INDEX
Upper Darby Township Council Meeting
April 15th, 2020

Pledge of Allegiance to the United States of America 1

Moment of Silence for Thomas J. Judge Sr. and for all those who have lost their lives to COVID-19 1

Attendance of Council & Department Heads 1

Discussion on Rules of Decorum & having virtual meetings 1-4

Approval of March 2020 Meeting Minutes 4

Public Comments 4-5

Council President, Laura Wentz 5

The Honorable Mayor Barbarann Keffer 5-6

Committee Reports

Municipal Services, Licensing and Public Works Committee
Brian K. Burke, Chairman
Members: Sheikh M. Siddique, Thomas P. Wagner, Hafiz Tunis Jr.

Public Hearing for Ordinance No. 3069, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania enabling Council members to participate and vote during Council Meetings or Executive Sessions by means of telecommunication devices subject to certain criteria; repealing all inconsistent Ordinances, Resolutions or parts thereof; providing a severability clause; and providing an effective date 6-8

Public Hearing for Ordinance No. 3070, requiring sewer lateral inspections in connection with the transfer or change in use of a property; repealing all Ordinances or parts thereof inconsistent herewith; providing a severability clause; and providing an effective date 8-12

Adoption of Ordinance No. 3069 8

Adoption of Ordinance No. 3070 12

Planning, Zoning & Building Code Committee
Robert S. Gwin Jr., Chairman
Members: Michelle Billups, Donald P. Bonnett

Public Hearing for Ordinance No. 3072, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, establishing a Property Maintenance Code for all Residential and non-residential structures and properties in Upper Darby Township; establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; providing for the responsibility of owners and owners’ authorized agents, operators, and occupants; and providing for the occupancy of existing structures and premises, and for administration, enforcement and penalties; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date 12-15

Ordinance No. 3072 is TABLED 15
Public Health and Environmental Affairs Committee
Matt Silva, Chairman
Members: Michelle Billups, Sheikh M. Siddique, Hafiz Tunis Jr.

Public Hearing for Ordinance No. 3073, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, repealing Ordinance No. 1912 in its entirety; repealing Section 1 of Ordinance No. 2673 in its entirety; and enacting new standards for the operation of food and drink establishments; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Adoption of Ordinance No. 3073

Finance and Appropriations Committee
Robert S. Gwin Jr., Chairman
Members: Michelle Billups, Brian K. Burke

Public Hearing for Ordinance No. 3071, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, amending Ordinance No. 2786, Ordinance No. 2787 and Ordinance No. 482 to provide that all parking violations shall be punishable by a fine established by Resolution of Township Council; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Adoption of Ordinance No. 3071

Resolution No. 13-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania to provide a fee schedule for the abatement of property; repealing all Resolutions and parts of Resolutions inconsistent herewith; providing a severability clause; and providing an effective date

Adoption of Resolution No. 13-20

Resolution No. 14-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania establishing fines for parking violations in Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Approval of Resolution No. 14-20

Resolution No. 15-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania establishing fees for Licenses and Inspections for the operation of food and drink facilities; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Approval of Resolution No. 15-20

Resolution No. 16-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, establishing fees for the fire safety inspections in Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Motion to table Resolution No. 16-20

Resolution No. 17-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania establishing fines for property maintenance violations in Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Approval of Resolution No. 17-20
Motion to table Resolution No. 17-20

Solicitor

Old Business

New Business

Adjournment at 12:32 a.m.
Minutes for Upper Darby Township Council Meeting on April 15th, 2020

Pledge of Allegiance to the flag of the United States of America
Moment of Silence for Thomas J. Judge Sr. and for all those who have lost their lives to COVID-19

Opening of Meeting

Roll Call

Robert S. Gwin Jr., Brian K. Burke, Danyelle Blackwell, Michelle Billups, Sheikh Siddique, Lisa Faraglia, Matt Silva, Donald P. Bonnett, Thomas P. Wagner, Laura A. Wentz, Hafiz Tunis Jr.,

Present at the Meeting

Barbarann Keffe, Mayor
Vincent A. Rongione Esq., CAO
Sean P. Kilkenny, Esquire
Courtney N. Richardson, Esquire
Alexis Cicchetti, Chief Municipal Clerk

Department Heads

Chris McSween
Scott Alberts

Council President Wentz announced that there were two Executive Sessions prior to this meeting.
The Finance Committee Executive Session at 6pm to talk about a tax assessment and the Council Executive Session at 6:20pm for video/scound check and right-to-know training.

Rules for Meeting Decorum

Rule out of order scandalous, impertinent, and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting, including the questioning of, or polling of, or debating with, individual members of the Board.

DPB commented on the Rules of Decorum and doesn’t agree with the last line as he believes that this is a grievous violation of one’s right to freedom of speech (he wants this on record) and violates his reading of Section 7.10.1 of the Sunshine Act which provides “that taxpayers and residents should be able to comment on matters of concern, official action or deliberation which are or may be before the Board or Council prior to taking official action.” He would like to ask the Solicitor to render a decision, preferable in writing, if this provision that DPB has cited are not violations of the First Amendment of the Constitution and also Section 7.10.1.

Solicitor Kilkenny stated that the Township has the right to place reasonable restrictions on public comments based on time, applicability; Public Comment is not a debate but simply Public Comment. He will review that in relation to DPB’s Constitutional concerns and the Home Rule Charter.

LW stated that it could be added to the May 5th, 2020 Agenda for further review. She also asked Solicitor Kilkenny to re-read his email on the virtual meetings as there have been more questions from constituents about the right for Council to hold these meetings and conduct Council business.
Solicitor Kilkenny stated that the General Assembly and the Senate passed a Bill today saying that virtual meetings are good for all municipalities during an Emergency Declaration. It is anticipated that the Governor will sign this.

Solicitor Kilkenny re-read his e-mail of March 25th, 2020 on the Virtual Meeting under COVID 19 State of Emergency:

Council:
As Upper Darby Solicitor, I was asked by Council President Wentz, the Mayor, and the Administration to provide the legal basis for tonight’s teleconference meeting, my rationale for opinion that it is legal is as follows:

1. On March 6, 2020, Governor Tom Wolf made a "declaration of disaster emergency" regarding the novel coronavirus ("COVID-19") and its threat of imminent disaster throughout the Commonwealth. In emergencies, the Emergency Management Services Code provides that agencies can suspend the need to comply with certain "formal requirements." 35 Pa.C.S.A. § 7101 et seq.

2. On March 23, 2020, Governor Wolf, issued an Order requiring all Delaware County residents to “stay at home” given the public health threat of Covid-19. Thus, it is required that the public, staff, and Council participate remotely in this evenings Council meeting.

3. On March 11, 2020 the Commonwealth’s Office of Open Records “OOR” provided the following guidance in related to public meetings during the Covid-19 pandemic (see link below). In situations where an emergency declaration prevents an in-person public meeting with public participation as required by the Sunshine Act (the "Act"), the Office of Open Records ("OOR") provides that "a meeting via teleconference, webinar, or other electronic method that allows for two-way communication is permissible." This meeting must comply with Section 710.1 of the Act in that it must provide a reasonably accessible method for the public to participate and comment. The communication method selected should be clearly explained to the public in advance of and during the meeting.

4. Upper Darby's Home Rule Charter provides that "[d] Council shall conduct no business except in the presence of a quorum which shall be constituted by a majority of the members of Council then in office." Section 311. However, the Home Rule Charter does not provide by what means the quorum must be established (no formal requirement for a physical quorum).

5. In 1992, the Pennsylvania Supreme Court clarified that participation by speakerphone is acceptable to establish a quorum. In Babac v. Pennsylvania Milk Mktg. Bd., the Court held "that a quorum of members can consist of members not physically present at the meeting but who nonetheless participate in the meeting and that such quorum can take official action, provided that, the absent members are able to hear the comments of and speak to all those present at the meeting and all those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously." 531 Pa. 391 (1992).

6. The Upper Darby School District, the General Assembly of the Commonwealth, and many other Municipalities throughout the Commonwealth have conducted “virtual meetings.” While not binding it is persuasive that the Pennsylvania State Association of Township Supervisors “PSATS” have opined that “virtual meetings” are permitted during Disaster Declarations.
7. On March 25, 2020, Upper Darby Township Council is using GoToMeeting. The ability to comment at this publicly advertised meeting has been made known to the public well in advance. GoToMeeting is a web-hosted service for online meetings and video conferencing, which enables users to communicate with other meeting participants in real-time. This system satisfies the OOR’s guidance requiring two-way communication because it not only allows all Councilors to hear the comments and speak to all those present but also provides a forum for public comment.

8. Based on the reasoning and legal justification in paragraphs 1 through 8 of this email, tonight’s meeting is legal. I request that Alexis submit this in the Official Minutes of the meeting.

LW asked how other municipalities are dealing with conducting business during COVID-19.

Solicitor Kilkenny stated that some are actually less interactive than Upper Darby but there are those who are using Zoom or an equivalent platform and that municipalities are conducting business as usual as no one knows how long this situation will go on.

DPB stated that he and his constituents don’t have an issue with having a meeting. Per the Home Rule Charter, there needs to be at least one meeting per month. However, many comments from the residents reflect that they feel that the amount of legislation that we are passing is a big issue and it doesn’t provide a great forum for them to comment and understand and have dialog with the Council about pending legislation. He doesn’t feel that tonight’s proposed Resolutions and Ordinances need to be passed tonight and could be held off. He feels that it is not necessary to have such a long Agenda while we are under stay-at-home orders from the Governor.

LW stated that because we are doing it in a virtual setting, people have a greater opportunity to weigh in on the Ordinances. The Ordinances now come before the Committee Meeting in written form to Council members and they are also posted early so they are available for the public to view and they can then make comments. She further stated that these kinds of meetings may continue for quite a while so we need to conduct business as usual in our government. The Administration has made accessibility to a lot of information online.

DPB feels that issues should be brought to individual Committees for discussion before being slated for an Agenda where a vote will be taken. He feels that the proposed Ordinance for the Property Maintenance Code should have been brought to the Committee first.

LW stated that in the prior Administration, she was never presented with a written Ordinance where she could have input in the wording. She feels that it is a huge step that they are now available at the Committee meetings for the Council members to review and that it is a process. She stated that the ultimate goal is to have the Ordinances in the Committees before they are brought to the Committee meeting.

DPB stated that the Ordinances were always drafted from the Committee action working with the Solicitor’s office. He commented that these are being drafted at the Administrative level and asked why the Property Maintenance Ordinance was not presented to the Committee first.

Mayor Keffer acknowledged that DPB was the former Council President and believes that he is talking more about a tradition of how things were run. She stated that she is not sure where the duties of the Committee are specified in the Administrative Code, because in Section 2.04 it reads that “the Council may at any time provide for standing and ad hoc Committees to assist with the carrying out of this function”. It doesn’t really specify the same way that DPB does so it seems that it is just a difference of opinion on how to run things.

LW stated that the meeting needs to move forward and any further discussion can come up during Old Business at the end of the meeting and asked for a Motion for the approval of the Minutes from March 4, 2020.
specified in the Administrative Code, because in Section 2.04 it reads that “the Council may at any time provide for standing and ad hoc Committees to assist with the carrying out of this function”. It doesn’t really specify the same way that DPB does so it seems that it is just a difference of opinion on how to run things.

Council President Wentz stated that the meeting needs to move forward and any further discussion can come up during Old Business at the end of the meeting and asked for a Motion for the approval of the Minutes from March 4, 2020.

TW stated that he didn’t get an opportunity to present his opinion and has no intention of waiting until the end of the meeting as he felt that LW had an opportunity to speak and the Solicitor made a lengthy speech about how this meeting is appropriate. He suggested that this meeting might be technically illegal and that the items on the Agenda do not need to be addressed at this time and should be held off until after the pandemic.

CAO stated he believes that the Mayor was correct in her interpretation of the Administrative Code and the role of the Committees and that DPB and TW’s objections are well known and have been well stated. They have been reiterated time and time again. Everyone knows their positions and they do not need to be litigated over and over again waste the time of the public. Also, the people extending the meetings are the same people complaining about the time that the meetings take and the public knows this.

TW asked why there was debate from the CAO as he is not a member of Council.

Council President Wentz again asked for a Motion for the approval of the Minutes.

**Approval of the Minutes for March 2020**

Approval of the Minutes from the Committee Meeting of 3-4-20

Moved: Mr. Gwin  
Second: Mr. Tunis  

**Moved and seconded. Eleven in favor.**

Approval of the Minutes from the Regular Meeting of 3-25-20

Moved: Mr. Gwin  
Second: Mr. Tunis  

**Moved and seconded. Eleven in favor.**

**Public Comments:**

Earle Toole, 927 Penn Avenue asked about the ability to pay the rubbish tax online

Mayor Keffer stated that we have a lot of new online payment options for permit applications and bulk trash pick-up. We are transitioning from the old website to the new website and this will allow residents to pay their taxes online next year.

Joe Clark and Sadie Thomas, 75 Houston Road object to the Agenda and having the Ordinances on the Agenda during COVID-19. They feel that the meeting is in violation of the Home Rule Charter
signage on State Road for Drexelbrook was allowed to be changed as this is causing cars to race down the street now.

LW stated that it was read at the last meeting and DPB stated that it would be looked into. CAO said that unfortunately they did not have an opportunity to look into it this past week but they will and will get an answer for the resident. Also, the school board is responsible for the Aronimink funding.

DPB stated that the sign issue is the responsibility of the hotel and that when the hotel was built, all traffic for the banquet facility and the hotel would be directed to Ferne Blvd. and Burmont Road where a sign will direct people to the facility. This issue needs to be addressed now. LW agreed that a number of streets are affected.

David Dryden, 1114 Burmont Road
Jenn Herman, 740 Turner Avenue
Annette Fenning, 5015 Marvine Avenue
Bonnie Hallam, 4719 Woodland Avenue

All comments were received via email and there were no phone comments

President of Council, Laura A. Wentz

Council President thanked everyone for participating in the meeting and thanked people for wearing masks and for helping each other out during this crisis

The Honorable Mayor Barbarann Keffer

I thought we lucked out with no measurable snow events this year, but instead, we have a pandemic. Today marks the 100th day of this new administration: 66 days of pure transition and 34 days operating under the Coronavirus Emergency Declaration. First and foremost, I wish to express my gratitude to our township employees for adjusting so well while providing excellent public safety and municipal services this entire time and to our residents who are bearing well with the shelter at-home and physical-distancing directives that will help us contain and overcome the pandemic. We are living through an uncertain, unprecedented time and I’d like everyone to know that we, in the township, are working hard to do the best job we possibly can and our focus is on the health, safety and well-being of all of our residents.

While some of the initiatives begun earlier this year are stuck in a holding pattern, we have made huge strides towards our goals of reinvestment, reform and redevelopment. Working with Council, we have streamlined the inspection process under the Department of Licenses & Inspections. Rental inspections, property maintenance, code enforcement have been re-organized to provide more accountability and a clear, verifiable system for conducting initial and follow-up inspections. According to the 2018 Comprehensive Plan, “a key concern for many residents was the lack of code enforcement for repairing and maintaining housing stock in Upper Darby”. 80% of our housing stock was built before 1960. These initiatives mark a baseline which demonstrates this administration’s commitment to address these critical, long-standing, quality of life issues.

Also working with Council, we have implemented virtual council meetings since March 25 and we will host the first ZHB virtual meeting next week. This prepares us to manage this crisis as well as any others in the future and ensures continuity of governance and helps usher the township into the 21st century.

Which brings us to our new online payment services: payments can now be made for a variety of fees like bulk trash pick-up, permit applications and parking fees. We are transitioning to a new website and next year
residents will be able to make municipal tax payments online. This year, we worked with Council to extend the discount municipal tax rate to April 30 from March 31.

Upper Darby is now a member of the Pennsylvania Municipal League and we have begun a professional development program for our employees and elected officials, led by our department heads. We also belong now to PennBid, an online service, free for public entities which lowers the cost of bids and contracts and increases the pool of qualified vendors and recently we used it for engineering services. We work with the Pennsylvania DCED through their Strategic Management Planning Program which is now re-focused on the development of a multi-year Financial Plan as we wrestle with the legacy of a $300 million unfunded health care liability and an inefficient software system that dates back to the mid-80’s and uses dot-matrix paper for financial and other municipal reports.

We recently secured a grant for the township and our libraries to promote and help people fill out the census and we’ve partnered with Lansdowne and Yeadon on a regional grant to develop bike lanes here.

Before the March 13 Emergency Declaration, I had 58 meetings with constituents, community organizations and local stakeholders. Recently, the newest member of our Economic Development Committee, designed a website (businessupperdarby.org) and a Facebook page (UD Economic Development) that contains great information on Coronavirus aid for small businesses and will be a valuable resource going forward.

When this is over, we will continue the Listening Tour and organize events, programming and play catch-up as we face the recovery together.

The number of people in our community who have tested positive continues to rise (as does the number of people who test negative). We likely have a way to go here. There is a lot of uncertainty, a lot of people are hurting, are isolated and disappointed. Things will improve if we continue to work together. Please maintain physical-distance, wear a mask while out in public, don’t throw your gloves on the ground or in a shopping cart. The more we work together consistently to contain the virus and bring it to a standstill, the quicker this part of our lives will be over.

Please fill out your census, if you haven’t already. Go to 2020census.gov. Let’s “Make Upper Darby Count”, now and for the future.

Township updates are posted on the township website and the official township Facebook page. I want you to know our top priority is the health, safety and well-being of all of our residents.

I can’t wait to see what the next 100 days will bring!

Committee Reports

Law and Government & Rules and Procedures Committee:
Michelle Billups, Chairwoman
Members: Danyelle Blackwell, Matt Silva

Public Hearing for Ordinance No. 3069, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania enabling Council members to participate and vote during Council Meetings or Executive Sessions by means of telecommunication devices subject to certain criteria; repealing all inconsistent Ordinances, Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor gave a reading of Ordinance No. 3069
A Public Hearing was convened.

No Speakers

There were no Public Comments on Ordinance No. 3069. Therefore, the Public Hearing was closed.

Moved: Ms. Blackwell
Second: Mr. Silva

DPB asked about equipment required to effectuate a remote connection.

Solicitor Kilkenny stated that a speakerphone or cellphone on speaker could be used in an emergency situation.

DPB asked if there would be a video capability.

LW stated that the Township will be working on a plan.

DPB again repeated that the Ordinances are being rushed through and questioned why this is on the Agenda.

LW stated that this was on the Agenda before COVID-19.

MS stated that this affords Council members the ability to participate remotely and he doesn’t see a reason why we shouldn’t allow this to move forward. Even after this crisis is over, this will be very beneficial for Council members who sometimes are not physically able to attend a meeting.

HT wanted to note that this was brought up at a February meeting and after due deliberation, we got to this point.

DPB said that the common thread of all the Ordinances is that it’s not a great opportunity to have a healthy dialogue because of these telecom meetings where people can’t participate.

LW greatly disagreed as the public has had more than 7 days to send an email or a comment so they have had a good opportunity.

CAO stated that it is categorically false to state that people’s rights are being infringed. The opinion of the councilor is well-known and understood but his opinion on whether people’s rights are being infringed is categorically false.

MB stated that she has received some of the emails but she doesn’t remember seeing any of those people at any past Council meetings.

DB stated that these are new times for everyone and even the Supreme Court issued a release on April 13th that stated that they would also hear oral arguments by telephone so what we are doing is relevant.

TW stated that he wants to point out that this may be technically correct or it may not be, but the point is that the public feels excluded from this process by only being able to participate with this technology and that it is falling on deaf ears. He acknowledges that there were changes made but he will still be voting against it for the sole reason that he doesn’t feel that we should be voting on it at all.

A roll call vote was taken.
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Eight in favor, 3 opposed. Ordinance No. 3069 is adopted.

Municipal Services, Licensing and Public Works Committee
Brian K. Burke, Chairman
Members: Sheikh M. Siddique, Thomas P. Wagner, Hafiz Tunis Jr.

Public Hearing for Ordinance No. 3070, requiring sewer lateral inspections in connection with the transfer or change in use of a property; repealing all Ordinances or parts thereof inconsistent therewith; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave a reading on Ordinance No. 3070

A Public Hearing was convened.

Speakers
Skip Millier, 455 Brookfield Road
Patrick and Kathleen Trainor, 458 Harper Avenue

Mr. McSween stated that the Ordinance is very important as there are sometimes 2-3 sewer back-ups per week going into the storm drains and Public Works has to go out and rectify the line. The remedy is an Ordinance like this one that would be beneficial to a homebuyer as it would provide peace of mind knowing that a sewer lateral inspection was conducted. If a repair is needed, that is something that the seller and the buyer can work out.

Mayor Keffer stated that this is not a way to work around and to get more money into the sewer fund. This is a forward thinking piece of legislation that helps address our old and aging infrastructure and it would allow a buyer to make a purchase with eyes wide open. Sewer fees are supposed to pay for sewage flow to Delco, the Water Department and the City of Philadelphia. They also pay the salaries of the people who work in the Sewer Department. Sewer fees are not for sewer laterals at all. This Ordinance won’t have an immediate impact on infiltration but it will slowly address the amount of rainwater that gets into our sanitary sewer.

In answer to one of the resident’s questions, the CAO stated that the Township does not have any outstanding bills or unpaid liabilities to any sewer authorities. The Township flows into 3 different sewer treatment facilities, not just Delco and we do not have any unpaid liabilities in that regard. Over time, it will become a selling point as buyers will have confidence in home purchases.
Cynthia Long, 9 Cloverdale Avenue  
Taylor Faragalli-Mellone, 5215 Gramercy Drive  
Terrance Stirling, 5015 Palmer Mill Road  
Barbara Kirkwood, 1019 Rhodes Avenue  
Barbara DiLossi, 8 Oakley Road  
Dawn O’Neal, 6737 Perry Avenue  
Joseph McGettigan, 237 Long Lane

LW stated that all of the above emails are repeated identical emails so we can just state their name and address and state that fact

DPB stated that all Public Comments have to be read into the record and you can’t cut people off

LW stated again that the emails were identical and people are not being cut off.

CAO stated that everyone noticed that pattern of the identical emails and, of course, and as the Solicitor mentioned, the Realtors Association has a particular opinion of the Ordinance and opposed the legislation.

Solicitor Kilkenny stated that it is appropriate to read the names and addresses of all those making a public comment and if comment is identical to the previous one, it is not necessary to re-read the identical email. If there are differences, the email should be read.

Debbie and Joe Adams, 4619 Woodland Avenue

Chris McSween stated that sewer backups have a huge potential of going into stormwater drains. The Mayor stated that if the sewer lateral is repaired, then stormwater can’t get through and cause sinkholes and/or pollution

RG stated that this will not cost the homeowner anything until they sell the house and a repair is needed. This would be the same as a termite inspection.

John Messner, 1005 Harper Avenue  
Harvey Millier, 455 Brookfield Road  
Tim Scepansky, 4007 Cedar Road  
Damien Warsavage, 7112 Penarth Avenue  
John Paul Edwards, 7701 Parkview Road  
Kelly MacCrory, 1011 Concord Avenue  
Paul Varga, 7106 Penarth Avenue  
Helen Keech, 5016 Dermond Road  
Sonia Huntzinger, 209 Pilgrim Lane  
Jean McCall-Bianco, 909 Concord Avenue  
David Reh, 7813 Beverly Blvd.  
Michele Buck, 564 N. Sycamore Avenue  
Marcie Guillemette, 4123 Rosemont Avenue  
Kay Pugh, 1012 Mansion Road  
Peggy Hiller, 475 Windermere Avenue  
Joanne Comly, 825 Turner Avenue  
Olivia Taylor, 204 Kent Road  
Diane Lombardo, 515 Maine Avenue  
Bart Everts, 7543 Parkview Road

CAO stated that the Township and Administration don’t donate to the first responders because they actually fund them! They have full COVID-19 supplies and PPE. The Township has worked very closely with the County regarding the homelessness issue and they have made great strides.

Joseph Montefori, 816 Addingham Avenue  
John Gallagher, 469 Gainsboro Road  
Maria Guidone, 810 Irvington Road  
Jamal Pitts, 41 Treaty Road
John Dolceamore, 328 Childs Avenue
Kelli Ezekiel, 191 Wilde Avenue
Brian Griffin, 1230 Agnew Drive
Kun Chen, 2436 Hillcrest Road
Joan Federico, 1024 Mason Avenue
JoAnn Lugowski, 1205 Ormond Avenue
Anita Mellon, 511 Maine Avenue
Doreen and Edward Andrews, 917 Primos Avenue
Peggy Bradin Wilson, 824 Drexel Avenue
William Galinas, 405 Albemarle Avenue
Jen Herrmann, 740 Turner Avenue
Annette Fenning, 5015 Marvine Avenue

Solicitor Kilkenny stated that he has already described the legality of these meetings and that there is a Bill on the Governor's desk to codify zoom meetings.

Cheryl Pauley, 2584 Stoneybrook Lane
Heather Baxter, 532 Fairfax Road

Council Comments

HT asked if the Ordinance required every homeowner to have the sewer lateral fixed and Chris McSween said no but under the Property Maintenance Code, the Township can tell someone to have the plumbing line repaired instead of snaking it.

HT asked how much the Township spends on sewer maintenance. CAO said he doesn’t have the exact number but already YTD, the Township has spent over $75,000 in sewer department overtime for sewer backups/emergency repairs. The Sewer Division is budgeted over $1 million annually so it’s very costly. The monthly sewage treatment is extremely expensive. HT said that there is no current process and homebuyers can get stuck with a huge unexpected sewer repair so we need a process!

Mayor Keffer added that the Township, through CDRG, spends a couple hundred thousand dollars every year for first time homebuyers and that this Ordinance will be good for the Township in the long run.

TW stated that we need to study this Ordinance a lot more and that there is no reason to act on this now as there is nothing urgent about it. He made a Motion to table the Ordinance and DPB seconded the Motion.

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Four in favor. Seven opposed. Motion to table FAILED.

MS spoke in favor of the Ordinance stating that this is very beneficial at the point of sale and LW agreed.
DPB stated that it is obvious that this Ordinance is to reduce inflow and infiltration into our laterals but that is not where the problem is. The inflow and infiltration of any magnitude is in the mains, not the laterals. The laterals are a very insignificant percentage of inflow and infiltration. He shared concerns of the President of the Suburban Realtors Alliance about the perceived ineffectiveness of having point of sale inspections. He again asked how many Committee members were involved in drafting this Ordinance and RG stated that he reviewed the Ordinance in detail. He asked questions and got responses to his questions.

CAO stated that BB made suggestions that were incorporated into the Ordinance and he spoke to RG and HT and the Ordinance was amended based on input.

LW stated that the email with the updated version of the Ordinance with Act 134 was sent to Council and Council was asked to reply with any questions or concerns but some Council members did not reply.

Mayor Keffer stated that regarding the main vs. lateral argument, in the last 4 years, the Borough of Rutledge has had all of their mains re-lined and each year the ---- of Delaware County Authority metered each of the municipalities that belong to it and the impact of lining all of their mains has been minimal. They are looking into working on the Sewer Lateral Ordinance just as we are because their particular infiltration issues were not addressed by lining the mains, which was still a good idea to do because it needed to be done. There is a document from June 14, 2013: from the Delaware County Planning Department regarding a 537 Plan. In the 2nd paragraph, it stated that “the purpose of this plan update was to evaluate options for the long-term treatment of sewage flows generated in Delcora’s Eastern Service Area.” It goes on to name the different municipalities that are in it. The last sentence of the 2nd paragraph states “the Plan also calls for the adoption and implementation of a lateral inspection and repair/replacement time of sale Ordinance or development of a written Municipality specific I/T Reduction Plan.” Maybe we do have it and it needs to be looked into. It specifically calls for the adoption/implementation of a lateral inspection and repair/replacement time of sale Ordinance. This can be scanned and sent to Council.

TW stated again that there is no reason to be doing this tonight.

BB wanted to know how many sewer backups there are per year and where they were.

CAO stated that the new Administration is looking for patterns as there aren’t great records available but they are determined to start tracking this.

MS asked to call the question and MB seconded the Motion.

Moved and seconded. A roll call vote was taken to call the question.

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Seven in favor. Four opposed. Motion passes.
Approval of Ord. No. 3070

Opposed

Excused

Abstain

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Burke

Blackwell

Billups

Siddique
Faraglia

Silva
Bonnett

Wagner

Wentz

Tunis

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Seven in favor. Four opposed. Ordinance No. 3070 is adopted.

Planning, Zoning and Building Code Committee:
Robert S. Gwin Jr., Chairman
Members: Michelle Billups, Donald P. Bonnett

Public Hearing for Ordinance No. 3072, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, establishing a Property Maintenance Code for all residential and non-residential structures and properties in Upper Darby Township; establishing minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; providing for the responsibility of owners and owners’ authorized agents, operators, and occupants; and providing for the occupancy of existing structures and premises, and for administration, enforcement and penalties; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

In response to DB’s concerns, Solicitor Richardson contacted the makers of the Property Maintenance Code and as long as their copyright is reflected on the body of the Ordinance, you are free to publish your amendments of the Ordinance as written.

Solicitor Kilkenny gave a brief on Ordinance No. 3072. He also addressed TW’s concerns regarding whether amendments should be made by an additional Ordinance or Resolution. Solicitor Kilkenny stated that he believes that fines can be set by Resolution but will get a definitive answer if fines need to be set by Ordinance and- recommended the adoption of this Ordinance tonight with future amendments by Ordinance, if necessary.

A Public Hearing was convened.

Speakers

Cynthia Long, 9 Cloverdale Avenue

Chris McSween explained that the provisions that the resident is speaking of are standard provisions of the 2015 Property Maintenance Code and have not been amended in this proposed Ordinance.

Solicitor Kilkenny commented that if it is necessary, an administrative warrant can be obtained to gain entry to a property.

John O’Hara, 3756 Woodland Avenue
Chris McSween again stated that the provisions that the resident is speaking of are standard provisions of the 2015 Property Maintenance Code and have not been amended in this proposed Ordinance. He did add that in 603.1, mechanical appliances, there was a part that states that gas or oil fired heating systems are to be maintained annually by a licensed HVAC technician.

Tom Micozzie, 303 N. Oak Avenue

Chris McSween stated that the Township is currently conducting exterior inspections but will have to bump up code enforcement personnel in order to do interior inspections.

William Galinas, Esq., 4005 Albemarle Avenue

Solicitor Kilkenney stated that the Property Maintenance Code is legislation that is adopted by many municipalities and that Chris McSween, Director of L&I would have to get an administrative warrant if someone used the 4th Amendment to prevent an inspector from going into the property.

There were no more email or phone messages for Ordinance No. 3072. Therefore, the Public Hearing was closed. Council President Wertz asked for a Motion to approve Ordinance No. 3072.

Moved: Mr. Silva
Second: Mr. Siddique

**Council comments**

BB asked if he would have to pay someone to inspect his heating system every year according to the wording in Ordinance No. 3072.

Chris McSween stated that this was referring to rental properties.

The CAO stated that inspection is only mandatory if it is a rental property. BB still felt that he didn’t have a clear answer. CAO reiterated that if there was not cause for inspection, then a warrant wouldn’t be supported.

DPB again stated that the Committee was not asked to review this Ordinance. He agreed that while the International Code allows Council to adopt this Ordinance, it does not permit reproducing it word for word and putting an Upper Darby heading on it. He believes that the Ordinance should be tabled and the Committee should get together and review the Ordinance paragraph by paragraph.

Solicitor Richardson stated that: Mayor Keffer has added some wording that protects the residents of Upper Darby. There is downloadable document to work with including guidelines.

DPB stated that he has the downloadable document where you can fill in the blanks but you cannot reproduce the entire code and put Upper Darby Township on it.

Solicitor Richardson stated that: it was not taken word for word in every paragraph and that the Fire Section in Chapter 7 was amended. DPB stated that he would get together with Mr. McSween who might be able to convince him otherwise.

CAO stated that the legal opinion of the Township was dispensed by the Solicitors and the Code is properly cited and adopted.

DPB again stated that the Committee needs to meet and review the Ordinance paragraph by paragraph before adoption and that all public comments must be taken into consideration.

LW stated that the sections that were re-written gave more leniency.

DPB moved to table the Ordinance and TW seconded the Motion.
TW again stated these Ordinances should be tabled. DPB wasn’t even asked anything about this Ordinance and he is on the Committee. He again stated that there was no reason to pass these Ordinances tonight.

RG agreed that he would like to table it as well as this is not about politics but about getting it right.

SS and BB both supported RG in tabling the Ordinance and having it further reviewed.

CAO stated that he appreciates the desire to have civil discourse and respect one another on the Council and that there are many well qualified people in different areas on Council. He asked RG if he is prepared to represent this Council and to the public of Upper Darby that under the leadership of DPB and TW in the previous Administration that he was informed of Ordinances prior to voting and had the text in a timely way. He further stated that this Council was being held to a standard that those Council members would not hold themselves to and never ran this Council by those standards. He felt that it is complete unreasonable and disingenuous and doesn’t think it is appropriate to use that as an excuse to slow down this legislation.

Mayor Keffer stated that she was on Council for 6 years before becoming Mayor and a lot of the things that are being said by the former leadership of Council are funny; that everything is being rushed, that we shouldn’t be doing anything during the pandemic, the Property Maintenance Code for Upper Darby hasn’t been updated since 1996 and the Food Establishment Inspection Code hasn’t been updated since 1966! A letter was just found today from 2013 stating that a sewer lateral inspection should be done at the point of sale. The new Administration is trying to improve Code Enforcement and Property Maintenance.

LW reiterated that at no point in time was an Ordinance ever given before the first reading. It was never given at Committee for Council input. Council members were admonished for asking for clarifications of changes. There are no opportunities for adjustments. The new format affords many opportunities for input and adjustments.

TW stated that it is entirely inappropriate for the paid CAO to take a political side and attack members of this Council. He further stated that if people believe that the strategy of bashing the previous Administration is going to help politically, they’re crazy.

MB stated that everyone was getting off track and saying things that could be regretted the next day and she would like to get back to the question of tabling the Ordinance.

DPB stated that one of the chief purposes of Council is to enact laws for the Township of Upper Darby and approve a budget. The process of developing laws, known as Ordinances and Resolutions is a function of Committees of this Council. In the past, the Administration would occasionally bring matters of interest: that they wanted Council to consider enacting into law and most of the time the Council itself would develop that kind of legislation. But, the point is that it always started at the Council, possibly by recommendation of the Administration. It would go through the Committee process. There were numerous meetings by the Committee members who would come back to Council with the appropriate legislation which was given to the Solicitor to be drafted and then put in final form and presented at another Committee meeting usually, or in advance of regular Council, just like it’s being done here. The only difference is that previously, legislation used to be developed by Council and this legislation is being developed by the Administration with no input from Council and the example of that is this Property Maintenance Code.

LW disagreed because at the Committee Meeting, Council was given the opportunity to have input for this legislation.

Moved and seconded. A roll call vote was taken.

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Six in favor. Five opposed. Ordinance No. 3072 is TABLED.

LF stated that this bashing has to stop. Everyone looks bad. It is time to stop and move on so the meetings won’t go on for 5, 6 and 7 hours because that is ridiculous! She would like to have an Ordinance that prohibits meetings from being longer than 2 hours. DPB seconded that Motion. MB also seconded the Motion. Other Council members could be heard agreeing as well to limit the time of the meetings.

LW asked for clarification of the intent on the Motion and if that would mean that there would be a 2 hour limit regardless of what is completed on the Agenda.

LF responded yes as she feels that the length of the meetings is ridiculous.

MB suggested the idea of making an amendment to the Motion to limit the number of Resolutions or Ordinances that could be on the Agenda to keep the meetings shorter.

LW stated that Public Comment is already 30 minutes in the meeting.

Solicitor Kilkenny stated that he has never heard of a municipality voting to put a time limit on meetings but Council could choose to not take items up if they feel that there are too many items on an Agenda.

LF asked how many of those municipalities have 7 hour meetings.

CAO made a point of clarification that the argument is obviously inconsistent and being made in bad faith because the same people who are arguing that the public has a right to be heard limitlessly are now arguing that the meeting should be truncated. The public and the Council really have to ask themselves what is the source of the argument and is it genuine and being made in good faith or is it simply an argument of convenience at whatever position is procedurally suited to their position at the time. He feels that it is just not a consistent content based argument and believes that procedurally the Motion is out of order.

Solicitor Kilkenny stated that a Motion has to be made to amend the Agenda if that is what is wanted.

The Motion will be postponed until the May 5th, 2020 Committee meeting for further discussion and hopefully the Solicitors will in the meantime get clarification on legal ramifications for the proposed Motion. It can go to the Law and Government Committee to discuss it further before it shows up on May 5th.

LF agreed to the Motion going to the Law and Government Committee but also stated that the meetings in the PA House can’t go past 11pm.

Public Health and Environmental Affairs Committee
Matt Silva, Chairman
Members: Michelle Billups, Sheikh M. Siddique, Hafiz Tunis Jr.
Public Hearing for Ordinance No. 3073, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, repealing Ordinance No. 1912 in its entirety; repealing Section 1 of Ordinance No. 2673 in its entirety; and enacting new standards for the operation of food and drink establishments; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave a brief on proposed Ordinance No. 3073.

A Public Hearing was convened for Ordinance No. 3073.

Speakers

Cynthia Long, 9 Cloverdale Avenue
Jen Herman, 743 Turner Avenue

The Public Hearing was closed.

Moved: Mr. Tunis
Second: Mr. Siddique

Council Comments

DPB asked if the Committee reached out to restaurants to get guidance as he feels that we owe it to our businesses to get their input on legislation like this.

Solicitor Kilkenny stated that he used Haverford and Springfield Townships as a guide.

TW again stated that there is no urgency to adopt this and that we should not be doing this during the crisis and that, as the Solicitor stated earlier, he has seen municipalities defer the remainder of their Agenda if it gets to be too late at night. He made a Motion to defer the Agenda including this Ordinance.

LW stated that she believed that TW was out of order.

Solicitor Kilkenny stated that TW could make individual Motions to table the remaining Ordinances and Resolutions on the Agenda.

TW stated that he was under the impression that the Solicitor stated earlier that a Motion could be made to defer the remainder of an Agenda. He stated that he would then make a Motion to table this Ordinance. DPB seconded the motion along with LF.

HT stated that he has no issue with the duration of meetings and is not in favor of limiting meetings or tabling items because of time issues and if you’re tired, leave the meeting. MS also has no issue with the duration of the meetings and agrees with ET that we owe it to the residents to serve them.

DPB stated that this issue was not about the Council members but about the constituents and it is approaching the midnight hour and there was still another Public Hearing to conduct and perhaps constituents have an interest in it but are not able to participate at this late hour. He asked the Solicitor if there was any mechanism to recess this meeting and pick up the Agenda at the regularly scheduled meeting.

Solicitor Kilkenny stated that someone can make a Motion but the Ordinances would have to be re-advertised.
Moved and seconded. A roll call vote was taken.

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Two in favor, nine opposed. Motion to table failed.

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Eight in favor, three opposed. Ordinance No. 3073 is adopted.

Finance and Appropriations Committee:
Robert S. Gwin Jr., Chairman
Members: Michelle Billups, Brian K. Burke

Public Hearing for Ordinance No. 3071, an Ordinance of the Township of Upper Darby, Delaware County, Pennsylvania, amending Ordinance No. 2786, Ordinance No. 2787 and Ordinance No. 482 to provide that all parking violations shall be punishable by a fine established by Resolution of Township Council; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Ordinance No. 3071.
A Public Hearing was convened for Ordinance No. 3071.

Speakers

Cynthia Long, 9 Cloverdale Avenue

CAO reiterated that we are just focusing on safety related enforcement strategies during the COVID-19 crisis. The fees and fines are lower than surrounding municipalities and it is time for this Ordinance to be updated. He further stated that the Ordinance was developed in cooperation with the Director of Parking Enforcement, Sekela Coles.

Mayor Keffer stated that currently, parking enforcement is working on a staggered schedule due to COVID-19 and they are only focusing on public safety violations such as blocking a fire hydrant, parking in a fire zone or a handicap designated parking spot or parking on a corner causing a hazard. First responders need to move through neighborhoods safely.

The Public Hearing was closed.

Moved: Mr. Gwin
Second: Mr. Siddique

Council Comments

TW again stated that we should not be talking about fines for parking violations at midnight during a pandemic and that this Agenda was impossibly long.

Moved and seconded. A roll call vote was taken.

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Seven in favor. Four opposed. Ordinance No. 3071 is adopted.

Resolution No. 13-20, a Resolution of Upper Darby Township, Delaware County, Pennsylvania to provide a fee schedule for the abatement of property; repealing all Resolutions and parts of Resolutions inconsistent herewith; providing a severability clause; and providing an effective date.

Solicitor Richardson gave a brief on Resolution No. 13-20.
Moved: Mr. Gwin
Second: Mr. Silva

**Moved and seconded. Ten in favor, one opposed. Resolution No. 13-20 is approved.**

**Resolution No. 14-20**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania establishing fines for parking violations in Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Resolution No. 14-20.

TW stated that this is a Resolution to establish fines and that violates the Home Rule Charter as fines must be amended by Ordinance. He further stated that Council should not act favorably at this time as it could expose us to challenges in the future.

Solicitor Kilkenny stated that they debated on this earlier and suggests moving on and that he will do more research and if Ordinances are needed to establish fines, he will advise Council.

Moved: Mr. Gwin
Second: Mr. Silva

**Moved and seconded. Eight in favor, three opposed. Resolution No. 14-20 is approved.**

**Resolution No. 15-20**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania establishing fees for Licenses and Inspections for the operation of food and drink facilities; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave a brief on Resolution No. 15-20.

Moved: Mr. Silva
Second: Ms. Billups

RG stated that there was a 501C3 line added and some of the non-profits are trying to feed the children in the summer and charging the non-profits $150 during COVID-19 would be a burden

CAO stated they are not subject to the fee if they are collecting and distributing food and not preparing food.

**Moved and seconded. Eight in favor, three opposed. Resolution No. 15-20 is approved.**

Solicitor Kilkenny suggested that Resolution 16-20 and 17-20 be tabled at this time as they are connected to proposed Ordinance No. 3972, the Property Maintenance Code which is under further review.

**Resolution No. 16-20**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, establishing fees for the fire safety inspections in Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

Motion to table Resolution No. 16-20

Moved: Mr. Gwin
Second: Mr. Silva

**Moved and seconded. Eleven in favor. Resolution No. 16-20 is tabled.**

**Resolution No. 17-20**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania establishing fines for property maintenance violations in Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date
Motion to table Resolution No. 17-20

Moved: Mr. Gwin
Second: Ms. Faraglia

Moved and seconded. Eleven in favor. Resolution No. 17-20 is tabled.

Solicitor

Nothing to report

Old Business

New Business

SS asked if the Township could have a mobile testing clinic for COVID-19.

Mayor Keffer stated that there is a serious shortage of tests but DCMH has drive-thru testing limited to Crozer-Keystone patients and they have to be referred by a doctor and must pre-register. The Township talks with the County every day for updates.

Mayor Keffer asked if the Finance and Appropriations Committee would think about extending the base period for municipal taxes for one month. The discount period has already been extended until the end of this month. She also asked that the Business Privilege and Mercantile Tax be extended until July 15th, 2020 to be in line with the Federal Tax Returns.

The Finance and Appropriations Committee will meet to discuss several issues.

Adjournment

Moved: Ms. Blackwell
Second: Mr. Gwin

Moved and seconded. The meeting adjourned at 12:32 a.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti
Chief Municipal Clerk
UPPER DARBY TOWNSHIP
ORDINANCE No. 3069

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, ENABLING COUNCIL MEMBERS TO PARTICIPATE AND VOTE DURING COUNCIL MEETINGS OR EXECUTIVE SESSIONS BY MEANS OF TELECOMMUNICATION DEVICES SUBJECT TO CERTAIN CRITERIA; REPEALING ALL INCONSISTENT ORDINANCES, RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Upper Darby Township Council ("Council") desires to allow for the participation of Council members in meetings or executive sessions of Council from remote locations by means of telecommunication devices, such as telephones or computers which permit, at a minimum, audio communication between locations so that Council may establish a quorum and participate in meetings if a member cannot physically be present; and

WHEREAS, Council desires to set forth criteria for members to be eligible to participate in Council meetings by means of telecommunication devices; and

WHEREAS, both Section 1001 of the Pennsylvania Borough Code (8 Pa.C.S.A. Section 1001) and Section 11005(b) of the Pennsylvania Third-Class City Code (11 Pa. C.S. Section 11005(b)) provide for the participation of Council Members in meetings by the use of telecommunications devices;

WHEREAS, Section 311 of the Upper Darby Home Rule Charter states "Rules of Procedure. Council shall, by ordinance, adopt rules of procedure for its members which shall be designed to assure orderly procedure and full and equal participation in the deliberations of Council by all of its members."

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Upper Darby Township Council, and it is hereby ADOPTED and ORDAINED by authority of same as follows:

I. Members of the Upper Darby Township Council may participate in Council Meetings or Executive Session by means of telecommunication devices provided that:
a. A majority of the membership of Council is physically present at the advertised meeting place or Executive Session within the Township and a quorum is established at the convening or reconvening of the meeting. If after the convening or reconvening of a meeting a member has been disqualified from voting as a matter of law, but is still physically present, Council members participating by telecommunication device in accordance with this Ordinance shall be counted to maintain a quorum; and

b. The telecommunication device used permits the member or members of Council not physically present at the meeting to:

   i. Speak to and hear the comments, votes, if any, of the members of Council who are physically present as well as other members of Council who may not be physically present and who are also using a telecommunication device to participate in the meeting or Executive Session; and

   ii. Speak to and hear the comments of the public who are physically present at the meeting or Executive Session.

c. The telecommunications device used permits the members of Council and the members of the public who are physically present at the meeting or Executive Session to speak to and hear the comments and the vote, if any, of the members of Council who are not physically present at the meeting or Executive Session.

d. Council shall authorize participation by telecommunication device for one or more of the following reasons:

   i. illness or disability of the member of Council;

   ii. care for the ill or newborn in the member’s immediate family;

   iii. emergency; or

   iv. family or business travel.

e. Nothing in this Ordinance shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.
f. In the event that a Disaster Declaration is signed by the Mayor, the Council President may waive the requirement under paragraph a. of this Ordinance requiring that a physical quorum of Councilors must be established. This is contingent upon a quorum in adherence to paragraph b. of this Ordinance be established by social media conferencing, video conference, or equivalent technology.

II. All Ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

IV. This Ordinance shall be effective immediately upon its legal adoption.

ADOPTED and ORDAINED this 15th day of April, 2020.

BY: LAURA WENTZ
President of Council

ATTEST: MICHELLE BILLUPS
Secretary of Council

ENACTED and ORDAINED this 15th day of April, 2020

BY: BARBARANN KEFFER
Mayor

ATTEST: VINCENT RONGIONE, ESQ.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
ORDINANCE No. 3070

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, REQUIRING SEWER LATERAL INSPECTIONS IN CONNECTION WITH THE TRANSFER OR CHANGE IN USE OF A PROPERTY; REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of Upper Darby Township has concluded that it is necessary to enact a systematic inspection, compliance, and enforcement program concerning the upkeep and maintenance of building sewer laterals connected to the Township’s sewer system; and

WHEREAS, the Council desires to require the inspection of properties before the transfer or conveyance of real property and before a change in the use of real property; and

WHEREAS, the required sewer lateral inspection is in the best interests of the health, safety, and general welfare of the residents of Upper Darby Township to ensure the proper upkeep and maintenance of sewer laterals connected to the Township sewer system;

WHEREAS, the Council is desirous of complying with 68 P.S. Secs. 1081-1083 which is known as the Municipal Code and Compliance Act.

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Upper Darby Township Council, and it is hereby ENACTED and ORDAINED by authority of same as follows:

I. SEWER LATERAL INSPECTIONS REQUIRED: No owner of real property located in Upper Darby Township, or their agent, shall transfer ownership of any real property or change the use of real property without first undergoing a sewer lateral inspection by a plumber licensed in the Township which includes a camera inspection of the lateral. That inspection shall be provided to the Upper Darby Department of Licenses and Inspections before a Use and Occupancy Permit is issued. Upon completion of the sewer lateral inspection, the Township’s representative shall review the results and note any deficiencies or defects that could permit inflow and infiltration, or any other prohibited substance, from entering into the sanitary sewer, in violation of the Township’s Ordinances, or the rules and regulations of any local, state, or federal regulatory agency. Any deficiencies or defects shall be recorded on the designated form, and a copy of the form shall be provided to the owner of the real property or their agent. That form and underlying materials shall be maintained by the Township in accordance with the Pennsylvania Right to Know Law.
II. DEFINITIONS: The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

a. "Date of purchase." The date on which title and right to possess the property transfers to the purchaser or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.


c. "Substantial violation." A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.

d. "Temporary access certificate." A certificate issued by a municipality as a result of the municipal inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of this act. No person may occupy a property during the term of a temporary access certificate, but the owner shall be permitted to store personally that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the temporary access certificate.

e. "Temporary use and occupancy certificate." A certificate issued by a municipality as a result of the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this act.

f. "Unfit for human habitation." A condition which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation
or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.

g. "Use and occupancy certificate." A certificate issued by a municipality stipulating that the property meets all ordinances and codes and may be used or occupied as intended.
h. "Violation." A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that does not rise to the level of a substantial violation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a municipal report.

III. USE AND OCCUPANCY PERMIT: The Township Representative shall issue a certificate of occupancy in the following manner:

(a) As soon as practicable if the municipal inspection reveals no violations.

(b) If the municipal inspection reveals at least one violation, but no substantial violations, the municipality shall issue a temporary use and occupancy certificate.

(c) If the municipal inspection reveals at least one substantial violation, the municipality shall specifically note those items on the inspection report and shall issue a temporary access certificate.

(d) Within 12 months of the date of purchase, the purchaser of a property known to be in violation of a municipal code or ordinance shall, at his option, either:
   (1) bring the property into compliance with municipal codes or ordinances; or
   (2) demolish the building or structure in accordance with law.
   (3) At the request of the property owner, the Township may negotiate, at its discretion, longer time periods for maintenance and repair of the structure under a temporary certificate.

IV. REINSPECTION: At the expiration of the time period set forth in subsection, above or before that time, if requested by the property owner, the municipality shall reinspect the property for the purpose of determining compliance with the cited violations. If a temporary access permit has been issued and reinspection indicates that the noted substantial violations have been corrected but other cited violations have not yet been corrected, the municipality shall issue a temporary use and occupancy permit to be valid for the time remaining on the original temporary access permit. If the reinspection indicates that all noted violations have been corrected, the municipality shall issue a use and occupancy certificate for the property.

V. PENALTIES

(a) Failure to comply with the requirements of subsection (a) shall result in:
(b) Revocation of the temporary certificate.

(c) After revocation of the temporary certificate, the Township Representative may impose fines consistent with the failure to obtain a Use and Occupancy Permit as described in the Ordinances of Upper Darby Township and the Laws of the Commonwealth of Pennsylvania.

VI. REPEALER: Any ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

VII: SEVERABILITY. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

VIII. EFFECTIVE IMMEDIATELY. This Ordinance shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

ENACTED and ORDAINED this 15th day of April, 2020

BY: LAURA A. WENTZ
President of Council

ATTEST: MICHELLE BILLUPS
Secretary of Council

Approved this 15th day of April, 2020

BY: BARBARANN KEFFER
Mayor

ATTEST: VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3072

AN ORDINANCE OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS, THE CODE FOR ALL RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES AND PROPERTIES IN UPPER DARBY TOWNSHIP; ESTABLISHING MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM THE ELEMENTS, A REASONABLE LEVEL OF SAFETY FROM FIRE AND OTHER HAZARDS, AND FOR A REASONABLE LEVEL OF SANITARY MAINTENANCE; PROVIDING FOR THE RESPONSIBILITY OF OWNERS AND OWNERS’ AUTHORIZED AGENTS, OPERATORS, AND OCCUPANTS; AND PROVIDING FOR THE OCCUPANCY OF EXISTING STRUCTURES AND PREMISES, AND FOR ADMINISTRATION, ENFORCEMENT AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Upper Darby Township Council ("Council") has determined that it is in the best interests of the health, safety, and welfare of the residents of Upper Darby Township to ensure that structures and properties located in Upper Darby Township are maintained in a safe and sanitary manner and fit for human occupation and use; and

WHEREAS, Section 3105-A. of the Pennsylvania First-Class Township Code authorizes Council to enact a property maintenance Ordinance; and

WHEREAS, Upper Darby Council is desirous of bringing the Township into conformity with Municipalities within the Commonwealth by adopting the 2015 Property Maintenance Code with amendments.

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Upper Darby Township Council, and it is hereby ENACTED and ORDAINED by authority of same as follows:

I. The following is hereby enacted as the Property Maintenance Code of Upper Darby Township, the 2015 International Property Maintenance Code with Amendments, when there is a conflict between the 2015 Property Maintenance Code as published by the
International Code Council and this Ordinance the provisions of this Ordinance shall control:

CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101

101.1 Title.

An ORDINANCE of Upper Darby Township adopting the 2015 edition of the International Property Maintenance Code with local amendments, when there is a conflict between the 2015 Property Maintenance Code as published by the International Code Council and this Ordinance the provisions of this Ordinance shall control, this Code is responsible for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the Township; providing for the issuance of permits and collection of fees therefor; repealing all other ordinances or parts of laws in conflict therewith. These regulations shall be known as the Property Maintenance Code of Upper Darby Township, hereinafter referred to as "this code."

101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent.

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures
and premises. Existing structures and premises that do not comply with these provisions shall be
altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be
unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific
requirement shall govern. Where differences occur between provisions of this code and the
referenced standards, the provisions of this code shall apply. Where, in a specific case, different
sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code
under which the structure or premises was constructed, altered or repaired shall be maintained in
good working order. No owner, owner’s authorized agent, operator or occupant shall cause any
service, facility, equipment or utility that is required under this section to be removed from, shut
off from or discontinued for any occupied dwelling, except for such temporary interruption as
necessary while repairs or alterations are in progress. The requirements of this code are not
intended to provide the basis for removal or abrogation of fire protection and safety systems and
devices in existing structures. Except as otherwise specified herein, the owner or the owner’s
authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in
accordance with the procedures and provisions of the currently adopted series of construction
codes and any other relevant Township regulations or ordinances.

102.4 Existing remedies.
The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its offices or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer’s instructions.

Exception: Temporary repairs or safeguards shall be done in a reasonable manner, within fifteen (15) days of the notice of violation but shall not be held to workmanlike standards. The Department has the sole discretion to extend the timeframe.

102.6 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.7.1 and 102.7.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.7.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.
102.8 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.9 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE

103.1 General.

a. Per Ordinance 5066, the Department of Property Maintenance is a division of the Department of Licenses and Inspection and the executive official in charge is the Director of License & Inspections.

b. It shall be unlawful for any person to disclose the name of a person who requests a code enforcement action or makes a code enforcement complaint unless ordered to do so by a judge or a duly appointed or elected official of the court.

103.2 Appointment.

The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies.

In accordance with the Administrative Code of the Township of Upper Darby (the “Administrative Code”) and any relevant collective bargaining agreements, Township Administration shall have
the authority to appoint a deputy(s). Such employees shall have the powers provided in the job description for their title.

103.4 Liability.

The code official, member of the board of appeals, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1 Legal defense.

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the most recent Upper Darby Township fee schedule.

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections.

The code official shall make all the required inspections or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified
by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

104.4 Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.5 Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records.

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105
APPROVAL

105.1 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner’s authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance
with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

105.3 Required testing.

Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods.

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

105.3.2 Test reports.

Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Used material and equipment.

The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.
105.5 Approved materials and equipment.

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

105.6 Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

SECTION 106
VIOLATIONS

106.1 Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation.

The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a summary offense or civil infraction as determined by the Township, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and shall pay the fines and penalties set forth by Resolution of Council, which fines and penalties may
be amended by Resolution of Council from time to time. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

106.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. The costs thereof shall be chargeable to the owner or the subject property and shall be collected as prescribed by law, including but not limited to, the placing of a lien or municipal claim on the subject property.

SECTION 107
NOTICES AND ORDERS

107.1 Notice to person responsible.

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form.

Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

1. Posted in a conspicuous place in or about the structure affected by such notice; and
2. Sent by certified or first-class mail addressed to the last known address.

107.4 Unauthorized tampering.

Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

107.5 Penalties.

Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner’s authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108

UNSAFE STRUCTURES AND EQUIPMENT

108.1 General.

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
108.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepaired or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored,
attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be
charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities.

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner’s authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner’s authorized agent or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner’s authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding.

Upon failure of the owner, owner’s authorized agent or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.4.1 Placard removal.

The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy.
Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner’s authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods.

The owner, owner’s authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

108.7 Record.

The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

109.1 Imminent danger.

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: “This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.” It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether
or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets.

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs.

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or owner’s authorized agent where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOlITION

110.1 General.

The code official shall order the owner or owner’s authorized agent of any premises upon which is located any structure, which in the code official’s or owner’s authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall
order the owner or owner’s authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

110.2 Notices and orders.

Notices and orders shall comply with Section 107.

110.3 Failure to comply.

If the owner of a premises or owner’s authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials.

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal using the appeal process provided in Section 5 of Upper Darby Township Ordinance 2936, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served.

CHAPTER 2 - DEFINITIONS

SECTION 201 - GENERAL
201.1 Scope.

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability.

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes.

Where terms are not defined in this code and are defined in any currently adopted code or Upper Darby Township Ordinance, such terms shall have the meanings ascribed to them as stated in those codes or ordinances.

201.4 Terms not defined.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts.

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROPRIATE JUDICIAL AUTHORITY. The District Justice in whose district the violation occurred.

APPROPRIATE TOWING AND STORAGE AGENT. Any municipal or privately owned garage designated by the Mayor to tow and impound vehicles upon the request of any township department.

APPROVED. Acceptable to the code official.
BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

CODE OFFICIAL. The Director of the Department of Licenses and Inspection, the Director of the Department of Public Health, Director of Administrative Services and the Fire Chief or their designees acting either individually or together in any combination and who are charged with the administration and enforcement of this code.

COMBINATION (VEHICLE). Two or more vehicles physically interconnected in tandem.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DILAPIDATED. Any building, structure, or part thereof, which by reason of inadequate maintenance, structural deterioration, obsolescence, or abandonment, is unsafe, unsanitary, or constitutes a fire hazard, and is no longer adequate for the purpose or, uses for which it was originally intended.

DISABLED VEHICLE. A vehicle which is rendered inoperative or immobile by reason of mechanical or other difficulty or by reason of damage to said vehicle.
DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EMERGENCY SITUATION (VEHICLE). An accident, casualty, or other unexpected circumstance which renders a vehicle inoperative or immobile for not more than twelve (12) consecutive hours after the time of the occurrence of said accident, casualty, or other unexpected circumstance.

EQUIPMENT SUPPPCRT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is registered as historic under applicable Federal, Commonwealth, County, or Township law.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.
INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

MUNICIPAL PARKING LOT. A parking lot owned by Upper Darby Township which is open to the public or used for parking with or without charge.

NEGLECT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the Commonwealth of Pennsylvania, Delaware County, or the Township as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
OWNER (VEHICLE). A person, other than a lienholder, having a property right in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RENTAL DWELLING UNIT. Any dwelling that is occupied by someone other than the owner for a period of one (1) month or greater for consideration.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SALVOR. A person engaged in the business of acquiring abandoned vehicles for the purpose of taking apart, junking, selling, rebuilding or exchanging the vehicles or parts thereof.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either
did an act which was prohibited or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VEHICLE. Every self-propelled device in, upon or by which any person or property is or may be transported upon a highway, except one which is propelled solely by human power or by electric power obtained from overhead trolley wires or used exclusively upon rails or tracks.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3 - GENERAL REQUIREMENTS

SECTION 301 - GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility.

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe
condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

Section 302.3 Sidewalks and driveways.

Sidewalks, walkways, stairs, curbs, driveways, parking spaces, parking lots and similar areas shall be kept in the proper state of repair and maintained free from hazardous conditions.

302.3.1 Snow Removal

The owner, the owner’s agent or tenant’s property manager of any building or premises shall not later than twenty-four (24) hours after snow has ceased to fall clear a path on the sidewalk of said property or premises. Such path shall be not less than thirty (30) inches in width and shall be thoroughly clear of snow and ice. In any case where the building premises is leased by or occupied by a single tenant, the tenant shall also be liable for removal of snow and ice as provided in this subsection. Vacant or unoccupied buildings are not exempt from this section.
302.3.1.1 Snow disposal
Snow or ice removed from sidewalks or other areas shall be placed in the front yard and not be placed in the gutter, sidewalks or streets. If there is no front yard, such snow and ice shall be placed on the area of the sidewalk adjacent to the curb line.

302.4 Weeds.

Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10" (254 mm). Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.4.1 Bamboo No persons, or other property owners or tenants, shall plant, cultivate, or cause to grow any bamboo on any lot or parcel of ground in the Township of Upper Darby, subject to the following exceptions:

1. The root system of such bamboo plants is entirely contained within an above-ground-level planter, barrel, or other vessel of such design, material, and location as to entirely prevent the spread of growth of the bamboo plants' root system beyond the container beyond which it is planted;
2. The root system is contained within a properly constructed and maintained barrier system; or
3. Whether planted or growing in a container, as described herein, all bamboo plants shall be located, trimmed and maintained so that no part of the plant shall be closer than 10 feet from any property line.

302.5 Rodent harborage

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.
Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles.

Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.8.1 Abandoned Vehicles

A vehicle shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:

1. The vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.
2. The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.
3. The vehicle is left unattended on or along a highway or other public property for more than 48 hours and does not bear all of the following:
   a. A valid registration plate.
   b. A certificate of inspection.
   c. An ascertainable vehicle identification number.
4. The vehicle has remained on private property or municipal property without the consent of the owner or person in control of the property for more than 48 hours.
5. The vehicle is located on either public or private property and constitutes a nuisance or an infringement upon public health or safety.

Exceptions:
1. Vehicles and equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

2. Vehicles in an enclosed building or vehicles on the premises of a business enterprise operated in a lawful place and manner and which are necessary to the operation of such business shall not be considered to be abandoned.

302.8.1.2 Removal of Abandoned Vehicles

No person shall permit any abandoned vehicle to remain for a period of more than one week on any public or private property within Upper Darby Township, which has not been designated as a towing zone.

302.8.1.3 Removal of Abandoned Vehicles

1. Whenever an abandoned vehicle is found on any public or private property not designated as a towing zone, notice shall be given by the Police Department to the vehicle owner to remove such vehicle.

2. If the abandoned vehicle is found on public property not designated as a towing zone, the Police Department shall comply with the notice requirements of the Vehicle Code, 75 Pa. C.S.A. §3352(d).

3. If the abandoned vehicle is found on private property, the Police Department shall give notice to the vehicle owner that the abandoned vehicle shall be removed not less than seventy-two (72) hours after receipt of such notice by the vehicle owner.

4. For the purpose of this Article, notice shall be deemed made to the owner of any abandoned vehicle on private property when posted on the vehicle.

302.8.2 Disabled Vehicles

It shall be unlawful for the owner of any motor vehicle to allow, or for any person to park a disabled motor vehicle or permit a disabled motor vehicle to stand, whether attended or unattended, upon any public highway within Upper Darby Township for a period of more than forty-eight (48) consecutive hours.

302.8.2.1 Repair of Disabled Vehicles

It shall be unlawful for the owner of any motor vehicle to repair or to allow for any person to repair, fix or service a disabled motor vehicle upon any public highway or municipal property within Upper Darby Township except in an Emergency Situation.
302.8.2.2 Removal of Disabled Vehicles

Whenever any disabled vehicle is found upon the public highways of Upper Darby Township in violation of any of the provisions of this section, it shall be removed by or under the direction of a member of the Upper Darby Township Police Department by means of towing or hauling to the nearest Appropriate Towing and Storage Agent, or if the vehicle is abandoned, to the nearest Designated Salvor.

302.8.2.3 Removal of Disabled Vehicles Notice

Prior to the close of the next business day following the day of such removal, notice thereof shall be sent by the Appropriate Towing and Storage Agent by certified mail, return receipt requested to the registered owner of the vehicle indicating the place to which such vehicle has been removed, and the reason for its removal and impounding.

302.8.2.4 Registration Plate as Evidence of Operation and Control of Owner.

In any proceeding for a violation of the provisions of this section, the registration plate, if any, displayed on the disabled motor vehicle shall be prima facie evidence that the owner of the disabled motor vehicle was either operating the said motor vehicle or was in operation and control of the said motor vehicle at the time of said violation.

302.8.3 Restrictions Upon Removal of Vehicles.

No vehicle shall be removed upon the authority of this Code if at the time of such intended removal the owner or person for the time being in charge of such vehicle is present and expresses a willingness and intention to immediately remove said vehicle and removes the vehicle or causes the vehicle to be removed within ninety (90) minutes. The owner or person for the time being in charge of such vehicle shall have the opportunity to avoid removal by expressing such a willingness until the point in time that the appropriate towing and storage agent has connected such vehicle to the tow truck.

302.8.4 Appointment of Appropriate Towing and Storage Agents and Salvors.

Appropriate Towing and Storage Agents and Designated Salvors shall be appointed by Council upon the recommendation of the Mayor. Appointments shall be effective for a period of one (1) year, or until such time after the expiration of the initial one (1) year period as Council takes action to reappoint or appoint new Appropriate Towing and Storage Agents and Designated Salvors.
Multiple Appropriate Towing and Storage Agents and/or Designated Salvors may be appointed by the one act of Council.

302.8.4.1 Criteria for Appointment.

1. No private garage shall be appointed as an Appropriate Towing and Storage Agent or Designated Salvor unless the owner has provided the Township with a certificate of insurance naming the Township as an additional insured and providing a minimum of five hundred thousand dollars ($500,000) of automobile and garage liability, which shall indemnify owners of towed and impounded vehicles against loss, injury, or damage to such vehicles while in the custody of the Appropriate Towing and Storage agent and any other persons against loss, physical injury, or property damage incurred by virtue of any acts performed in the course of service.

2. Appropriate Towing and Storage Agents and Designated Salvors must execute an agreement to indemnify, defend and hold harmless, the Township for any and all losses or expenses incurred by virtue of any acts performed in the course of service.

3. A Designated Salvor must also possess a certificate of authorization issued by the Department of Transportation of the Commonwealth of Pennsylvania and perform in compliance with the provisions of Chapter 73 of the Vehicle Code, 75 Pa.C.S.A. §§7301-7312. An Appropriate Towing and Storage Agent may not act as a Designated Salvor unless it also complies with the requirements established in this section for such an entity.

4. In case of any emergency or where a vehicle is in a towing zone or is blocking traffic or is a danger to public health or safety, the vehicle may be towed or hauled by or to an Appropriate Towing and Storage Agent.
   a. If the vehicle is subsequently determined to be abandoned, then the Police Department shall by written request to both the Towing and Storage Agent and the Designated Salvor direct that the Designated Salvor shall take possession of the abandoned vehicle.

302.8.5 Records

The Police Department shall keep a record of the following:

1. The names of all owners of vehicles impounded;
2. The names of all persons claiming such vehicles;
3. The license numbers and such information as may identify the vehicle;
4. Nature and circumstances of the impounding of the vehicle;
5. The violation of the law or ordinance on account of which the vehicle was impounded;
6. The final disposition of each case.
302.9 Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions.
The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the currently adopted building code or the currently adopted existing building code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, corrices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property, and if applicable visible from any common vehicular access to the rear of the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Exception: Existing numbers 3” in height and in good condition shall be permitted to remain.

304.4 Structural members.

Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.
Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features.

Cornices, belt courses, ccrbel,s, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be
protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

During the period from April 15th to October 15th, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
304.16 Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

304.18 Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors.

Doors providing access to a dwelling unit, roaming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, roaming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a dwelling unit, roaming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates.
Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305
INTERIOR STRUCTURE

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the currently adopted building code or the currently adopted existing building code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.
305.2 Structural members.

Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions.
Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the currently adopted building code or the currently adopted existing building code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   1.1. Collapse of footing or foundation system;
   1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
   1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
   1.4. Inadequate soil as determined by a geotechnical investigation;
   1.5. Where the allowable bearing capacity of the soil is in doubt; or
   1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the groundwater table.

2. Concrete that has been subjected to any of the following conditions:
   2.1. Deterioration;
   2.2. Ultimate deformation;
   2.3. Fractures;
   2.4. Fissures;
   2.5. Spalling;
   2.6. Exposed reinforcement; or
   2.7. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:
   3.1. Deterioration;
   3.2. Corrosion;
   3.3. Elastic deformation;
   3.4. Ultimate deformation;
   3.5. Stress or strain cracks;
   3.6. Joint fatigue; or
   3.7. Detached, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
   4.1. Deterioration;
4.2. Ultimate deformation;  
4.3. Fractures in masonry or mortar joints;  
4.4. Fissures in masonry or mortar joints;  
4.5. Spalling;  
4.6. Exposed reinforcement; or  
4.7. Detached, dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:

5.1. Deterioration;  
5.2. Elastic deformation;  
5.3. Ultimate deformation;  
5.4. Metal fatigue; or  
5.5. Detached, dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:

6.1. Ultimate deformation;  
6.2. Deterioration;  
6.3. Damage from insects, rodents and other vermin;  
6.4. Fire damage beyond charring;  
6.5. Significant splits and checks;  
6.6. Horizontal shear cracks;  
6.7. Vertical shear cracks;  
6.8. Inadequate support;  
6.9. Detached, dislodged or failing connections; or  
6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an approved method.  
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

SECTION 307  
HANDBRAILS AND GUARDRAILS

307.1 General.
Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.1 Rubbish storage facilities.

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators.

Refrigerators and similar equipment, that are not easily openable from the inside, not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

308.3.1 Garbage facilities.
The owner of every dwelling shall supply an adequate amount of approved leakproof, covered, outside garbage containers.

308.3.2 Containers:

The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.
Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the currently adopted series of construction codes shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces.

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly
to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but a minimum of 25 square feet (2.33 square meters). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 square meters) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 foot-candle (11 lux) at floors, landings, and treads.

402.3 Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment, and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces.

Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 square meters). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.
403.2 Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy.
Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting a maximum of 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Bedroom and living room requirements.

Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every living room shall contain not less than 120 square feet (11.2 square meters) and every bedroom shall contain not less than 70 square feet (6.5 square meters).

404.4.2 Access from bedrooms.
Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.

Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding.

The number of persons occupying a dwelling unit shall not create conditions that in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

404.6 Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 square meters). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 square meters). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 square meters). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

404.7 Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in
the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 2 occupants.

502.4 Employees’ facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the currently adopted plumbing code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SECTION 503
TOILET ROOMS

503.1 Privacy.
Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees’ working area. The required toilet facilities shall be located not more than one story above or below the employees’ working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees’ regular working area to the facilities.

503.4 Floor surface.

Every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.
Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the currently adopted plumbing code.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief
valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General.

Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer’s installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

506.3.1 Grease laden waste

Any occupancy that produces grease laden waste must install a grease interceptor in accordance with the currently adopted plumbing code.

SECTION 507
STORM DRAINAGE

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises, and the discharge from sump pumps, shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15th to April 15th to maintain a minimum temperature of 65°F (-1°C) in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable workspaces.
Indoor occupiable workspaces shall be supplied with heat during the period from October 15th to April 15th to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances.

Mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing the intended function. Gas or oil-fired house heaters shall be cleaned and maintained annually.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.
603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt single-phase electrical service having a minimum rating of 60 amperes.

604.2.1 Access to overcurrent devices

Occupants of a structure must have access to the overcurrent devices that serve the spaces they occupy.

Exception: Access is not required when occupants are provided with a contact that is available 24 hours a day to reset the devices.

604.2.2 House panel

Multi-dwelling structures are required to provide a separately metered panel to serve any common or shared spaces.

604.3 Electrical system hazards.
Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International currently adopted building code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the currently adopted building code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer’s representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles.

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain no less than one receptacle with ground fault circuit interrupter protection ("GFCI"). Any new bathroom receptacle outlet shall have a ground fault circuit interrupter protection. All kitchen receptacles that serve countertop surfaces shall have ground fault circuit interrupter protection. All receptacles that are located within 6 feet of the outside edge of a laundry, utility or wet bar sink shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.2.1 GFCI Protection
GFCI protection shall be provided for any exterior, bathroom, kitchen counter, or receptacles within 6' (1829 mm) of a water source.

605.3 Luminaires.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one switch-controlled lighting outlet. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings. The code official is permitted to require an amount of receptacles in excess of 605.2 when there are repeated violations of this section, or an extensive overuse of extension cords is observed.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.

Elevators, dumbwaiters and escalators shall be maintained in compliance with the Pennsylvania Construction Code Act, 35 P.S. §§7210.101, et seq.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.
CHAPTER 7
FIRE SAFETY REQUIREMENTS

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702
MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

702.2 Aisles.

The required width of aisles shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the currently adopted building code.

702.4 Emergency escape openings.

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or
similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703
FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives.

Required opening protectives shall be maintained in an operative condition. Fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

SECTION 704
FIRE PROTECTION SYSTEMS

704.1 General.

Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times.

704.1.1 Automatic sprinkler systems.

Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25

704.1.2 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.
704.2 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

704.2.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3. Exception: Compliance with this section is not required where smoke detectors connect to a fire alarm system as a substitute for smoke alarms.

704.2.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.2.1.2 Groups R-2, R-3, R-4 and I-1.

Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
704.2.1.3 Installation near cooking appliances.

Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

704.2.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

704.2.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.2.3 Power source.
Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely 10-year lithium battery operated in existing buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely 10 year lithium battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.2.4 Smoke detection system.

Smoke detectors listed in accordance with UL 268 and provided as part of the building’s fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements of the currently adopted building codes.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with the currently adopted building codes.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with the currently adopted building codes.

SECTION 705
FIRE SAFETY INSPECTIONS

Section 705 General.

The Fire Chief, or any of his designees, shall make annual inspections of each commercial property in the Township of Upper Darby. The Fire Chief, or his designees, is authorized to enter, for the purpose of such inspection, all commercial properties, and it is the duty of commercial property owners to provide access to such properties upon request by the Fire Marshal.
Section 705.1 Carbon Monoxide Detection System.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code. Carbon monoxide alarms are required to be installed and maintained in the basement, first floor, and in any dwelling unit within which fuel-fired appliances are installed and in dwelling units that have attached garages. In dwellings covered by the International Residential Code, battery-operated carbon monoxide alarms are acceptable.

Section 705.2 Frequency of inspections

The fire department is authorized to perform regular inspections of existing commercial properties in accordance with a schedule to be determined by the Fire Chief, or his designee. The construction date of the building will be taken into consideration when determining safety standards.

Section 705.2.1 Report of inspection.

The Fire Chief shall issue a report of each inspection and shall supply a copy to the commercial owner and retain one for the Township’s record. The report, designated as the "Upper Darby Township Commercial Business Minimal Safety Checklist," shall reflect the items that will be inspected and shall note all deficiencies and violations observed during such inspection. The report shall state the corrective action or repairs required to be taken by the business owner and the date by which the corrective action or repairs are required to be completed. The Fire Chief, or his designee, is authorized to schedule follow-up inspection(s) of a commercial property to determine compliance with the deficiencies and violations contained in the initial inspection report.

Section 705.3 Inspection fees.

The Township shall charge every commercial property within the township a registration/inspection fee as set forth in the designated Fee Schedule.

Section 705.4 Violations and penalties.

Any commercial property owner or other person who fails to comply with the requirements of this chapter, including providing access, as requested by the Fire Marshal, or his designee, shall be guilty of a violation of this chapter and shall, upon conviction thereof, be sentenced to pay a maximum fine established by Resolution of Township Council, together with costs of prosecution, or to imprisonment in the county jail for a term not to exceed 30 days, or both, for each such violation. Each day that violation of this chapter continues shall constitute a separate offense.

Section 705.4.1 Other remedies.
In addition to the foregoing penalties for violations of this chapter, a commercial property owners shall be subject to the fines and penalties and other remedies provided in other applicable codes and ordinances if such commercial property owner fails to correct or repair any violation of such code or ordinance cited during an inspection of a commercial property as directed by the Fire Chief, or his designees.

Section 705.5 Recordkeeping.

All records, files and documents pertaining to this program shall be maintained by the Code Enforcement Office and made available to the public as required by law.

CHAPTER 8
RENTAL DWELLING LICENSE; USE AND OCCUPANCY LICENSE

SECTION 801.0. Inspection of Rental Dwelling Units Prior to Occupancy

801.1 Inspection of rental dwelling units required

a) In accordance with the license requirements set forth in Section 802.0, every person, firm, corporation or any other type of entity owning, managing or operating a dwelling unit and/or rooming unit shall not rent, lease, let out or permit the same to be occupied without first applying for and securing the following: An annual rental dwelling license for each occupied and/or vacant dwelling(s) issued pursuant to the provisions of this article and applicable ordinances, rules and regulations enacted by the Council of Upper Darby Township.

b) A use and occupancy permit shall be required whenever there is a change of ownership or structural modification or structural addition to any residential structure or any commercial or industrial structure. A sewer lateral certification conducted by Upper Darby Township is required for the resale of all residential properties. Inspection fee set forth by the most current fee Ordinance.

c) The appropriate L&I officials are hereby authorized and directed to process all applications for use and occupancy permits and rental dwelling licenses and, prior to the issuance of same, determine by inspection that all the requirements of this article and/or any other applicable ordinance, rules and regulations enacted by Upper Darby Township have been met. The fee for the application and issuance of any use and occupancy permit and rental dwelling license, as well as any fee for re-inspection(s) of properties, shall be set from time to time at the discretion of the Council of Upper Darby Township by resolution. License fee in accordance with the most recent fee schedule.
SECTION 802.0. Licensing of Dwelling Units:

An operating license for all rentals, leased, subleased single- or multiple-family dwellings or rooming house shall be valid for a period of one year, unless revoked for noncompliance of any Township ordinance or nonpayment of Township sanitary sewer or trash collection fee, and such license shall be renewable for successive periods of one (1) year from the original date of application for said license. Licenses shall not be transferable.

802.3 Issuance of license

The License & Inspections Department is hereby authorized upon application therefore to issue new operating Licenses, and renewals thereof, in the names of applicant owners or operators of dwelling units. No such licenses shall be issued or renewed unless the dwelling units in connection with which the license is sought is found after inspection to meet all requirements of this Code and of applicable rules and regulations pursuant thereto.

802.4 License application

No operating license shall be Issued or renewed unless the applicant owner or operator has first made application therefore on an application form provided by the Health Department. The Health Department shall develop such forms and make them available to the public.

802.5 Inspections

No operating license shall be issued or renewed unless the applicant owner or operator agrees in his, application to such inspections as the Health Department may require determining whether the dwelling in connection with which such license is sought is in compliance with the provisions of this Code and with applicable rules and regulations pursuant thereto. Such Inspections may be performed by any Code Official. The license fee set forth in the most recent fee schedule shall include the cost of one (1) initial inspection and one (1) reinspection of the dwelling units for which a license or renewal of a license, as applicable, is sought. The cost of each additional inspection shall be billed to the owner at the prevailing rate of code officials for the time required to perform said inspection and travel time, plus any additional costs incurred by the Township in performing the reinspection.

802.6 License fee
No operating license shall be issued or renewed unless the completed application form is accompanied by a payment of a license fee established by Resolution of Township Council, which may be amended by Resolution of Township Council from time to time.

802.7 Information required

No operating license shall be issued or renewed unless such applicant provides in writing his name and address and the name and address of his agent in Pennsylvania for the receipt of service of notice that there is a violation of the provisions of this Ordinance and for service of process pursuant to this Code. The address must also include a full street address if a post office box number is used.

802.8 Information required where owner is domiciled outside of Pennsylvania

No operating license shall be issued or renewed for any applicant that is a corporation or partnership that is domiciled outside of the Commonwealth of Pennsylvania unless a Certificate of Authority to Do Business In Pennsylvania is provided. If such information is not on the certificate, the applicant must provide the name and address of his, registered agent and office in the Commonwealth of Pennsylvania which is to be used for service of process. The address must also include a full street address if a post office box number is used.

802.9 License renewal

No operating license shall be renewed unless an application therefore has been made within sixty (60) days prior to the expiration of the present operating license. Each operator will receive notice from the township before the notice becomes due.

802.10 Display of license; transfer

For multiple dwelling units (3 or more) each license shall be displayed in a conspicuous place within a common way of the dwelling. In a single or two-family operation, the license shall be made readily available and will be able to be produced immediately upon request. No license shall be transferable to another person, or to another multiple dwelling or rooming house. Before a resale certificate can be issued, any person acquiring title to multiple dwelling or rooming house must apply in writing to the Health Department for a new license.

802.11 Record keeping
Every owner or operator of a licensed rental dwelling unit shall keep or cause to be kept, an accurate record of repairs, alterations, and equipment changes, that have required a work permit to be obtained from the Township, related provisions of this Code or to any rules and regulations pertaining thereto, and of all corrections made as the result of inspections by the Code Official. Such record shall be made available to the Code Official by the owner or operator when notified that such record may be subpoenaed for use in administrative or judicial proceedings pursuant to the provisions of this Code. The Health Department shall upon issuance of a license as required in Section 802, advise the licensee of the necessity for such a record and the manner in which such record shall be kept.

802.12 Notice of violation

Whenever, upon inspection of the licensed multiple dwelling or rooming house, or of the records required to be kept by section 802.11 The Code Official finds that conditions or practices exist which are in violation of the provisions of this Code, or of any applicable rules and regulations pursuant thereto, he/she shall serve the owner or operator with notice of such violation in the manner provided in Section 107.2. In addition to the requirements of Section 107.2, such notice shall also state that unless the violations cited are corrected within the designated time, the operating license may be suspended.

802.13 Reinspection; license suspension

At the end of the time he/she has allowed for correction of any violation cited, the Code Official shall re-inspect the dwelling unit, and if he/she determines that such conditions have not been corrected, he/she may issue an order suspending the operating license until such time as he/she determines, pursuant to re-inspection, that all violations have been remedied.

802.14 Appeal

Any person whose license to operate a rental one-family dwelling, rental two-family dwelling or rental multiple dwelling has been suspended shall be entitled to a reconsideration of the order or a formal hearing, in the manner provided by this Code. If no request for reconsideration or petition for hearing is filed with the L&I Department within twenty (20) days after the date on which the order of suspension was issued, the license shall be revoked. However, prior to revocation, any person whose license has been suspended may request reinspection upon a showing that the violation or violations cited in the notice have been corrected.

802.15 Reinstatement of license
If upon reinspection the Code Official finds that the dwelling in connection with which the notice was issued is now in compliance with this Code and with applicable rules and regulations issued pursuant thereto, he shall reinstate the license. A request for reinspection shall not extend the period allowed for remediation unless the Health Department grants such a request.

II. Ordinance No. 2919 is specifically repealed in its entirety.

III. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

V. This Ordinance shall become effective immediately following its legal enactment.

ENACTED and ORDAINED this 15th day of April, 2020

BY: ________________________________
LAURA A. WENTZ
President of Council

ATTEST: ____________________________
MICHELLE BILLUPS
Secretary of Council

Approved this 15th day of April, 2020

BY: ________________________________
BARBARANN KEFFER
Mayor

ATTEST: ____________________________
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3073

AN ORDINANCE OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 1912 IN ITS ENTIRETY; REPEALING SECTION 1 OF ORDINANCE NO. 2673 IN ITS ENTIRETY; AND ENACTING NEW STANDARDS FOR THE OPERATION OF FOOD AND DRINK ESTABLISHMENTS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 2, 1966, the Board of Commissioners of Upper Darby Township enacted Ordinance No. 1912 which established rules and regulations for the operation of public eating places, food establishments, food vendors, public water supplies, ice manufacture/processing/distribution, hazardous substances, and dangerous drugs and narcotics; and

WHEREAS, on June 4, 1986, Upper Darby Township Council enacted Ordinance #2673 which, inter alia., increased specific fines for the violation of Ordinance #1912; and

WHEREAS, since the enactment of Ordinance No. 1912, the Commonwealth of Pennsylvania has promulgated detailed rules and regulations applicable to food and drink establishments to ensure the health and safety of the public; and

WHEREAS, Township Council desires to adopt the Commonwealth Department of Agriculture’s Food Protection and Food Employee Certification provisions and apply them to all food and drink establishments in Upper Darby Township; and

WHEREAS, the adoption of the Commonwealth Department of Agriculture’s Food Protection and Food Employee Certification provisions will modernize the rules and regulations applicable to food and drink establishments in Upper Darby Township and Council has determined that the adoption of Commonwealth standards is in the best interest of the health, safety, and welfare of the residents of Upper Darby Township and the general public;

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Upper Darby Township Council, and it is hereby ENACTED and ORDAINED by authority of same as follows:

I. PURPOSE.

The purpose of this ordinance is to ensure that every food establishment shall be conducted, operated and maintained in accordance with the requirements prescribed in the following sections
and with such additional requirements as Council may by regulation prescribe to protect the health of the ultimate consumers of food handled in such establishments.

II. ADOPTION OF STANDARDS BY REFERENCE.

The provisions of Commonwealth of Pennsylvania, Department of Agriculture, Title 7, Chapter 57 codified at 3 Pa.C.S.A. 5701 through 5737, as amended, and Chapter 65 codified at 3 Pa.C.S.A. 6501 through 6510 as amended, are hereby adopted and incorporated into this ordinance as if fully set out herein.

III. DEFINITIONS.

In addition to the definitions contained in Title 7, the following words or terms shall have the meaning prescribed below:

COUNCIL. Upper Darby Township Council.

FOOD ESTABLISHMENT. Any place, restaurant, coffee shop, cafeteria, tavern, food stand, private club; kitchen, dining room or snack bar at a hospital or care facility; industrial kitchen, dining room, cafeteria or snack bar; school lunchroom or cafeteria; grocery, market or convenience store; vehicle or any other place where food, drinks or refreshments are served, sold, handled or prepared, and sold or given away over any period of time; provided, however, that this definition shall not be interpreted to include group homes or private homes.

ITINERANT PUBLIC EATING AND DRINKING PLACE. One operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.

LICENSE. The permission granted to a licensee to conduct a food establishment.

LICENSEE. A holder of a license.

LICENSOR OR DEPARTMENT. The Upper Darby Township Department of ________.

PROPRIETOR. Any person, partnership, association, corporation, or other business entity conducting or operating within the limits of Upper Darby Township a public eating or drinking place.

IV. LICENSE REQUIREMENTS; FEES.

A. It shall be unlawful for any proprietor to conduct or operate a food establishment within Upper Darby Township without first obtaining a license, as herein provided. Such license shall be issued by the Department.
B. Application for a license shall be made on forms provided by the Licensor and shall be accompanied by the appropriate license and inspection fees.

C. No license shall be issued until inspection of the premises, facilities, and equipment has been made by the Licensor and found to be adequate for the protection of the public health and comfort of the patrons and to be in compliance with the rules and regulations of this and any other applicable provisions of this Ordinance.

D. Licenses issued pursuant to this Ordinance shall specify the license and place licensed, shall be valid for one calendar year or portion thereof, and shall be conspicuously displayed at all times at/in the licensed facility. Licenses are not transferable.

E. Application for a renewal license must be submitted 30 days before the expiration of the existing license. If, after an inspection, the licensed facility is found to comport with the provisions of this Ordinance, the Department will issue a renewal license.

F. The fees for such licenses shall be fixed by Resolution of Township Council and may be amended from time to time.

G. Whenever a license is denied, the Licensor shall state in writing to the applicant the reasons for such refusal. The Department will issue no license until such time as the provisions of this Ordinance have been satisfied.

V. LICENSE REVOCATION; REFUSAL TO ISSUE OR RENEW; APPEALS.

A. Any licensee who, after inspection and/or investigation by the Department and after having been offered the opportunity to be heard by Council, has failed or refused, after a reasonable interval, to correct conditions found to constitute a violation of this Ordinance or the rules and regulations adopted hereunder, shall have his/her license revoked or suspended. Refusal of a licensee to provide access to its operations to a representative of the Department in the performance of its duty to inspect shall cause the immediate suspension of the license, pursuant to § VII.A. of this Ordinance.

B. Any applicant who has been refused a license or any licensee whose license has been revoked or suspended and who feels aggrieved by the action of the Licensor may appeal that decision to and be heard by Township Council by providing written notice to the Township Chief Administrative Officer within 30 days from the date of written notice of the revocation or suspension of such license. The licensee and Licensor shall be given written notice of any such hearing no less than 10 days prior to the date of the hearing, and Licensor shall present all applicable Department records to Township Council.
C. Any licensee who denies access to its operations to a duly appointed representative of the Department, after providing proper identification, shall be deemed to be in violation of this Ordinance and such license shall be immediately suspended.

D. Any applicant or licensee who is aggrieved by an action of Township Council may file an appeal to the Court of Common Pleas of Delaware County.

VI. SUBMISSION OF PLANS REQUIRED; APPROVAL OR DISAPPROVAL.

A. Unless otherwise specifically exempted from the requirements of this Ordinance, no person shall undertake to remodel or alter any existing building or portion thereof which is being used or is proposed for use as a food establishment or shall undertake to construct a new building which is to be used, in whole or in part, as a food establishment without first having submitted plans thereof, in duplicate, to the Department for approval.

B. Such plans shall be accompanied by specifications or other data completely describing the food establishment, including, where applicable, data relating to the following: surrounding grounds, buildings; equipment; water supply including plumbing, sewage disposal; refuse disposal, and any other such information required by the Department. If approved, one set of plans bearing such approval in writing shall be returned to the applicant. If not approved, the Department will call out the noncompliance with the requirements of this chapter in writing or by causing the notation on one copy of the plan set to the applicant.

VII. INSPECTIONS.

A. The Licensor shall conduct periodic inspections of all food establishments licensed under this Ordinance and keep accurate records of such inspections. A duly appointed official of the Department shall have the right to enter any food establishment in order to conduct inspections and obtain samples to determine compliance with the requirements of this Ordinance. Any license issued under this Ordinance shall be immediately suspended in the event an authorized representative of the Licensor, after presenting proper identification, is denied entry to any area of any food establishment when the establishment is open to the public or during other reasonable hours. Such suspension shall continue until entry is allowed to the authorized representative of the Licensor, an inspection is completed, and conditions are found to be satisfactory. If entry is denied for seven or more consecutive days, the license may be revoked.

B. Whenever an inspection produces samples which indicate adulterated food, the cost of laboratory testing shall be borne by the food establishment, and the Licensor shall issue a statement therefore.

VIII. PROCEDURE FOR FOOD ESTABLISHMENT EMPLOYEES WITH COMMUNICABLE DISEASES.
A. No employee with any disease in a communicable form or who is a carrier of such diseases shall work in any food establishment in any capacity which brings him/her into contact with the production, handling, storage or transportation of food or equipment used in food establishments.

B. No proprietor shall employ in any capacity any such person suspected of having any disease in a communicable form or being a carrier of such disease.

C. Any employee who has a discharging or infected wound, sore or lesion on the hands, arms or any exposed portion of the body shall be excluded from those operations which will bring him/her into contact with food, beverages, utensils or equipment used in food establishments.

D. When reasonable grounds exist to indicate that there is a possibility of transmission of infection from any employee, the proprietor and/or the Licensor shall be authorized to require any or all of the following measures:

(1) The immediate exclusion of the employee from the food establishment.

(2) Restriction of the services of the employee to some work area where there is no danger of transmission of disease.

(3) Adequate medical examinations of the employee and his/her associates, with such laboratory examination as may be necessary.

E. When there are reasonable grounds to indicate that there is a danger of food-borne disease outbreak, the Licensor, with the concurrence of a physician, may require the immediate closing of the establishment until no further danger of an outbreak exists.

F. The Licensor may establish, at its own discretion, medical and/or screening programs and may require any or all employees of food establishments to be tested.

IX. FOOD EMPLOYEE CERTIFICATION.

A. The provisions of 3 Pa.C.S.A. §§ 6501 through 6510, also known as the Food Employee Certification Act, shall govern the food protection provisions in this Ordinance.

B. The Licensor shall enforce the provisions therein.

X. WATER SUPPLY.
A. **Definitions.** As used in this Section X., the following terms shall have the meanings indicated:

**BOTTLED WATER.** Includes any artificial or natural mineral, spring or other water bottled for drinking purposes.

**PRIVATE WATER SUPPLY.** Any water system not classified as public, intended primarily for the use of the occupants of one premises. The system shall include all sources, treatment works and distribution piping by which water is furnished to water taps or outlets of the system.

**PUBLIC WATER SUPPLY.** Any water system serving or intended to serve water for human consumption or for domestic uses or purposes to more than one service connection, irrespective of payments to be made for water service. The system shall include all of the sources, treatment works, and distribution lines to the point of service connection at the meter, property line, or any similar premises connection point which are under one ownership, management and operation.

B. No person shall provide or make accessible a public water supply or bottled water for human consumption or domestic use unless the source, treatment, and distribution of such water shall be so protected from pollution and so maintained as to deliver a water of safe, sanitary quality. Such delivered water shall not contain bacterial, chemical, or other contamination in such quantity as may be injurious to health or as may indicate such water to be unsatisfactory for human consumption as determined by tests in a laboratory approved for this purpose by the Department. Public water supplies shall conform to the United States Public Health Service drinking water standards now in effect or hereafter adopted.

C. No spring or well classified as a public water supply shall be used as a source of domestic water supply which does not conform to the requirements and standards set forth in this Section X.

D. No person shall provide or maintain a private water supply to be used for drinking or other domestic purposes by any person, other than the owner thereof, unless such water supply shall be potable, protected against pollution and free from bacterial contamination in accordance with the prevailing bacterial standards of water quality as defined in this section.

E. No new or repaired water supply system or any structure which may have become contaminated, accidentally or otherwise, shall be placed in use before such system or structure has been effectively cleaned and disinfected in accordance with accepted practices and standards of the American Water Works Association now in effect or hereafter adopted.
F. Whenever the Department shall determine that the water delivered to consumers for drinking or other domestic use does not meet the requirements of these rules and regulations, it shall so notify the person in responsible charge of such water supply and may order the treatment, abandonment, sealing, or posting of that portion of the distribution system or connections within the Township which do not meet the requirements of these rules and regulations.

G. Cross-connections and interconnections. No person shall permit any connection between a potable water supply and an unapproved auxiliary water supply or any structure containing sewage, non-potable water or other substance injurious to health.

H. Abandoned wells. No well shall be used for any other purpose than as a source of water. Abandoned wells shall be filled with clean earth or capped with substantial watertight slabs to prevent the contamination of the underground water supply.

XI. WATER AND ICE.

A. As used in this Section XI, the following terms shall have the meanings indicated.

ICE. Includes the product in any form obtained as the result of freezing water mechanically or naturally.

ICE PLANT. Any place, vehicle or establishment where ice is manufactured, stored or processed for sale as ice.

B. Applications for licenses shall be on forms provided by the Department, which shall set forth the name, residence, and business address of the applicant and the names of the persons operating the vehicle or establishment where the ice is manufactured, stored or processed.

C. Every ice vendor shall, upon demand, furnish to the Department such additional information as the Department may require enabling it to determine whether the provisions of these rules and regulations are being complied with. Failure to furnish such information promptly or failure to secure written permission to inspect or reinspect sources of ice shall result in the refusal to issue or the revocation of the ice vendor's license.

D. It shall be unlawful for any person to sell or distribute to the public ice from any ice-vending vehicle or from any other type of vending equipment without obtaining a license
from the Department. The fee for such license shall be fixed by resolution of Township Council which may be amended from time to time.

E. A license will not be issued to any person until the Department has inspected and approved the establishment and equipment from which the ice is to be obtained. Written permission for the Department to inspect or reinspect such establishment or equipment shall be provided by the applicant. Any such establishment shall be equipped and operated in compliance with the provisions of this Section XI. and requirements of the Department now in effect or hereafter adopted. The license shall always be kept posted prominently in the ice-vending vehicle or on the equipment. Applications for renewal of licenses shall be made prior to January 1 of each year for a further period of 12 months.

F. Such licensee, manufacturer, or processor of ice shall be required to pay a fee for such inspection in an amount fixed by Resolution of the Board of Commissioners, which may be amended from time to time. Such fee shall be collected annually.

G. Revocation. Licenses may be suspended or revoked for violation by the holder thereof of these rules and regulations. No license shall be suspended or revoked without a licensee being given a hearing before the Department.

H. The water from which ice is produced shall be obtained from an approved water supply meeting the requirements set forth in Section X. of this Ordinance.

I. The ice at the time of delivery to a customer shall meet the standards of water quality set forth in Section X. of this Ordinance and shall be free of all foreign substances.

J. All equipment used for the manufacture, cutting, grinding, chipping, crushing, storage, transportation or delivery of ice which may come in direct or indirect contact with the ice or the water used while manufacturing ice shall be of a sanitary design approved by the Department.

K. Ice shall be so handled while in storage and delivery as to be protected from dust, dirt, filth and contamination.

L. All cans, buckets, tubs, pails, or other containers used in the manufacture, storage, transportation or distribution of ice shall be kept thoroughly clean by methods acceptable to the Department.

XII. VIOLATIONS AND PENALTIES.
A. Failure to secure a permit when required or operating after suspension or revocation of a permit by the Department shall constitute a violation of this Ordinance. When written notice of a violation of any of the provisions of the rules and regulations contained in this Ordinance has been served upon any person, such violation shall be discontinued immediately.

B. Any person, firm or corporation who violates any provision of the rules and regulations contained in this chapter shall, upon summary conviction before any Magisterial District Judge, pay a fine not exceeding $1,000, plus costs of prosecution, plus the Township’s attorneys’ fees; and in default of the payment of the fine, costs, and fees, the violator may be sentenced to the County jail for a term of not more than 90 days. Whenever such person shall have been officially notified by the Department or by the service of a summons in a prosecution or in any other official manner that a violation of the rules and regulations of this Ordinance is being committed, each day that such violation continues unabated after such notification, and each section of this Ordinance that is violated shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

XIII. REPEALER.

Ordinance No. 1912 is hereby repealed in its entirety. Section 1 of Ordinance No. 2673 is repealed in its entirety and shall read, “Intentionally Left Blank”. All other ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

XIV. SEVERABILITY.

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid of unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

XV. EFFECTIVE DATE.

This Ordinance shall go into effect immediately upon its legal enactment.

ENACTED and ORDAINED this 15th day of April, 2020.
UPPER DARBY TOWNSHIP COUNCIL

ATTEST:  Michelle Billups
         Michelle Billups, Secretary

BY:  Laura A. Wentz, President

APPROVED:  Barbarann Keffer, Mayor

ATTEST:  Vincent A. Rongione, Esq.
         Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 3071

AN ORDINANCE OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #2786, ORDINANCE #2787, AND ORDINANCE #482 TO PROVIDE THAT ALL PARKING VIOLATIONS SHALL BE PUNISHABLE BY A FINE ESTABLISHED BY RESOLUTION OF TOWNSHIP COUNCIL; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on March 1, 1938, the Upper Darby Township Council ("Council") enacted Ordinance No. 449 which established regulations for parking in Upper Darby Township and which provided for a $10 fine for the violation of the provisions of the Ordinance; and

WHEREAS, on February 27, 1939, Council enacted Ordinance No. 482 which established regulations for parking meters in Upper Darby Township and which provided for fines for violation of the provisions of the Ordinance ranging from $1 to $50; and

WHEREAS, on December 2, 1992, Council enacted Ordinance No. 2786 which established a fine of $15 for violation of the parking requirements of the Ordinance; and

WHEREAS, on December 2, 1992, Council enacted Ordinance No. 2787 which established a fine of $15 for violation of the parking meter requirements of the Ordinance; and

WHEREAS, Council desires to amend Ordinances No. 2786, No. 2787, and No. 482 to provide that fines for parking violations shall be established by Resolution of Council;

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Upper Darby Township Council, and it is hereby ENACTED and ORDAINED by authority of same as follows:

I. Section 1 of Ordinance No. 2786, which amended Section 6. of Ordinance No. 449, is amended to read as follows:

"SECTION 6. When any vehicle is found to be in violation of any of the provisions of this Ordinance, a person authorized to do so shall place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of the Ordinance and instructing the owner to pay the fine for such violation either by mail or in person at the Upper Darby Township Building. The fine for a violation of this Ordinance shall be established by Resolution of the Upper Darby Township Council and may be amended from time to time by Resolution of Council."

II. The final paragraph of Section 12 of Ordinance No. 2787 is amended to read as follows:
“Each such person authorized to do so shall also place on such vehicle a notice to the owner thereof that such vehicle has been parked in violation of the provisions of the Ordinance and instructing the owner to pay the fine for such violation either by mail or in person at the Upper Darby Township Building. The fine for a violation of this Ordinance shall be established by Resolution of the Upper Darby Township Council and may be amended from time to time by Resolution of Council.”

III. Section 17 of Ordinance No. 482 is hereby deleted in its entirety and labeled “INTENTIONALLY LEFT BLANK”

IV. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

V. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid of unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

VI. This Ordinance shall go into effect immediately upon its legal enactment.

ENACTED and ORDAINED this 15th day of April, 2020.

UPPER DARBY TOWNSHIP

By: [Signature]
Laura A. Wentz
President of Council

Attest: [Signature]
Michelle Billups
Secretary of Council

By: [Signature]
BARBARANN KEFFER
Mayor

Attest: [Signature]
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 13-20

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA TO PROVIDE A FEE SCHEDULE FOR THE ABATEMENT OF PROPERTY; REPEALING ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INCONSISTENT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to the provisions of the Home Rule Charter, Administrative Code and various Ordinances, the Department of Licenses and Inspection (the "Department") is responsible for the protection of persons and property within the Township through the general administration and enforcement of zoning, subdivision, building and related structural and land use codes; and

WHEREAS, nuisance properties present serious concerns regarding the health, safety and welfare and have a tremendous negative impact upon the quality of life, safety, and health of the Township; and

WHEREAS, the Department finds it necessary to abate conditions which exist on nuisance properties for the protection of Township residents; and

WHEREAS, Township Council recognizes that there is a certain increased expenditure of time and money by the Township in abating nuisance properties; and

WHEREAS, this Council desires that the Township recover such costs by charging property owners abatement fees to remove equipment, mow grass, remove trash and debris, and address any other violation of the Property Maintenance Code; and

WHEREAS, the purpose of such fees shall be to recover administrative expenses only, and not to raise revenue;

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Upper Darby Township Council, and it is hereby ADOPTED and RESOLVED by authority of same as follows:

The following fees shall be charged by the Department of Licenses and Inspections for the abatement of real property:

Backhoe (Including Operator) $150.00 HR
Dump Truck (Including Operator) $175.00 HR
Tractor & Flail (Including Operator) $100.00 HR
Pick Up Truck (Including Operator) $150.00 HR
Weed Eater (Including Operator) $50.00 HR
Lawn Mower (Including Operator) $175.00 HR
Trash Truck (Including Operator) $200.00 HR
Bucket Truck (Including Operator) $200.00 HR
Chipper (Including Operator) $175.00 HR
Chainsaw (Including Operator) $150.00 HR
Recording Fees $125.00 HR
Filing Fees $23.50 HR

*Rates are per hour or fraction thereof.

SECTION 2. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

SECTION 3. SEVERABILITY. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

SECTION 4. EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately following its legal enactment: and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

ADOPTED and RESOLVED this 15th day of April, 2020.

BY: LAURA A. WENTZ
President of Council

ATTEST: MICHELLE BILLUPS
Secretary of Council

Resolution No. 13-20 is hereby approved this 15th day of April, 2020

BY: BARBARANN KEFFER
Mayor

ATTEST: VINCENT RONGIONE
Chief Administrative Officer
UPPER DARBY TOWNSHIP  
DELWARE COUNTY, PENNSYLVANIA  
RESOLUTION NO. 14-20  

A RESOLUTION OF THE UPPER DARBY TOWNSHIP COUNCIL ESTABLISHING FINES FOR PARKING VIOLATIONS IN UPPER DARBY TOWNSHIP; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE  

WHEREAS, the Upper Darby Township Council ("Council") has enacted Ordinances 449 and 482 establishing parking regulations for both metered and unmetered parking in Upper Darby Township; and  

WHEREAS, Council has enacted Ordinances 2786 and 2787 which amended Ordinances 449 and 482, respectively, to increase fines for violations of Ordinances 449 and 482; and  

WHEREAS, on April 15, 2020, Council enacted Ordinance No. 3071 which amended all prior parking ordinances to provide that fines will be established by resolution of Council; and  

WHEREAS, Council desires to set forth such fines for violations of the parking ordinances of Upper Darby Township in the best interests of the health, safety, and welfare of the residents of Upper Darby Township and the traveling public;  

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Upper Darby Township Council, and it is hereby ADOPTED and RESOLVED by authority of same as follows:  

I. The following fines are hereby established for violation of Ordinances 449, 482, 2786, 2787, and any other ordinances regulating parking in Upper Darby Township:  

1. For all parking violations paid within seven (7) days of the issuance of notice of violation: Twenty-Five Dollars ($25.00).  

2. If paid between eight (8) days and thirty (30) days of the issuance of notice of violation: Thirty-Five Dollars ($35.00).  

3. If paid more than thirty (30) days after the issuance of notice of violation or the case is sent to magisterial district court for failure to pay, and the violator is found guilty of violating a parking ordinance: Fifty Dollars ($50.00), plus costs of prosecution, plus the Township's reasonable attorneys' fees.  

II. All resolution or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.
III. This Resolution is declared to be severable. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

IV. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 15th day of April, 2020.

UPPER DARBY TOWNSHIP

By
Laura A. Wentz
President of Council

Attest:
Michelle Billups
Secretary of Council

By
BARBARANN KEFFER
Mayor

Attest:
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 15-20

A RESOLUTION OF THE TOWNSHIP OF UPPER DARBY, DELAWARE COUNTY, PENNSYLVANIA, ESTABLISHING FEES FOR LICENSES AND INSPECTIONS FOR THE OPERATION OF FOOD AND DRINK FACILITIES; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on April 15th, 2020, Upper Darby Township Council enacted Ordinance No. 3073 which established standards, rules, and regulations for the operation of food and drink facilities within Upper Darby Township; and

WHEREAS, Council desires to establish fees for licenses and inspections of food and drink facilities in the best interests of the health, safety, and welfare of the residents of Upper Darby Township and the general public;

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Upper Darby Township Council, and it is hereby ADOPTED and RESOLVED by authority of same as follows:

I. The following fees are hereby established for all facilities required to obtain a license and inspection of a food and/or drink facility under Ordinance No. 3073. All fees are annual.

<table>
<thead>
<tr>
<th>Square Feet</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,500</td>
<td>$150.00</td>
</tr>
<tr>
<td>1,501 to 2,500</td>
<td>$200.00</td>
</tr>
<tr>
<td>2,501 to 5,000</td>
<td>$250.00</td>
</tr>
<tr>
<td>5,001 to 7,500</td>
<td>$325.00</td>
</tr>
<tr>
<td>7,501 to 10,000</td>
<td>$450.00</td>
</tr>
<tr>
<td>10,001 to 15,000</td>
<td>$600.00</td>
</tr>
<tr>
<td>Greater than 15,000</td>
<td>$700.00</td>
</tr>
<tr>
<td>All mobile food establishments</td>
<td>$150.00</td>
</tr>
<tr>
<td>Non-Profit with current 501(C3)</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

II. All Non-Profit organizations with current 501(C3) as defined by the Internal Revenue Service status shall be charged a $150.00 fee. All Non-Profit organizations must produce current 501(C3) documentation when applying for a food license.

III. The square footage listed in paragraph I shall apply to the food preparation, vending space for food, and food seating/service area only.
IV. All resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent of the inconsistency.

V. This Resolution is declared to be severable. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.
VI. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 15th day of April, 2020.

BY: Laura A. Wentz
President of Council

ATTEST: Michelle Billups
Secretary of Council

Resolution No. 15-20 is hereby approved this 15th day of April, 2020.

BY: Barbarann Keffer, Mayor

ATTEST: Vincent A. Rongione, Esq.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 16-20

A RESOLUTION OF THE UPPER DARBY TOWNSHIP COUNCIL ESTABLISHING FEES FOR FIRE SAFETY INSPECTIONS OF COMMERCIAL PROPERTIES; REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Upper Darby Township Council ("Council") has enacted Ordinance 3072 establishing the Property Maintenance Code of Upper Darby Township (the "Code"); and

WHEREAS, Chapter 7 of the Code governs the Fire Safety Requirements for the Township which includes the minimum conditions and standards for fire safety relating to structures and exterior premises; and

WHEREAS, the Code provides that the Fire Chief, or any of his designees, shall make annual Fire Safety inspections of each commercial property in the Township; and

WHEREAS, the Code also provides that the Township shall charge every commercial property an inspection fee as set forth in a designated Fee Schedule; and

WHEREAS, Council desires to adopt the Fee Schedule for such Fire Safety Inspections, and determines that such inspections and fees therefor are in the best interests of the health, safety, and welfare of the residents of Upper Darby Township;

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Upper Darby Township Council, and it is hereby ADOPTED and RESOLVED by authority of same as follows:

SECTION 1. The following fees are hereby established for Fire Safety Inspections in accordance with Chapter 7 of the Upper Darby Township Property Maintenance Code:

A. The fee for inspection of a Commercial Property less than 1,000 square feet shall be $150.00.

B. The fee for inspection of a Commercial Property of 1,000 square feet or more, but less than 2,001 square feet shall be $250.00.

C. The fee for the inspection of a Commercial Property of 2,001 square feet or more shall: $250.00 for the first 2,000 square feet and $25.00 for each additional 1,000 square feet.
SECTION 2. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

SECTION 3. SEVERABILITY. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

SECTION 4. EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 15th day of April, 2020.

BY: _____________________________
LAURA A. WENZ
President of Council

ATTEST: _________________________
MICHELLE BILLUPS
Secretary of Council

Resolution No. 16-20 is hereby approved this 15th day of April, 2020

BY: _____________________________
BARBARANN KEFFER
Mayor

ATTEST: ___________________________
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer
UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

RESOLUTION NO. 17-20

A RESOLUTION OF THE UPPER DARBY TOWNSHIP COUNCIL ESTABLISHING FINES FOR
PROPERTY MAINTENANCE VIOLATIONS IN UPPER DARBY TOWNSHIP; REPEALING
ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Upper Darby Township Council ("Council") has enacted Ordinance 3072
establishing the Property Maintenance Code of Upper Darby Township (the "Code"); and

WHEREAS, the Code provides that if any person violates, or fails to comply with, any
provision of this code, that person shall pay the fines and penalties set forth by Resolution of
Council;

WHEREAS, Council desires to set forth such fines for violations of the Code in the best interests
of the health, safety, and welfare of the residents of Upper Darby Township;

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Upper Darby Township Council,
and it is hereby ADOPTED and RESOLVED by authority of same as follows:

The following fines are hereby established for violations of the Code, and any other ordinances regulating
property maintenance in Upper Darby Township:

A. The penalty for the first violation of the Code shall be enforced by the issuance
of a ticket noting the violation(s) and shall be a fine of $25.00.

B. The penalty for the second violation of the Code shall be a fine of $200.00

C. The penalty for a third violation of the Code shall be a fine of $500.00.

D. The penalty for the fourth and subsequent violations of the Code shall be a
fine of $1,000.

E. Each day that a violation of the Code continues shall constitute a separate
offense.

F. Each section of the Code that is violated shall constitute a separate offense.

G. Upper Darby Township shall be entitled to recover the costs of prosecution
of any violation of the Code and actual attorneys’ fees incurred by the Township
for the prosecution of any violation of the Code.
SECTION 2. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

SECTION 3. SEVERABILITY. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

SECTION 4. EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 15th day of April, 2020.

BY: __________________________
LAURA A. WENTZ
President of Council

ATTEST: _______________________
MICHELLE BILLUPS
Secretary of Council

Resolution No. 17-20 is hereby approved this 15th day of April, 2020

BY: _________________________
BARBARANN KEFFER
Mayor

ATTEST: _______________________
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer