

# **HOME RULE CHARTER OF THE TOWNSHIP OF GRANT, INDIANA COUNTY, PENNSYLVANIA**

## **ARTICLE I – BILL OF RIGHTS**

**Section 101.** All legitimate governments in the United States owe their existence to the people of the community that those governments serve, and governments exist to secure and protect the rights of the people and those communities. Any system of government that becomes destructive of those ends is not legitimate, lawful, or constitutional.

**Section 102.** The people of Grant Township possess both the collective and individual right of self-government in their local community, the right to a system of government that embodies that right, and the right to a system of government that protects and secures their human, civil, and collective rights.

**Section 103.** The people of Grant Township possess the right to use their local government to make law, and the making and enforcement of law by the people through a municipal corporation, or any other institution, shall not eliminate, limit, or reduce their sovereign right of local community self-government.

**Section 104.** All residents of Grant Township, along with natural communities and ecosystems within the Township, possess the right to clean air, water, and soil, which shall include the right to be free from activities which may pose potential risks to clean air, water, and soil within the Township, including the depositing of waste from oil and gas extraction.

**Section 105.** All residents of Grant Township possess the right to the scenic, historic, and aesthetic values of the Township, including unspoiled vistas and a rural quality of life. That right shall include the right of the residents of the Township to be free from activities which threaten scenic, historic, and aesthetic values, including from the depositing of waste from oil and gas extraction.

**Section 106.** Natural communities and ecosystems within Grant Township, including, but not limited to, rivers, streams, and aquifers, possess the right to exist, flourish, and naturally evolve.

**Section 107.** All residents of Grant Township possess the right to a sustainable energy future, which includes, but is not limited to, the development, production, and use of energy from renewable and sustainable fuel sources, the right to establish local sustainable energy policies to further secure this right, and the right to be free from energy extraction, production, and use that may adversely impact the rights of human communities, natural communities, or ecosystems. The right to a sustainable energy future shall include the right to be free from activities related to fossil fuel extraction and production, including the depositing of waste from oil and gas extraction.

**Section 108.** All residents of Grant Township possess a right to be fairly taxed, which includes property tax assessments and rates that are commensurate with the needs of the Township and the Township's residents, and the services required to meet those needs. Protection of that right shall require the Board of Township Supervisors to review Indiana County's administration of property taxation for Grant Township residents at

least once every three years. If the Board of Supervisors deems the administration of property taxation to be unfair, unjust, or burdensome to the residents of Grant Township, the Board of Supervisors shall have the authority, through the adoption of an Ordinance, to change the administration of property taxation.

**Section 109.** All residents of Grant Township possess the right to enforce the rights and prohibitions secured by this Charter, which shall include the right of Township residents to intervene in any legal action involving the rights and prohibitions recognized by this Charter.

**Section 110.** All rights secured by this Charter are inherent, fundamental, and unalienable, and shall be self-executing and enforceable against both private and public actors. Further implementing legislation shall not be required for Grant Township, the residents of Grant Township, or the ecosystems and natural communities protected by this Charter, to enforce all of the provisions of this Charter. The rights secured by this Charter shall only be enforceable against actions specifically prohibited by this Charter, unless otherwise specifically noted.

## **ARTICLE II - GENERAL POWERS OF THE MUNICIPALITY**

**Section 201. Status and Title.** The name of the municipality created by this Home Rule Charter shall be “Grant Township” and it shall operate as a Home Rule municipality, and possess the powers and authority of a Home Rule municipality.

**Section 202. 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.

**Section 203. Governing Body.** The governing body of the municipal Home Rule corporation shall be the Board of Supervisors, acting under the authority of, and with the consent of, the people of Grant Township.

**Section 204. Rules of Operation.** Unless expanded or altered as provided by this Charter, the rules of operation for the Grant Township Home Rule municipal corporation shall be the ones provided to second class Townships pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania.

**Section 205. Repeals.** 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.

**Section 206. 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 207. 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 takes effect, shall be affected by the adoption of this Charter or by anything herein contained. Any action or proceeding, civil or criminal, filed against the Township or any office, department, agency, or officer thereof, pending at the time this Charter takes 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, the Township Board of Supervisors shall instruct legal counsel to request a dismissal of those proceedings.

**Section 208. 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 determined that they should be repealed or amended.

**Section 209. Authority of Existing Officers.** The Supervisors in office at the time this Charter takes effect shall remain in office for the full terms for which they were originally elected, and shall 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 takes effect shall remain in office for the full term for which they were elected, and shall receive the same compensation which they received prior to the adoption of this Charter.

### **ARTICLE III – PROHIBITIONS AND ENFORCEMENT**

**Section 301. Depositing of Waste from Oil and Gas Extraction.** It shall be unlawful within Grant Township for any corporation or government to engage in the depositing of waste from oil and gas extraction.

**Section 302. State and Federal Authority.** No permit, license, privilege, charter, or other authorization issued to a corporation, by any State or federal entity, that would violate the prohibitions of this Charter or any rights secured by this Charter, shall be deemed valid within Grant Township.

**Section 303. Summary Offenses.** Any corporation or government that violates any provision of this Charter shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation. Each day or portion thereof, and each violation of a section of this Charter, shall count as a separate violation.

**Section 304. Standing for Township and Residents.** Grant Township, or any resident of Grant Township, may enforce the rights and prohibitions of the Charter through an action brought in any court possessing jurisdiction over activities occurring within Grant Township. In such an action, Grant Township or the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

**Section 305. Enforcement of Natural Community and Ecosystem Rights.** Ecosystems and natural communities within Grant Township may enforce their rights, and this Charter's prohibitions, through an action brought by Grant Township or residents of Grant Township in the name of the ecosystem or natural community as the real party in interest. Actions may be brought in any court possessing jurisdiction over activities occurring within Grant Township.. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to Grant Township to be used exclusively for the full and complete restoration of the ecosystem or natural community.

**Section 306. Enforcement of State Laws.** All laws adopted by the legislature of the State of Pennsylvania, and rules adopted by any State agency, shall be the law of Grant Township only to the extent that they do not violate the rights or prohibitions recognized by this Charter.

#### **ARTICLE IV - CORPORATE POWERS**

**Section 401. Corporate Privileges.** Corporations that violate this Charter or the laws of the Township, or that seek to violate the Charter or those laws, shall not be deemed to be “persons” to the extent that such treatment would interfere with the rights or prohibitions enumerated by this Charter or those laws, nor shall they possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or prohibitions enumerated by the Charter or those laws, including standing to challenge the Charter or laws, the power to assert State or federal preemptive laws in an attempt to overturn the Charter or laws, or the power to assert that the people of Grant Township lack the authority to adopt this Charter or other Township laws.

#### **ARTICLE V - EMERGENCY TOWN MEETING**

**Section 501. Emergency Town Meeting.** In the event of a substantial public emergency affecting the health, safety, and welfare of the residents of Grant Township, or an event or activity that would infringe on the rights of the residents of Grant Township, the electors of the Township may call an Emergency Town Meeting whereby the electors of the Township may adopt a proposed Ordinance. If adopted, that Ordinance shall remain valid until the next available election at which the electors of the Township shall have the opportunity to make the Ordinance permanent by amending the Township’s Home Rule Charter with the substance of the Ordinance.

**Section 502. Initiation and Petition Form.** To call an Emergency Town Meeting, a petition must be created by the petition filer. Each petition shall bear the name of the petition filer. The petition filer shall deliver written notice, along with a copy of the proposed Ordinance, to the Township Secretary during the hours that the Township office is officially open, and the Township Secretary shall post a copy of that notice and the proposed Ordinance at the Township Building the same day upon receiving that notice. No signatures may be affixed to the petitions until notice of the petition is posted at the Township Building. Each signature shall be in ink and shall be accompanied by the signer's address, signer's printed name, and the date of signing. Only registered electors who are residents of the Township are eligible to sign the petition. The petition shall contain the full text of the proposed Ordinance if that text can fit on a single page. If the text cannot fit on a single page, then circulators shall have full copies of the proposed Ordinance in their possession for inspection by potential signers, and the petition shall identify the Ordinance by declaring that “The signers below call for an Emergency Town Meeting to be held to consider the adoption of the Ordinance filed with the Secretary of the Township on [date] by [petition filer].” 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, and that the signers are registered electors who are residents of the Township to the best of the circulator's knowledge. Only registered electors who are residents within the Township may circulate petitions.

**Section 503. Timeline.** Petition circulators shall have 15 (fifteen) calendar days to collect the required signatures, commencing on the date that the Township Secretary posts the petition. The date that the Township Secretary posts the petition shall be included as 1 (one) of the 15 (fifteen) days that circulators may collect signatures. Petition circulators must gather valid signatures equal to at least 30% (thirty percent) of the number of registered electors within the Township. Petitions bearing the requisite number of signatures must then be filed with the Secretary of the Township during the hours that the Township office is officially open, and the Secretary shall issue a written notice of receipt, and then send the signatures to the Emergency Town Meeting Committee for verification. If the 15 (fifteen) day window for signature gathering expires on a day that the Township office is not officially open, the signatures may be submitted to the Township Secretary on the next day that the Township office is officially open; no signatures shall be gathered on the day(s) that fall between the date that the signature gathering window expires and the next day the Township office is officially open.

**Section 504. Verification and the Emergency Town Meeting Committee.** The Emergency Town Meeting Committee shall verify the accuracy and sufficiency of the petition signatures within 10 (ten) days of the date upon which the petitions are submitted to the Township Secretary, and the Committee shall issue a final determination based on its review. Upon receipt of the petitions from the Secretary, the Chairman of the Board of Supervisors shall schedule and advertise, as a special meeting, a meeting of the Emergency Town Meeting Committee. The Emergency Town Meeting Committee shall consist of the Township Secretary, the Chairman of the Board of Supervisors, the Township Auditor who has served for the longest period of time in the capacity of Auditor within the Township, the petition filer, and the Township Tax Collector. A quorum of the Emergency Town Meeting Committee shall consist of three of those individuals. The number of required signatures shall be calculated using current records from the County Board of Elections; the validity of signatures shall be verified using current records from the County Board of Elections. Disputes over the validity of any individual signature shall be resolved by a majority vote of the Emergency Town Meeting Committee.

**Section 505. Court Review.** The petition filer shall be notified of the final determination of the Emergency Town Meeting Committee within one day of the final determination. The final determination of whether the petition satisfies the requirements for the calling of an Emergency Town Meeting shall be subject to judicial review. An appeal of the final determination of the Emergency Town Meeting Committee shall be filed to the Indiana County Court of Common Pleas, and such appeal must be filed within 10 (ten) days of the final determination of the Emergency Town Meeting Committee. Filing of the appeal shall not prejudice the ability of the original petition filer to create, circulate, and qualify a new petition, following the procedures contained within this Charter.

**Section 506. Emergency Town Meeting Preparation.** If the Emergency Town Meeting Committee determines that the petitions meet the requirements imposed by this Article of the Charter, it shall issue a final determination to that effect, and the Committee must set a date for the Emergency Town Meeting, which must occur no later than 15 (fifteen) days after the Emergency Town Meeting Committee has made its final determination. Notices shall be sent via U.S. Mail to all registered electors who are residents of the Township, informing those electors of the date of the Emergency Town Meeting. The Notices shall also contain a brief summary of the proposed Ordinance, and also a brief overview of the nature of the Emergency Town Meeting,

including informing electors that they will have the opportunity to cast a vote on the proposed Ordinance. The Notices shall be sent out no later than 7 (seven) days before the date of the Emergency Town Meeting. Two advertisements, containing the summary of the proposed Ordinance and the date of the Emergency Town Meeting, shall also be published on 2 (two) consecutive days in a newspaper of general circulation within the Township before the meeting is held.

**Section 507. Running of the Meeting.** The Chairman of the Board of Supervisors shall facilitate the Emergency Town Meeting. All Township electors will be issued a ballot upon arrival at the Emergency Town Meeting. The ballots shall be created and printed by the Emergency Town Meeting Committee. The ballot shall contain the summary of the proposed Ordinance, the question "Shall this Ordinance become law within Grant Township?" and a space for the elector to vote "yes" or "no" on the question. Sufficient copies of the full text of the Ordinance shall be available for inspection at the Emergency Town Meeting. The Chairman of the Board of Supervisors shall call the meeting to order. The petition filer shall have ten minutes to present the proposed Ordinance. Public comment shall follow, with registered Township electors having three minutes each to speak. Following public comment, electors shall individually deliver their ballots to the Chairman of the Board of Supervisors; and the Chairman, upon receiving each ballot, shall direct the Township Secretary to verify the name of the elector on records obtained from the County Board of Elections. Once verified, the Chairman shall place the ballot into a container overseen by the Emergency Town Meeting Committee.

**Section 508. Ballot Counting.** When all the votes have been cast, the Emergency Town Meeting Committee shall, in the open, immediately sort and count the ballots. Only the Emergency Town Meeting Committee shall be involved in the sorting and counting of ballots; no other person shall in any manner interfere. After counting, the Emergency Town Meeting Committee shall make a public declaration of the outcome of the vote. No ballot shall be received and counted after the outcome of the vote has been declared. A tie vote shall be resolved by a majority vote of the Emergency Town Meeting Committee. In the event of a tie vote of the Emergency Town Meeting Committee, the Ordinance shall be deemed to have been defeated.

**Section 509. Effect of the Vote.** If a majority of registered electors casting votes at the Meeting vote "no," the proposed Ordinance shall not take effect in Grant Township. If a majority of registered electors casting votes at the Meeting vote "yes," the proposed Ordinance shall immediately take effect in Grant Township. If a majority of registered electors casting votes at the Meeting vote "yes," the Township Board of Supervisors shall then take the necessary steps for the Ordinance to appear as a proposed amendment to the existing Grant Township Home Rule Charter at the next available general, municipal, or primary election. If a majority of registered electors casting votes at the Meeting vote "yes," the Ordinance shall remain in effect only until the electors in Grant Township have the opportunity to vote on whether or not to amend the existing Charter with the Ordinance.

## **ARTICLE VI - CHARTER AMENDMENT**

**Section 601. Amendment.** No proposed amendment to this Charter shall be withheld from the people's consideration on the basis that existing legal authority may consider the substance of the amendment to be "illegal" or "unconstitutional." Proposed amendments may only be withheld from the people's consideration if they have the effect of denying, abridging, or removing the rights of people, natural communities, or

ecosystems, as recognized by this Charter. Amendments to this Charter shall be adopted pursuant to Pennsylvania law governing the amendment of Home Rule Charters.

**Section 602. Severability.** All provisions, sections, and subsections of this Charter are severable, and if any subsection, 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 VII – CALL FOR CONSTITUTIONAL CHANGES**

**Section 701. State and Federal Constitutional Changes.** Through the adoption of this Charter, the people of Grant Township call for amendment of the Pennsylvania Constitution and the federal Constitution to recognize a right of local community self-government free from governmental preemption and nullification by corporate “rights” and powers.

## **ARTICLE VIII – DEFINITIONS**

The following terms shall have the meanings defined in this section wherever they are used in this Charter:

“**Charter**” means the Grant Township Home Rule Charter.

“**Corporation**” for purposes of this Charter, includes any corporation, or other business entity, organized under the laws of any State or country.

“**Depositing of waste from oil and gas extraction**” includes, but is not limited to, the depositing, disposal, storage, beneficial use, treatment, recycling, injection, or introduction of materials including, but not limited to, brine, “produced water,” “frack water,” tailings, flowback, or any other waste or by-product of oil and gas extraction, by any means. The phrase shall also include the issuance of, or application for, any permit that would purport to allow these activities. This phrase shall not include temporary storage of oil and gas waste materials in the Township at existing well sites.

“**Extraction**” means the digging or drilling of a well for the purposes of exploring for, developing, or producing shale gas, oil, or other hydrocarbons.

“**Person**” means a natural person, or an association of natural persons, that does not qualify as a corporation under this Charter.

“**Township**” means Grant Township in Indiana County, Pennsylvania, its Township Board of Supervisors, or its representatives or agents.