ARTICLE I: Short Title and Definitions

Section 1.01 - Short Title

This Ordinance shall be known and may be cited as the "Administrative Code of the Township of Upper Darby of 1976."

Section 1.02 - Definitions:

A. "Administrative Service" shall mean all personnel in those units of Upper Darby Township which are under the authority of the Mayor.
B. "Charter" shall mean the Home Rule Charter of Upper Darby Township.
C. "Mayor" shall mean the Mayor of Upper Darby Township.
D. "Council" shall mean the Township Council of Upper Darby.
E. "Law" shall mean all applicable laws of the United States of America and the Commonwealth of Pennsylvania.
F. "Municipality" shall mean Upper Darby Township, Pennsylvania.
G. "Ordinance" shall mean all Ordinances of Upper Darby Township, including this Administrative Code.
H. "Person" shall mean any individual, partnership, association or corporation.
I. "Publish" shall mean to print in a newspaper of general circulation in Upper Darby Township the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for public inspection.
J. "Residents of Upper Darby Township" shall mean any person whose permanent place of habitation is fixed within the Township, and to which, whenever he or she is absent, he or she has the intention of returning.
K. "Residence" shall mean an abode which a Township officer or employee maintains as a permanent place of habitation.
L. "Township" shall refer to Upper Darby Township, Pennsylvania
M. "Unit" shall mean all government entities of Upper Darby Township.

In this Ordinance the singular shall include the plural and the plural shall include the singular. (As amended by Ordinance 2815, adopted 8/17/94)

ARTICLE II: Council Organization and Procedure

Section 2.01 - General

The number of Councilpersons; their terms, elections and qualification and the filling of Council Vacancies shall be as provided in The Home Rule Charter.

Section 2.02 - Organizational Meeting - Presiding Officer of Council:

A. The day, time and place of the Organization Meeting of the Council shall be as provided in the Charter.
B. The first order of business shall be the election of a President and a Vice President of the Council and such other Officers as the Council may deem appropriate. Until such election is accomplished, the Municipal Clerk shall preside.
C. In the absence of the President, the Vice President shall exercise the duties of the President. In the absence of both the President and the Vice President, the Council shall appoint a President pro tem
who shall have all the powers of the President.

Section 2.03 - Meetings:

A. Public Notice: Provisions governing public notice of meetings shall be as provided by law.
B. Regular Meetings: Provisions regarding the regular meetings of Council shall be as provided in the Home Rule Charter.
C. Rules of Procedure: All meetings of the Council shall be governed by Roberts Rules of Order and such other rules as Council may, from time to time, establish.

Section 2.04 - Committees of Council

The Council may, at any time, provide for standing and ad hoc committees to assist with the carrying out of its function. The presiding officer shall appoint the chairperson for each such committee. Each committee so designed by the Council shall elect its officers and provide for rules governing its procedure. Any such committee appointed by the council shall, thereafter, report to the Council at the regular stated meetings of that Body.

Section 2.05 - Municipal Clerk

The Council shall appoint and fix the salary of the Municipal Clerk. The Municipal clerk shall serve as Clerk of Council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions and perform such other functions as may be required by law or by Township Ordinance. The Municipal Clerk shall, prior to appointment, have been qualified by training or experience to perform the duties of the Office. (Subsection 2.05 added by Ordinance 2532, adopted 12/20/77)

ARTICLE III: The Mayor

Section 3.01 - Powers and Duties

The Mayor shall be the Chief Executive Officer of the Township and shall have those powers and duties prescribed by law, ordinance and the Home Rule Charter (Article IV -The Mayor).

Section 3.02 - Budget; Financial Affairs;

Deeds and Contracts:

A. Submission of the Mayor's budget and budget message to Council shall take place at least ninety (90) days prior to the start of the fiscal year. The Council shall hold two (2) public hearings on the contents of the Mayor's budget prior to adoption of the budget. The public hearings on the budget shall be held separately and apart from the regularly scheduled meetings of the Township Council.
B. The Mayor's budget shall be organized by line items and shall include detailed personnel requirements and the proposed expenditures for these requirements.
C. At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency in accordance with the provisions of the Home Rule Charter; however, said transfer shall be reported to the Township Council within ten (10) days of the date said transfer became effective.
D. All deeds, contracts and other agreements to which the Township is a party shall be executed by the Mayor in accordance with the provisions of the Home Rule Charter; however, any labor agreement
with a collective bargaining unit shall become effective only upon approval of Council.

E. The Mayor shall submit to Council, on a monthly basis, a list of all bills and invoices paid by the Township during the preceding monthly period.

F. The Mayor shall expend funds for capital improvements in accordance with the requirements of the Capital Budget. Any changes or amendments to said budget shall become effective only upon approval of a majority of the members of the Township Council.

G. The Mayor shall present or cause to be presented to The Township Council a quarterly summary of the Township's financial affairs. Said summary shall include a statement of both income and expenditures for the year to date and shall be presented at public meetings of the Township Council.

[Section 3.02 added as 3.01 by Ordinance 2561, adopted 7/5/79.]

ARTICLE IV: Chief Administrative Officer

Section 3.01 - Powers and Duties

The powers and duties of the Chief Administrative Officer (CAO) shall be those as prescribed by law, ordinance, and the Home Rule Charter (Article V - CAO).

ARTICLE V: Departmental Organization

Section 5.01 - Administrative Organization

The Administrative service of the Township shall be under the Mayor and Chief Administrative Officer and comprised of the following departments and heads thereof:

- Department of Administrative Services - Director
- Department of Finance - Director
- Fire Department - Chief
- Department of Leisure Services - Director
- Department of Licenses and Inspection - Director
- Police Department - Superintendent
- Department of Public Health - Director
- Department of Public Works - Director
- Electrical Department - Director
- Parking Enforcement - Director

and such other departments and heads as may be created by amendments to this Code. The Chief Administrative Officer shall Promulgate regulations dealing with the internal organization of departments. (As amended by Ordinance 2531, adopted 12/20/77; Ordinance 2814, adopted 7/20/94; Ordinance 2815, adopted 8/17/94.)

Section 5.02 - Departmental Heads

All department heads shall be appointed by the mayor with approval of the Council. Department heads shall be discharged by the Mayor with approval of Council. Department heads shall be chosen solely on the basis of executive, administrative, and technical qualification as are prescribed by law.

Section 5.03 - Duties
Department heads, under the direction of the Mayor and the Chief Administrative Officer, shall:

A. Direct personally and through subordinates the performance of all functions, duties and operations assigned to and required of the department and its subordinate units by law, the Charter, or Ordinance and such other activities as may be required by the Mayor and chief Administrative Officer which are not in conflict with law, the Charter, or Ordinance;

B. Assist the chief Administrative Officer in developing and prescribing the internal organization of departments and their subordinate units, in accordance with provisions of law, the Charter, or Ordinance;

C. Assign duties and responsibilities, to subordinate officers and employees within the department and modify those assignments consistent with and in response to the changing exigencies of service, subject to the approval of the Mayor and Chief Administrative Officer;

D. Develop and prescribe, in written form, an administrative manual for the department, subject to the approval of the Mayor and Chief Administrative Officer;

E. Prepare and submit departmental budget requests in accordance with schedules, forms and policies as prescribed by the Mayor;

F. Prepare and submit reports prescribed by the Mayor and/or the Chief Administrative Officer;

G. Cooperate with and furnish to any department or unit of the Municipality any information, service, labor, material and equipment that may be necessary to perform a municipal function;

H. Be aware of and coordinate the activities of the department with appropriate area wide, regional and intergovernmental programs; keep the Mayor and Chief Administrative Officer informed of the activities and policies of such programs as they affect the department or the Municipality; and make analyses and recommendations regarding such activities and policies when appropriate;

I. Administer and evaluate intergovernmental contracts and agreements as these relate to departmental functions;

J. Develop and maintain internal administrative and budgetary controls and productivity and performance standards to assure maximum levels of quality and quantity of service within budgetary limitations;

K. Keep abreast of developments in administrative policies, management techniques, technological advances and make recommendations to the Mayor and Chief Administrative Officer concerning councilmanic action or administrative regulations for the utilization of those policies, techniques, and technologies deemed to be in the best interest of the department and Township;

L. Keep abreast of all laws and municipal ordinances and administrative regulations relating to the functions of the department;

M. Serve as a member of any committee or as a staff officer or provide staff services to any authority, board or commission to which the department head may be assigned by the Mayor or Chief administrative Officer;

N. Develop personnel planning and employee development policies for the department, including the planning and execution of appropriate training and education programs;

O. Establish and enforce rules and regulations for the use of municipal facilities and services and issue such licenses and permits as may be required by Ordinance; and

P. Develop and recommend to the Mayor and Chief Administrative Officer rate structures for those services for which user fees are charged.

Section 5.04-5.06 - Administrative Services
Section 5.07-5.09 - Department of Finance
Section 5.10-5.12 - Fire Department
Section 5.13-5.15 - Leisure Services
Section 5.16-5.18 - Licenses and Inspection
Section 5.19-5.22 - Police Department
Section 5.23-5.25 - Public Works
Section 5.26-5.31 - Public Health
ARTICLE VI: Personnel Rules

Section 6.01 - Classification of Township Positions

Each department head shall prepare a position classification, job description and current pay plan for each position in his department. This information shall be kept on file in the Office of the Chief Administrative Officer. Should technological advances and/or administrative concerns warrant reclassification of a position, it shall be the prerogative of the Department Head, in consultation with the Mayor and Chief Administrative Officer, to modify or reclassify any position.

Section 6.02 - Appointment; Promotion; Performance Review; Residency Requirement

A. In order to insure that the most qualified persons are employed by the Township, appointment, promotion or demotion shall be based on merit considerations and personal fitness for a job and shall be free of personal, religious, racial, and political bias. All new employees shall be regarded as probationary employees for a period of six (6) months following the date their employment began. Such employee may be discharged during his probationary period by the Township in its absolute discretion.

B. Determination of merit and fitness for appointment, promotion or demotion shall be based on systematic evaluation by the Department Head, in consultation with the Mayor and Chief Administrative Officer. The determination shall consider experience and education levels wherever and whenever each is judged to be in the best interest of the Township.

C. The Chief Administrative Officer shall assure that each employee's performance is reviewed annually by their respective Department Heads. This review shall, at a minimum, include determinations of dependability and quality and quantity of work. This review shall be made part of the employee's personnel file and shall be considered confidential information.

D. All police officers and paid firefighters hired as full time employees of Upper Darby Township must either be or become within six (6) months after completion of their probationary period, and continue to remain during the term of their employment, a resident of Upper Darby Township.

E. All persons, other than police officers and paid firefighters, hired as full time employees of Upper Darby Township must either be or become, within six (6) months after their date of hiring, and continue to remain during their employment, a resident of Upper Darby Township.

F. If at any time a position should become vacant or the need arises for the addition of a new position or for the reclassification of an existing position, the Mayor shall notify Council at the earliest opportunity.

Section 6.03 - Reduction in the Work Force and Removal of Subordinate Township Employees

Layoff of Township employees who are members of an employee organization or are Civil Service appointees shall be governed by the provisions contained in the contract between the Township and the respective organizations. Notwithstanding contract provisions, the Township, if necessitated by fiscal restraints or in the interest of increased efficiency, may abolish a job classification or position or may redefine the duties of a position or demote an employee. The procedures for appointment, suspension, demotion or removal of subordinate Township employees shall be governed by the terms of Section 803B of the "Home Rule Charter"
of the Township of Upper Darby. Continued employment by the Township shall be subject to satisfactory performance of work, necessity for the performance of the particular job and the availability of funds.

Section 6.04 - Grievance Procedures

The grievance procedures for employees who are members of an employee organization or are Civil service appointees shall be in accordance with those contained in respective agreements between the Township and the employee organization or the Civil Service Code. If a difference should arise between an employee and the Township, the employee should consult his immediate supervisor in an earnest effort to settle the difference. Should the above not prove satisfactory, the grievance shall be brought to the Department Head for settlement. Should this procedure not accomplish a settlement, the grievance shall be brought to the attention of the Chief Administrative Officer, by the Department Head, who shall consult the Mayor for final disposition of the grievance.

Section 6.05 - Training Programs

Department heads shall develop, execute, and provide training and education programs for the personnel in their departments based upon accepted administrative policies and management techniques and the most recent technical information available to them.

Section 6.06 - Provisional Appointments

Department heads may periodically hire temporary employees provided they have received approval or the Mayor and the Mayor has received a written recommendation from the Chief Administrative Officer. Temporary appointments will be approved only if a specific Township requirement and/or need can be demonstrated and then only if funds are available. Temporary employees will not be entitled to the benefits received by regular Township employees.

Section 6.07 - Retirement Age

There shall be a maximum retirement age for non-uniformed Township employees of seventy (70) years of age. However, upon recommendation of the Department Head, an individual employee's performance may be reviewed and employment of the individual continued. The individual's contract shall be reviewed and renewed at least on an annual basis.

(As amended by Ordinance 2551, adopted 2/6/97)

Section 6.08 - Policy Governing Relationships with Employee Organizations

The policies and procedures governing the relationships between the Township and employee organizations shall those defined in the Home Rule Charter, Ordinance, or Law.

Section 6.09 - Work Rules

A. The provisions of this Article are hereby repealed insomuch as they apply to the setting of the terms and conditions of the employment of any Township employee, or the setting of rules and regulations by the Township concerning areas of discretion or policy deemed to be matters of inherent managerial policy by the provisions of Act 111, June 24, 1968, P.L. 237. 43 P.S. Subsection 217.1-217.10, as amended, and known as "Collective bargaining by Policemen or Firemen" or Act 195, July 23, 1970 P.L. 563, 43 P.S. subsection 1101.101-1101-2301, as amended, and known as the "Public Employee Relations Act."
B. The Work Rules as promulgated in Ordinance 2497 and which were included by reference in this section, are hereby repealed insofar as they apply to the setting of the terms and conditions of the employment of any Township employee or the setting of rules and regulations by the Township concerning areas of discretion or policy deemed to be matters of inherent managerial policy, by the provisions of Act 111, June 24, 1968. P.L. 237, 43 P.S. Subsection 217.1-217.10, as amended, and known as "Collective Bargaining by Policemen or Firemen" or Act 195, July 23, 1970 P.L. 563, 43 P.S. subsection 1101.101-1101-2301, as amended, and known as the "Public Employee Relations Act."

C. The Mayor shall, as necessary, promulgate and cause to be published, all rules and regulations concerning areas of discretion or policy deemed to be matters of inherent managerial policy by the provisions of Act 111 or Act 195 as applied to any Township employee subject to the provisions of Act 111 or Act 195.

D. As used in this Article, the following terms shall have the meaning given as follows:
   c. "Terms and Conditions of Employment" shall include compensation, hours, working conditions, retirement, pensions and other benefits and the settlement of grievances or disputes.
   d. "Matters of Inherent Managerial Policy" shall include but not be limited to such areas of discretion or policy as the functions and programs of the Township, standards of services, the overall Township budget, utilization of technology, the Township's organizational structure and selection and direction of Township personnel.

(Original Section 6.09 repealed and replaced by current Section 6.09 by Ordinance 2811, adopted 3/16/94.)

**ARTICLE VII: General Provisions**

**Section 7.01 - Oath of Office**

All Councilpersons, the Mayor, the Chief Administrative Officer, all department heads and the Township Treasurer, before commencing their official duties, shall take and sign an Oath of Office as shall, from time to time, be prescribed by law. such oath shall be taken and signed before a Judge, District Justice, Magistrate or Notary Public of the Commonwealth of Pennsylvania. this oath shall be filed, in written form, with the Municipal Clerk prior to assuming office.

**Section 7.02 - Code of Ethics**

All Councilpersons, the Mayor, the Chief Administrative Officer, all department heads and the Township Treasurer, before commencing their official duties, shall affirm to a Code of Ethics. The signed affirmation of such Code of Ethics by all Councilpersons, the Mayor, the Chief Administrative Officer, all department heads and the Township Treasurer shall be filed with the Municipal Clerk.

A. Personal Financial Interest Any Township Officer or employee having a financial interest in any contract, project or program, executed or undertaken by the Township, shall disclose the nature of such interest and refrain from taking any active part in the promulgation or implementation of such contract, project or program. Any violation of the requirements of this section shall constitute malfeasance of office or position and shall render the contract, project or program voidable at the option of the Mayor and/or Township Council.

B. Prohibitions
   1. No person shall be appointed to or removed from or in any way favor or discriminate against with
respect to any Township position or appointive office because of race, sex, political or religious opinions or affiliation.

2. No Township Officer or employee shall use or otherwise avail himself or herself to the use of Township personnel, equipment, or supplies except in connection with official Township business.

3. No person shall willfully make any false statement, certificate, mark, rating, or any report in regard to any test, certification, or appointment to any Township position or appointive office.

Section 7.03 - Interference with Administration

Except as otherwise provided in this Administrative Code, and for the purposes of inquiries and investigations, the Township Council or its Members shall deal with employees in the Administrative Service solely through the Mayor and/or Chief Administrative Officer and neither the Council nor its Members shall give orders to such employees either publicly or privately

Section 7.04 - Conviction of a Crime

Any person convicted of a felony, or a crime, or offense involving moral turpitude shall for a period of ten (10) years be ineligible to assume any municipal elective or appointive office and, upon conviction thereof while in office, shall forfeit such office.

Section 7.05 - Sundays and Holidays

Whenever any time established by this Ordinance for the taking of any action expires on a Sunday or on a legal holiday such time shall not expire on said day but shall expire on the next weekday.

Section 7.06 - Separability

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional by decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each portion thereof respective of the fact that any portion thereof be declared illegal.

Section 7.07 - Repealer

All Ordinances or parts of Ordinances which are in force when this Administrative Code is adopted are repealed to the extent that they are inconsistent or interfere with the effective operation of this Administrative Code.