement shall be delayed until the Board of Supervisors of Blaine meet again at a regularly scheduled Township meeting. The requirements of this Charter provision and submission of a disclosure statement shall not replace or bypass compliance with the Blaine Township Building Code, Blaine Township's Zoning Charter provision and/or Blaine Township's Subdivision and land development Charter provisions.

(d) Annual License Fee Doing business within Blaine Township shall require the payment of an annual license fee from Blaine Township, which shall be set by resolution adopted by the Blaine Township Supervisors, and which shall reflect the actual cost of the administration of this provision, which shall include, but not be limited to, the staff cost incurred in reviewing and filing the disclosure forms, the staff cost of verifying the information within the disclosure forms, and the staff cost of informing the entity doing business in the Township concerning compliance with Township Charter provisions and Ordinances.

(e) Corporate History of Violations No Corporation shall be allowed to do business within the Township if it has a history of consistent violations or if its Parent Corporation or a Subsidiary Corporation has a history of consistent violations of the law. In addition, this Charter provision prohibits any corporation from doing business within the Township if a Director or Officer of the Applicant Corporation is a Director or Officer of another corporation that has a history of consistent violations of the law.

(f) Principal Owner History of Violations No Corporation shall be allowed to do business within the Township if a Principal Owner of the Applicant Corporation is also the Principal Owner of other corporations that cumulatively possess a history of consistent violations of the law.

(g) Submission of Records If the Supervisors have reason to believe that a corporation currently doing business within the Township has a history of consistent violations, or that a Director or Officer of that corporation is a Director or Officer in another corporation that has a history of consistent violations, or that a Parent Corporation or Subsidiary Corporation has a history of consistent violations, the Supervisors shall request that the entity submit a compliance history and/or compliance histories to the Supervisors within thirty (30) days of the written request.

(h) Submission of Records If the Supervisors have reason to believe that a corporation planning to do business within the Township has a history of consistent violations, or that a Director or Officer of that corporation is a Director or Officer in another corporation that has a history of consistent violations, or that the Parent Corporation or Subsidiary Corporation has a history of

consistent violations, the Supervisors shall request that the entity submit a compliance history and/or compliance histories to the Supervisors within thirty (30) days of the written request.

(i) Submission of Records If the Supervisors have reason to believe that the Principal Owner of an Applicant Corporation is also the Principal Owner of corporations that cumulatively possess a history of consistent violations, the Supervisors shall request that the Principal Owner submit a compliance history for those corporations within thirty (30) days of the written request.

(j) Compliance History The compliance history shall consist of a listing of the following:

(1) Corporate Compliance History - The Applicant Corporation shall provide the Township with a listing of its Officers and Directors, and a listing of any violations that the corporation has committed over the past twenty years. In addition, the corporation shall list other corporations upon which the Applicant Corporation's Officers and Directors serve, and a complete compliance history for each of those corporations. In addition, such Compliance History shall also contain a Compliance History for any Parent Corporation or Subsidiary Corporation.

The Corporate Compliance History shall be provided to the Township in the following form:

- a) Name of the Applicant Corporation;
- b) Current Directors and Officers of the Applicant Corporation;
- c) Violations committed by the Applicant Corporation in the last twenty years;
- d) A listing of other corporations in which the Directors and Officers of the Applicant Corporation serve as Directors or Officers;
- e) A Compliance History for each of the corporations listed in response to d);
- f) An identification of any Parent Corporation and Subsidiary Corporations and a Compliance History for the Parent Corporation and Subsidiary Corporations.

(2) Principal Owner Compliance History - If the Township has reason to believe that a Principal Owner of a corporation possesses a consistent history of violations under this Charter provision, then a Principal Owner Compliance History shall be provided to the Township in the following form:

- a) Name of the Applicant Corporation;
- b) Name of the Principal Owner;
- c) A listing of other corporations in which the Principal Owner of the Applicant Corporation is a Principal Owner;
- d) A Corporate Compliance History for each of the corporations listed in c).

The Corporate Compliance History and the Principal Owner Compliance History shall be provided to the Township within thirty (30) days of the written request submitted by the Township Supervisors.

(k) Powers of the Township Supervisors The Township Supervisors shall have the authority, under this Charter provision, to prohibit a corporation from doing business in the Township that has a history of consistent violations. The Township Supervisors shall also have the authority to prohibit a corporation from doing business in the Township if the Current Directors or Officers in the Applicant Corporation serve in other corporations that have a history of consistent violations. The Township Supervisors shall also have the authority to prohibit a corporation from doing business in the Township if the Parent Corporation or Subsidiary Corporations of the Applicant Corporation have a history of consistent violations. The Township Supervisors shall also have the authority to prohibit a corporation from doing further business within the Township



if it is found to be violating any Township Charter provision, state or federal environmental laws, or any other governing law which protects the health, safety, and welfare of the residents of Blaine Township or laborers working within Blaine Township.

(l) Powers of the Township The Township Supervisors shall have the authority to prohibit an Applicant Corporation, a Parent Corporation, Subsidiary Corporations, or Principal Owners from doing business within the Township if the entity submits false or misleading information in any documents submitted to the Township under this Charter provision, or if the entity fails to comply with the provisions of this Charter provision.

(m) Powers of the Township The Township Supervisors shall have the authority to prohibit an Applicant Corporation from doing business within the Township if the Principal Owner of the Applicant Corporation is a Principal Owner of other corporations that cumulatively possess a history of consistent violations.

(n) Powers of the Township Supervisors The Township Supervisors shall have all the powers necessary to make this Charter provision effective.

Section 4305 Administration This policy shall be administered by Blaine Township.

Section 4306 Enforcement This policy shall be enforced in accordance with Article XLV of this Charter.

## ARTICLE XLIV      CONSTITUTIONAL NATURE OF THE BLAINE CHARTER

Section 4401 Home Rule Charter as Constitution The People of Blaine Township recognize the Home Rule Charter they have adopted as the Constitution of the People of Blaine Township, entered into freely by Blaine Township residents, and recognize that the Charter constitutes a constitutionalization of their interests, values, beliefs, and visions. The People of Blaine Township declare that the sole authority for the determination of the constitutionality of Home Rule Charter provisions or local laws adopted under the authority of this Home Rule Charter, is the People of Blaine Township, and they recognize no other authority for that determination, subject to the exception contained within Section 4402 of this Article.

Section 4402 Creation of Blaine Township Constitutional Commission Within thirty (30) days following the adoption of this Home Rule Charter by the People of Blaine Township, the Board of Supervisors shall create a Constitutional Commission and select seven electors of Blaine Township to serve on that Commission. Members of the Commission shall be subject to Recall by the Township electors, and shall serve for no more than five years consecutively. The Commission shall be convened within thirty (30) days of a written challenge to a provision of the Charter or of an Ordinance of the Township. When sitting, the Commission shall determine the constitutionality or legality of any challenge to provisions of the Charter or of an Ordinance of the Township, and shall render a written decision on that question. The Constitutional Commission shall base its findings on a presumption that the rights enumerated in the Charter are inviolable, enforceable and beyond preemption. Challenges may be filed by natural persons or by an unincorporated association of natural persons residing within the Township who seek to expand or vindicate the civil or political rights of natural person(s) or of a natural community in the Township. The Township shall provide adequate compensation to legal counsel chosen by the Commission to assist the Commission in its work, and shall provide reasonable expenses for the members of the Commission.

Section 4403 Appeal of Decision of Blaine Township Constitutional Commission Within thirty (30) days following the issuance of a decision by the Blaine Township Constitutional Commission, the entity which filed the written challenge may file an appeal with the Constitutional Commission Appeals Board, which shall consist of thirteen electors of Blaine Township selected by the Board of Supervisors upon the convening of the Blaine Township Constitutional Commission. The Appeals Board shall render a decision within ninety (90) days of the rendering of a decision by the Constitutional Commission. The decision by the Appeals Board shall be final.

Section 4404 Preemption of Constitution As the sovereign authority in Blaine Township, the People of Blaine Township reject the authority of any County, State, or Federal administrative, legislative, judicial, or executive entity to preempt or overturn any portion of this Charter, unless the administrative, legislative, judicial, or executive entity seeks to expand the civil or political rights, as recognized by this Charter, of natural persons residing within the Township.

Section 4405 Right of Separation As the sovereign authority in Blaine Township, the People of Blaine Township recognize their right to separate from the County, State, or Federal level of government that attempts to preempt or overturn any portion of this Charter or Ordinances of the Township, subject to the exception contained within section 4402 of this Article. Article 1, Section 2 of the Constitution of the Commonwealth of Pennsylvania declares, “*All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.*” The People of Blaine Township declare, ordain and adopt the Process of Separation included as section 4406 of this Article of the Blaine Township Charter, to be the manner we think proper for the abolition of ties to those governments which attempt to exercise administrative, legislative, judicial or executive power to deny, deprive, usurp or impair the indefeasible rights of human and natural communities in Blaine Township.

Section 4406 Process for Amendment or Separation Upon adoption of County, State or Federal legislative, judicial, executive or administrative actions which in the judgment of the Board of Supervisors preempts provisions of this Charter or of an Ordinance of the Township, the following process, leading either to separation or to an amending of the Charter or Ordinance, shall be followed:

(a) Within 30 days of a County, State or federal legislative, administrative, executive or judicial action, which has the effect of preempting or overturning a provision or provisions of this Charter or of an Ordinance of the Township, the Board of Supervisors shall:

(1) Address a letter to the appropriate officer of the preempting government or agency, advising that officer that the People of Blaine Township recognize their Charter to be the Constitution of the Community, that the act of preemption or nullification by the legislature, administrative body, executive or court may, if allowed to stand, deprive the People or natural communities of Blaine Township of indefeasible rights, that the County, State or federal action will be reviewed by the Blaine Township Constitutional Commission, and that the Township will advise the appropriate officer of that government or agency of the Commission’s findings.

(2) Convene the Blaine Township Constitutional Commission, convey all information and correspondences pertaining to the question of law to the Commission, and instruct the Commission in writing that it shall submit its findings as to the constitutionality or legality of any provision of the Charter or of an Ordinance of the Township so challenged, as well as an opinion as to the right or rights the offending government’s action would have the effect of violating, denying, impairing or usurping,

(b) The question of the conflict between the County, State or federal legislative, administrative, executive or judicial action and the Charter or Ordinance of the Township shall be reviewed by the Blaine Township Constitutional Commission, and its findings shall be submitted to the Board of Supervisors within 30 days. The Constitutional Commission shall base its findings on a presumption that the rights enumerated in the Blaine Charter are inviolable, indefeasible, enforceable and beyond preemption.

(c) If the Constitutional Commission reports to the Board of Supervisors that the County, State or federal law, regulation or court ruling does not violate the Charter or Ordinance or the rights of the People or of nature, but constitutes only a conflict in practical administration of the law, the Board of Supervisors shall:

(1) Publish the Commission's findings in a newspaper of general circulation within Blaine Township within 10 days of that finding being submitted to the Township.

(2) Advise the appropriate officer of the County, State or federal government of the Commission's finding.

(3) Within 30 days of receiving the findings of the Constitutional Commission, call a special Town Meeting, advertising that meeting as required, and placing a question on the agenda that summarizes the nature of the County, State or federal action and the conflict between it and the Charter or Ordinance of the Township.

(4) The question to be placed on the agenda and before the People shall summarize the effect of the County, State or federal action and shall require the electorate, acting in their capacity as the sovereign Governing Body of Blaine Township, to vote yes or no on the question of amending the Charter or Ordinance to remove the conflict. If the People vote in the majority to amend either the Charter or the Ordinance, the Board of Supervisors shall initiate those required procedures to place a question of amending the Charter before the people, or to adopt an amendment to the Ordinance in question. In either case, the amendment shall extend only and exclusively to the issue of law found to be in conflict and constituting only a conflict in practical administration of the law, the amending of which shall not result in the denial, impairment, deprivation or usurpation of any rights secured by the Blaine Charter.

(d) If the Constitutional Commission reports to the Board of Supervisors that the County, State or federal law, regulation, action or court ruling violates provisions of the Charter, of an Ordinance of the Township, or the rights of the People or of nature, and does not constitute a mere conflict in practical administration of the law, the Board of Supervisors shall:

(1) Publish the facts of the disputed question and the findings of the Constitutional Commission in a newspaper of general circulation in the Township within 10 days of those findings being submitted to the Township.

(2) Within 30 days of receiving the findings of the Constitutional Commission, call a special Town Meeting, advertising that meeting as required, and placing a question on the agenda that summarizes the nature of the preemption or nullification intended by the County, State or federal action. That summary shall indicate which right or rights the County, State or federal action violates.

(3) The question to be placed on the agenda and before the People shall summarize the rights violations as indicated, and shall require the electorate, acting in their capacity as the sovereign Governing Body of Blaine Township, to vote yes or no on the question of separation from the offending level of government

(c) If the People, in their capacity as Governing Body of the Township, vote yes by a majority vote to the question of separation, the Board of Supervisors shall:

- (1) Initiate the separation process by sending a certified letter to the appropriate officer of the offending government or agency;
- (2) Sever financial ties with that preempting level of government or agency;
- (3) Withdraw recognition of that government's or agency's authority in Blain Township by adopting an Emergency Ordinance and scheduling a referendum vote to amend the Blaine Charter to codify the separation and further ordain, as appropriate, the Charter of Blaine Township to be the Constitution of the community.

## **ARTICLE XLV VIOLATION AND ENFORCEMENT OF CHARTER**

### Section 4501 Enforcement of Charter Provisions and Prohibitions

- (a) Blaine Township shall enforce the provisions and prohibitions in this Charter by an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. (*See* 53 P.S. § 66601(c.1)(2).)
- (b) Any person who violates any provision of this Charter shall be guilty of a summary offense and, upon conviction thereof by a district justice, shall be sentenced to pay a fine of \$750 for first-time violations, \$1000 for second-time violations, and \$1000 for each subsequent violation, and shall be imprisoned to the extent allowed by law for the punishment of summary offenses.
- (c) Any corporation that violates any provision of this Charter shall be guilty of a summary offense and, upon conviction thereof by a district justice, shall be sentenced to pay a fine of \$5000 for first-time violations, \$7500 for second-time violations, and \$7500 for each subsequent violation.
- (d) Any person, corporation, or other entity chartered, permitted or licensed by the State, or acting under authority of the State or any government agency, that violates, or is convicted of violating any provisions of this Charter or Ordinances of the Township two or more times shall be permanently prohibited from business activities in Blaine Township. This prohibition applies to that person's, corporation's, or other entity's parent, sister, and successor companies, subsidiaries, and alter egos, and to any person, corporation, or other entity substantially owned or controlled by the person, corporation, or other entity (including its officers, directors, or owners) that twice violates any provision of this Charter, and to any person, corporation, or other entity that substantially owns or controls the person, corporation, or other entity that twice violates any provision of this Charter.
- (e) A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Charter that is found to be violated.
- (f) Blaine Township may also enforce every provision of this Charter through an action in equity brought in the Court of Common Pleas of Washington County. In such an action, Blaine Township shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (g) All monies collected for violation of provisions and prohibitions in this Charter shall be paid to the Treasurer of Blaine Township.
- (h) Any Township resident shall also have the authority to enforce the provisions and prohibitions of this Charter through an action in equity brought in the Court of Common Pleas of Washington County. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (i) Blaine Township and the People of Blaine Township shall have authority to enforce all provisions, actions and penalties and recover all compensation, damages, penalties, fees or fines provided for in Articles, Policies, Sections and provisions of this Charter and Ordinances of Blaine Township, and in other applicable laws.

### Section 4502 Civil Rights Enforcement

(a) Any person acting under color of law or under the authority of a permit issued by a State or federal agency, any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, who deprives any Township resident, natural community, or ecosystem of any rights, privileges, or immunities secured by this Charter, the Pennsylvania Constitution, the United States Constitution, or other laws, shall be liable to the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees. Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to Blaine Township for restoration of those natural communities and ecosystems.

(e) Blaine Township may also enforce the provisions, prohibitions, rights and obligations of this Charter through an action in equity brought in the Court of Common Pleas of Washington County. (*See* 53 P.S. § 66601 (c.1)(4).) In such an action, Blaine Township shall be entitled to recover all costs the party injured and shall be responsible for payment of compensatory and punitive damages and all costs of litigation, including, without limitation, expert and attorney's fees.

Compensatory and punitive damages paid to remedy the violation of the rights of natural communities and ecosystems shall be paid to Blaine Township for restoration of those natural communities and ecosystems.

(b) Any Township resident shall have standing and authority to bring an action under this Charter's civil rights provisions, or under state and federal civil rights laws, for violations of the rights of natural communities, ecosystems, or Township residents, as recognized by the provisions of this Charter.

## **ARTICLE XLVI    AMENDING THE CHARTER**

Section 4601 Process for Amending Charter No proposed amendment shall be withheld from consideration by the People on account of its content, purpose, or effect or as prior restraint upon provisions deemed by any authority to be “illegal” or “unconstitutional,” unless it would have the effect of denying, abridging or removing rights of People, natural communities or ecosystems. Amendments to this Charter shall be adopted according to any one of these procedures:

- (a) In conformity with the provisions of PA Act 62 of 1972 and as amended.
- (b) According to the procedures for Initiative and Referendum, as given in Article VII of this Charter
- (c) As part of the Process for Amendment or Separation, as given in Article XLIV, section 4406 of this Charter.



## **ARTICLE XLVII REPEALS**

Section 4701 The Articles, sections, policies and provisions of this Charter hereby repeal the provisions of any prior Ordinances, laws or rules of the Township that are inconsistent with this Charter.

## ARTICLE XLVIII TRANSITION

Section 4801 *Legal Claims and Liabilities of the Township* Upon enactment of this Charter, the Township shall continue to own, possess, and control all legal claims, power and property, of every kind and nature, owned, possessed or controlled by it prior to when this Charter takes effect, and shall be subject to all its debts, obligations, liabilities, and duties.

Section 4802 *Continuance of Contracts, Public Improvements and Taxes* All contracts entered into by the Township, or for its benefit, prior to the taking effect of this Charter, shall be reviewed within 120 days of the adoption of this Home Rule Charter by the People of Blaine Township. At the discretion of the Board of Supervisors, those contracts may be reaffirmed through ratification, or consent to those contracts may be withdrawn by the Board of Supervisors during that period. All taxes and assessments levied or assessed, all fines and penalties imposed, and all other obligations owing to the Township which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

Section 4803 *Pending Actions and Proceedings* No enforcement action or proceeding, civil or criminal, which was brought by the Township or any office, department, agency or officer thereof, pending at the time this Charter shall take effect, shall be affected by the adoption of this Charter or by anything herein contained. Any action or proceeding, civil or criminal, pending against the Township or any office, department, agency, or officer thereof, pending at the time this Charter shall take effect, shall be evaluated by appropriate legal counsel and, if the transformation to a Home Rule municipality is deemed to transform the nature and character of the proceeding, for the Township Board of Supervisors to instruct legal counsel to request a dismissal of those proceedings, or a re-filing of the action against the Home Rule municipality.

Section 4804 *Continuation of Ordinances* All Ordinances, resolutions, rules, and regulations, or portions thereof in force when this Charter takes effect which have been directly incorporated into this Charter, shall be deemed to have been repealed or amended to the extent that they duplicate provisions of this Charter. Other Ordinances, resolutions, rules, and regulations, or portions thereof in force when this Charter takes effect shall temporarily be continued in force and effect until the Board of Supervisors has reviewed them, and determined to re-adopt them as Ordinances of the Home Rule municipality, or has determined that they should be repealed or amended

Section 4805 *Temporary Ordinances* The Board may adopt, within 60 days after the date upon which this Charter takes effect, temporary Ordinances to deal with cases in which there is an urgent need for prompt action in connection with the transition of government. Every temporary Ordinance shall be plainly labeled as such but shall be introduced in the form and manner prescribed for Ordinances generally. All temporary Ordinances and subsequent amendments made following adoption shall be automatically repealed as of the ninety-first day following the date of adoption. They shall not be re-adopted, renewed or otherwise continued unless adopted in the manner prescribed by this Charter.

Section 4806 Authority of Existing Officers The Supervisors in office at the time this Charter becomes effective shall remain in office for the full terms for which they were originally elected, and receive the same compensation until their terms expire. However, they shall have the responsibilities, duties and authority only as set forth in and pursuant to this Charter. All other elected officials of the Township in office at the time this Charter becomes effective shall remain in office for the full term for which they were elected and they shall receive the same compensation which they received prior to the adoption of this Charter. All officers and appointed officials shall perform the duties designated for their positions by this Charter.

## **ARTICLE XLIX SEVERABILITY**

Section 4901 All provisions, sections and subsections of this Charter are severable, and if any sub-section, clause, sentence, part, or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Charter. It is hereby declared to be the intent of the People that this Charter would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

## **ARTICLE L            DEFINITIONS**

The following terms shall have the meanings defined in this section wherever they are used in this Charter, unless otherwise expressly stated.

Applicant Corporation: The corporation that is already doing business within the borders of Blaine Township or the corporation that plans to do business within the borders of Blaine Township.

Article: A numbered Article of this Charter, and each of its sections, sub-sections and provisions.

Bio-fuel: This term shall include all solid, liquid, or gas fuels consisting of, or derived from, recently dead biological material, including plants.

Beneficial Use: Use or reuse of residual waste or material derived from residual waste for commercial, industrial, or governmental purposes where the use or reuse does not harm or threaten public health, safety, welfare, or the environment, or the use or reuse of processed municipal waste for any purpose where the use or reuse does not harm or threaten public health, safety, welfare, or the environment. (*See 25 Pa. Code Chapter 271, Subchapter A, § 271.1.*)

Board: The Blaine Township Board of Supervisors

Carbon Sequestration: The long-term capture and storage of carbon dioxide or other forms of carbon within subsurface aquifers, reservoirs, aging or depleted oil or gas deposits, or other natural or manmade reservoirs for the accumulation and storage of carbon-containing chemical compounds.

Cause Damage to Natural Communities and Ecosystems: This term and equivalent terms shall include but not be limited to alteration, removal, destruction, eradication, or other actions inflicted upon natural communities and ecosystems, in whole or in part, that bring about the cessation of the ability of natural communities and ecosystems to exist and flourish independent of human intervention. The term and equivalent terms shall also include the deposition of toxic substances or potentially toxic substances, manufactured chemicals and toxins, genetically engineered life forms, and radioactive substances and their progeny, whether synthetic or of altered or engineered natural origin, within, upon, or adjacent to human and natural communities and ecosystems in Blaine Township.

Charter: The Home Rule Charter of Blaine Township

Chemotherapeutic Waste: Waste, defined under Title 25, §271.1 of the Pennsylvania Code, which results from the production or use of antineoplastic agents used for the purpose of inhibiting or stopping the growth of malignant cells or killing malignant cells.

Coal Ash: Waste, defined under Title 25, §287.1 of the Pennsylvania Code, including fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term

includes such materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation. For purposes of this Charter, the term also includes fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is not and has not been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. This definition explicitly does not include individually generated residential coal combustion waste on residential premises.

Compliance History: A record compiled by a corporation that lists each violation committed by the corporation in the prior twenty years at the request of the Blaine Township Board of Supervisors. The History shall include all violations committed by the Applicant Corporation; a listing of the current Officers and Directors of the Applicant Corporation, and a compliance history for other corporations in which the Officer or Director of the Applicant Corporation is either an Officer or Director. Such Compliance History shall also list any Parent Corporation or Subsidiary Corporations. A Principal Owner Compliance History shall list other corporations in which the Principal Owner of the Applicant Corporation is a Principal Owner, and a compliance history for each of these corporations. The Corporate Disclosure Policy, Article XLIII of this Charter, specifically outlines the contents of the Compliance History, and is incorporated herein into this definition.

Construction and Demolition Waste: Waste, defined under Title 25, §271.1 of the Pennsylvania Code, which results from the construction or demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic surfaces, bricks, block and unsegregated concrete.

Corporation: Any corporation organized under the laws of any state of the United States or under the laws of any country. The term shall also include any limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers. The term shall also include any business entity in which one or more owners or partners is a corporation or other entity in which owners, directors, officers and/or managers possess limited liability attributes.

Crime: Harm to a person, human or natural community or ecosystem that involves the denial or abridgement of a right.

Culpable Parties: Persons owning or managing corporations which manufacture, generate, sell, dispose of, or land apply toxic or potentially toxic substances detected within the body of any resident of Blaine Township or within any natural community or ecosystem within the Township.

Damage to Natural Water Sources: This term shall include, but not be limited to the extraction, diversion, loss, damage, alteration, chemical trespass upon or lessening in quality to any degree of surface or subsurface water sources, including but not limited to aquifers, springs, wetlands, streams, creeks, rivers, lakes and ponds.

DEP: The Pennsylvania Department of Environmental Protection.

Deposition: The placement of a toxic chemical or potentially toxic chemical within the body of a person. The act of deposition shall be assumed if a toxic chemical or potentially toxic chemical is detected within the body of a person.

Doing Business: Any corporation does business within the Township if it owns or operates a facility within the Township (or plans to own or operate a facility within the Township), or has physical residence within the boundaries of the Township (or plans to have a physical residence within the Township), or engages in profit making activity within the boundaries of the Township (or plans to engage in profit-making activity within the Township). An application for a permit or license from the Township shall constitute doing business within the definition of this term, and an application for a permit or license from any agency of the Commonwealth of Pennsylvania or any agency of the federal government for activities within the Township shall constitute doing business within the Township.

Dredged Material: Material, defined under Title 25, §271.1 of the Pennsylvania Code, which is dredged or excavated from waters for the direct or indirect purpose of establishing or increasing water depth, or increasing the surface or cross-sectional area of a waterway and which includes sediment, soil, mud, shells, gravel, or other aggregate.

Ecosystem: The term shall include, but not be limited to, wetlands, streams, rivers, aquifers, and other water systems, as well as all naturally occurring habitats that sustain wildlife, flora and fauna, soil-dwelling or aquatic organisms.

Energy Production: This term shall include but not be limited to the manufacture or storage of any form of potential energy or kinetic energy from mechanical, chemical, hydraulic, meteorological, solar, combustible, fissile, geothermal or other sources, including any type of fuel, manual work, radioactive decay, heat source, or any means whatever.

Engage in Agriculture: Day-to-day operation, ownership of livestock, control of agricultural processes, or contractual arrangements entered into between an individual and a corporation in which control over the farm operation, the marketing of produce, or the ownership of animals, is transferred to the corporation.

Engage in Disposal: A phrase that includes, but is not limited to, any activities associated with the disposal of wastes within Blaine Township.

Engage in Mining: Any commercial activity conducted within Blaine Township in which mineral resources, fossil fuels, and unsustainable energy sources and fuels are extracted from the ground within the Township.

Engage in Water Withdrawal: The term shall include, but not be limited to, the physical extraction of water from subsurface aquifers or surface bodies of water for use in mining

activities or for the buying and/or selling of water that has been extracted within Blaine Township.

Enumerated Right: Those legal, ethical or moral rights, powers or liberties, which have been legally articulated.

Exist and Flourish: The term shall include but not be limited to the ability of natural communities and ecosystems to sustain and continue to exercise natural tendencies to promote life, reproduction, non-synthetic interactions and interdependencies among proliferating and diverse organisms; the term shall also include the ability of natural communities and ecosystems to establish and sustain indefinitely the natural processes and evolutionary tendencies that promote well-being among flora, fauna, aquatic life, and the ecosystems upon which their mutual benefit depends.

Factory Farm: An agricultural operation wholly or substantially owned or controlled by a corporation that is not a family farm corporation.

Family Farm Corporation: A family farm corporation or syndicate is a corporation engaged in farming or the ownership of agricultural land, in which seventy-five percent (75%) of the partnership interests, shares, stock, or other ownership interests are held by members of a family or a trust created for the benefit of a member of that family.

Family: Natural persons related to one another within the fourth degree of kinship according to civil law, or their spouses.

Frack Water: The term includes but is not limited to water containing brine, total dissolved solids (TDS), friction reducers, biocides, surfactants, scale inhibitors and other materials recovered from high-volume hydraulic fracturing (HVHF), slick water fracturing, and other mining and drilling techniques used to extract natural gas from the earth.

Genetically Engineered Life Forms or Genetically Modified Organisms: These and equivalent terms, shall refer to organisms and their genetic makeup in which genetic material or inherited genetic material has been directly altered through recombinant DNA technology, genetic modification, genetic manipulation (GM) or gene splicing. The term shall not refer to traditional breeding where the organism's genes are manipulated indirectly.

Governing Body: The Governing Body shall consist of all those voting qualified electors when they engage in the process of Initiative or Referendum, or when gathered at a Town Meeting and exercising their authority to vote on measures in compliance with the provisions of this Charter. Otherwise, this term shall refer to the Board of Supervisors of the Township.

Hazardous Waste: Waste, defined under Title 25, §271.1 of the Pennsylvania Code, which includes garbage, refuse, or sludge from an industrial or other waste water treatment plant; sludge from a water supply treatment plant or air pollution control facility; and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from



municipal, commercial, industrial, institutional, mining, or agricultural operations, and from community activities; or a combination of the above, which because of its quantity, concentration, or physical, chemical or infectious characteristics may (1) cause or significantly contribute to an increase in mortality or increase in morbidity in either an individual or the total population; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

History of Consistent Violations: Three or more violations committed over the prior twenty year period.

Infectious Waste: Waste, defined under Title 25, §271.1 of the Pennsylvania Code, which is generated in the diagnosis, treatment, immunization or autopsy of human beings or animals, in research pertaining thereto, in the preparation of human or animal remains for interment or cremation, or in the production or testing of biologicals.

Laboratory or Qualified Laboratory: A facility that tests samples for pollutants, pathogens, and vector attractants in compliance with DEP regulations, including, without limitation, those regulations (*see* 25 Pa. Code § 271.906) that dictate approved methodologies for conducting such tests.

Land Applicant or Sewage Sludge Applicant: Any person responsible for complying with all Federal, State, and local laws and regulations concerning the land application of sewage sludge.

Land Application or Land Apply: The spraying or spreading of sewage sludge onto the land surface for beneficial use; the injection of sewage sludge below the land surface for beneficial use; or the incorporation of sewage sludge into the soil for beneficial use so that the sewage sludge can either condition the soil or fertilize crops for vegetation grown in the soil. (*See* 25 Pa. Code Chapter 271, Subchapter J, § 271.907.) The term shall also include the spraying, spreading, injection, or incorporation of sewage sludge onto, into, or below the land surface for reclamation of previously mined lands.

Locally Owned and Controlled Business: A business located in Blaine Township is locally owned and controlled if at least seventy-five percent (75%) of the partnership interests, shares, stock, or other ownership interests are held by a natural person who maintains a primary residence in Blaine Township or are cumulatively held by natural persons each of whom maintain a primary residence in Blaine Township. A franchise does not qualify as a locally owned and controlled business.

Major Land Development: Construction projects exceeding one million dollars in construction costs, as annually adjusted for inflation.

Mineral Estate: Any interest held in subsurface mineral or fossil fuel resources, which shall include, but not be limited to, interests held in coal, uranium, natural gas, or oil.

Mining: Any commercial activity conducted within Blaine Township in which mineral resources, unsustainable energy sources or fossil fuels are extracted by any means from the ground within the Township. The term shall specifically include, but not be limited to, long-wall mining; room and pillar mining; mountaintop removal and valley fill; drilling and extraction of natural gas, oil, or water; “fracking” and all other methods and practices used for the removal of minerals, liquids and gasses from the earth, where those materials will be removed from the Township and sold.

Mining Corporation: Any corporation engaged in, or planning to engage in, mining.

Municipal Corporation: When the term is used to refer to “Blaine Township,” the term shall mean the convenient tool for self-governance originally chartered by the State, but now self-chartered by the People of Blaine Township, who constitute its citizenry and sovereign authority; an institution of local government subordinate to, responsible to, and governed by, the residents of the Township.

Natural Communities: Wildlife, flora, fauna, soil-dwelling and aquatic organisms, as well as humans and human communities that have established sustainable interdependencies within a proliferating and diverse matrix of organisms, within a natural ecosystem.

Natural Water Source: The term shall include but not be limited to subsurface aquifers, surface and subsurface springs, wetlands, brooks, streams, creeks, lakes, ponds, rivers, and all other naturally occurring sources of water.

Natural Water System: The term shall include but not be limited to the natural and unmanaged circulation of water between atmosphere, land, and sea by evaporation, precipitation, and percolation through soils and rocks.

Parent Corporation: A corporation that owns over 50% of the Applicant Corporation.

PCB-Containing Waste: Waste, defined under Title 25, §271.1 of the Pennsylvania Code, which contains polychlorinated biphenyls in any measurable concentration.

People: All natural persons residing in Blaine Township.

Person: A natural person, or an association of natural persons that does not qualify as a corporation under this Charter. For enforcement of the rights enumerated in this Charter, the term shall also apply to natural communities and ecosystems.

Pesticide: Any chemical, compound, pheromone, biological agent or substance that is spread, dropped, applied or sprayed for the eradication or control of organisms identified as “pests” by any agency of a state or federal government.

Principal Owner: An individual that owns over 50% of a corporation.

Radioactive Material: Materials, as defined under Title 25, §271.1 of the Pennsylvania Code, which spontaneously emit alpha or beta particles or photons (gamma radiation) in the process of decay or transformation of the atom's nucleus. This term shall include, but not be limited to, source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954.

Reason to Believe: The Blaine Township Supervisors shall have reason to believe that a corporation has a history of consistent violations if a Township resident submits agency or government verified documents that prove that the Applicant Corporation or a Parent Corporation, or a corporation that shares Officers or Directors with the Applicant Corporation, or other corporations in which the Principal owner of the Applicant Corporation is a Principal Owner, has a history of consistent violations.

Renewable: Refers to energy derived from existing flows of energy generated by on-going natural processes, including, but not limited to, energy generated from the sun, flowing water, wind flows, and geothermal heat flows. The term shall not include energy generated from fossil fuels, nuclear fission, or any derivative of those energy sources.

Residual Waste: Waste, defined under Title 25, §271.1 of the Pennsylvania Code, which includes solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining, and agricultural operations; and sludge from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility, if not hazardous.

Right: Any universal, inalienable and infeasible legal, ethical or moral possession, power or liberty to which living things are inherently entitled and which they inherit and merit through birth. Also, those qualities, authorities and powers that are legally, morally and ethically unassailable which are not bestowed or granted by law, but which precede and preempt law, have in their character the legitimacy and weight of law, and which constitutions, law and judicial mandates may not legitimately abrogate.

Section: A numbered section of this Charter, and each of its sub-sections and provisions.

Self Government: The inalienable and legitimate authority of the People of Blaine Township to decide as a community the future of their community, and to protect the rights, health, safety, welfare, environment and quality of life of Township residents, natural communities, and ecosystems, constrained only by the rights of natural persons, natural communities and ecosystems. The term shall refer to community decision-making that is free from preemptive usurpations and unencumbered by corporate participation in elections, law-making, law enforcement or any aspect of the administration of local law. Also, the power and authority of the citizens, as sovereign authority over "Blaine Township," to use the municipality as the convenient tool for law-making, setting enforceable policies, and deciding all questions of concern to the community.

Sewage Sludge or Sludge: Liquid or solid sludge and other residue from a municipal sewage collection and treatment system, and liquid or solid sludge and other residue from septic and holding tank pumpings from commercial, industrial, or residential establishments. The term

includes material derived from sewage sludge. The term does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of sewage sludge at a municipal sewage collection and treatment system, or grit, screenings, or inorganic objects from septic and holding tank pumpings. (*See* 25 Pa. Code Chapter 271, Subchapter A, § 271.1.)

**Significant Departure:** Land use, zoning, and subdivision measures, permits, variances or waivers, including conditions set for approval of plans and permits, shall significantly depart from Charter provisions, Ordinances, Policies or the Comprehensive Plan of Blaine Township if they would result in the violation of any rights secured by this Charter, if they would significantly alter the quality of life in the Township, as determined by the electors acting in their capacity as Governing Body, if they would have the effect of making moot a land use, zoning or subdivision Ordinance, or if they would create a precedent allowing the mooting of all or parts of this Charter, Ordinances, Policies or the Comprehensive Plan of Blaine Township.

**SOUR:** Specific oxygen uptake rate, which is the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the sewage sludge.

**Storage:** The temporary or permanent placement of materials, equipment, chemicals, waste, or any matter associated with prohibited activities within the Township within or upon any vehicle, receptacle, building, structure, “transfer” facility, and upon or beneath any land or water within the Township

**Subsidiary Corporation:** A corporation with over 50% ownership held by the Applicant corporation.

**Substantially Owned or Controlled:** A person, corporation, or other entity substantially owns or controls another person, corporation, or other entity if it has the ability to evade the intent of this Charter by using that person, corporation, or other entity to engage in prohibited activities in Blaine Township.

**Supervisors:** The Blaine Township Supervisors.

**Surcharge:** An assessment of indebtedness to the Township or party represented by the Township levied against an appointed or elected officer of the Township for the amount of any loss to the Township or its represented parties caused in whole or in part by the officer's act or omission in violation of this Charter. The surcharge be levied by the board of auditors and shall include but not be limited to damages incurred for the violation of any rights, policies or prohibitions, and for failing to seek remedy and restitution as required by provisions of this Charter, as well as cases involving fraud or collusion on the part of the officers

**Sustainable energy production:** The production of energy from sources other than fossil fuels or nuclear fission. The phrase shall include, but not be limited to, energy derived from the sun, closed and open loop geothermal systems, wind flows, as well as installations, siting, and measures taken to retrofit buildings to improve energy efficiency and energy conservation.

Sustainable energy systems: Systems and processes using sustainable energy production to heat, cool, and provide electricity or other power for household, commercial, industrial, and agricultural use.

Sustainable Interdependencies: Co-existence of human and non-human organisms and communities, where human health and survival can be maintained and where human activities do not cause damage to natural communities and ecosystems.

The People or The People of Blaine Township: All natural persons residing within Blaine Township.

Town Meeting: A gathering of electors of the Township which constitutes and acts in the capacity of the sovereign Governing Body of the Township, held at least once yearly, on a date or dates set by the Board of Supervisors or at the direction of the electors via petition and which is advertised in accordance with the requirements of this Charter

Township: Blaine Township in Washington County, Pennsylvania, its Governing Body, or its representatives or agents.

Township Resident: A natural person who maintains a primary residence within the Township.

Toxic Substances and Potentially Toxic Substances: The phrase shall include chemicals or chemical compounds, sludges and waste, radioactive ores, mine tailings, millings, waste liquors and radioactive progeny, particulate matter and gasses, and genetically modified life forms that have been found to cause adverse effects to animals, humans, or ecosystems, including those chemicals, chemical compounds, sources of radiation, and all other substances deemed to be mutagenic, neurotoxic, carcinogenic, teratogenic, reproductive or developmental toxicants, or any other toxic chemical or hazardous substance identified by the Governing Body of the Township of Blaine by resolution as subject to this Charter. The phrase shall specifically include, but shall not be limited to, chlorinated solvents, polychlorinated biphenyls, organophosphate pesticides, organochlorine pesticides, carbamate insecticides, polybrominated diphenyl ethers (PBDEs), polychlorinated dioxins and dibenzofurans, pyrethroid pesticides, polynuclear aromatic hydrocarbons, cyanide, arsenic, cadmium, chromium, lead, mercury, asbestos, petroleum products, and industrial solvents.

Trespass: as used within this Charter, the deposition of toxic or potentially toxic chemicals and substances or a genetically modified organism or material within a human body, natural community or ecosystem.

Unsustainable Energy Distribution: The transmission, transportation or conveyance of unsustainable energy or unsustainable energy sources or fuels by any means including but not limited to pipelines, power lines and compression stations within or transiting through Blaine Township.

Unsustainable energy production: The production of energy from unsustainable energy sources. The phrase does not include combustion of wood and wood products or the use of propane, kerosene, heating oil, coal, or natural gas when combustion of those fossil fuels is used solely to generate on-site heat or power and the energy produced is not sold, transmitted, or distributed. The phrase also does not include combustion of gasoline, diesel fuel, or kerosene within engines used within Blaine Township if the energy produced by that combustion is not distributed, transmitted, or sold. The phrase shall include actions which use energy to transform any non-renewable fuel source into another non-renewable fuel source intended for energy production.

Unsustainable energy sources: fossil fuels (including coal, natural gas, petroleum products), nuclear and radioactive materials, and other fuel sources that are not renewable, or which produce toxins and substances that cause damage to human and natural communities and ecosystems.

Unsustainable energy systems: systems and processes using unsustainable energy production to heat, cool, and provide electricity and other power for household, commercial, industrial, and agricultural use.

Violation: The term shall include notices of violation issued by the Department of Environmental Protection or any other Pennsylvania state agency, or any other state or federal regulatory agency; criminal convictions against the corporation brought by state, federal, or local governments and agencies; and imposition of fines and penalties by any agency of local, state, or federal government. This term shall include all violations discovered by County Conservation District personnel or by personnel employed or appointed by any local government. This term shall also include consent orders, consent agreements, and settlement agreements. Issuance of a notice of violation (NOV) shall constitute a violation, regardless of any remedy or action taken to resolve the violation. The term shall also include any violation of any Charter Article, Section or Sub-Section, and any Policy, Ordinance or regulation of Blaine Township.

Water Extraction: As used in this Charter, this term shall refer to the extraction of water from natural water sources by any means for export and sale outside the Township.

Waste Storage: The temporary or permanent placement of waste not generated within the Township within the jurisdiction of the Township. The term shall include but not be limited to storage within or upon a vehicle, receptacle, building, “transfer” facility, upon or beneath land or water within the Township, and shall specifically refer to any holding, by any means, of waste not generated within the Township for transfer or transportation to or from the Township. The term shall specifically include carbon sequestration.