

INDEX
Upper Darby Township Council Meeting
April 21, 2021

Pledge of Allegiance to the flag of the United States of America	1
Moment of Silence	
Opening of Meeting	1
Roll Call	1
Guests	1
Rules for Meeting Decorum	1
Public Forum	1-2
Approval of the Minutes for March 2021	2
The Honorable Mayor Barbarann Keffer	2-5
Appointments	
Resolution No. 22-21 , a Resolution of Upper Darby Township, Delaware County, Pennsylvania, confirming and appointing members to the Shade Tree Commission of Upper Darby Township; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date	4-5 10-11
Approval of Resolution No. 22-21	5
Treasurer's Report: David Haman, Treasurer	5 56-61
Approval of Motion for Treasurer's Report	5
President of Council, Laura A. Wentz	5
<u>COMMITTEE REPORTS</u>	
Finance and Appropriations Committee	5
Co-Chairs: Robert S. Gwin Jr. & Matt Silva Members: Danyelle Blackwell, Brian Burke	
Municipal Services, Licensing and Public Works Committee	
Co-Chairs: Sheikh M. Siddique & Hafiz Tunis Jr., Members: Thomas P. Wagner, Brian K. Burke	
Resolution No. 16-21 , a Resolution approving an agreement between Upper Darby Township and the Pennsylvania Department of Transportation for the Township to provide data and an operations plan for critical corridors pursuant to 75 PA. C.S. § 6122	5 12-13
Approval of Resolution No. 16-21	5

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Sheikh M. Siddique, Danyelle Blackwell

Resolution No. 17-21, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, supporting the enactment of legislation that would temporarily suspend foreclosures and evictions during the COVID-19 pandemic and requesting the Pennsylvania Legislature and Federal government to take immediate action to address the same 5
14-16

Approval of Resolution No. 17-21 5

Public Safety Committee

Co-Chairs: Danyelle Blackwell & Brian K. Burke

Members: Hafiz Tunis Jr., Matt Silva

Public Hearing for Ordinance No. 3095, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, establishing and implementing a program to charge user fees for the deployment of public safety services rendered by the Fire Department of Upper Darby Township for delivery of fire and rescue services, personnel, supplies and equipment to the scene of motor vehicle accidents and other incidents on the highways; repealing all inconsistent Ordinances or parts thereof; providing a severability clause and an effective date 5-6
17-20

Adoption of Ordinance No. 3095 6

Planning, Zoning and Building Code Committee

Co-Chairs: Robert S. Gwin Jr. & Michelle Billups

Members: Donald P. Bonnett, Hafiz Tunis Jr.

Resolution No. 23-21, a Resolution of Upper Darby Township conditionally accepting ownership of the existing sanitary sewer line located on the properties of Delaware County Community College and the Archdiocese of Philadelphia 6
21-22

Approval of Resolution No. 23-21 6

Public Hearing for Ordinance No. 3092, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, amending the Upper Darby Zoning Ordinance to revise definitions and provisions governing family, group living quarters and sober living homes; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date 6-7
23-32

Adoption of Ordinance No. 3092 7

Public Hearing for Ordinance No. 3096, an Ordinance of the Township of Upper Darby, 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 8
33-53

Adoption of Ordinance No. 3096 8

Finance and Appropriations Committee
Co-Chairs: Robert S. Gwin Jr. & Matt Silva
Members: Danyelle Blackwell, Brian Burke

Public Hearing for Ordinance No. 3098 , an Ordinance of Upper Darby Township, Delaware County, amending and clarifying the Township officers and officials authorized to carry out Ordinance 3083 and Ordinance 3084; repealing all prior Ordinances or parts thereof inconsistent herewith	8 54-55
Adoption of Ordinance No. 3098	8
Solicitor	8
Old Business	8
New Business	8-9
Adjournment at 10:27 p.m.	9

MINUTES FOR COUNCIL MEETING OF APRIL 21, 2021

The video of this meeting can be viewed in its entirety on youtube.com/upperdarby.org

Pledge of Allegiance to the flag of the United States of America
Moment of Silence

Opening of Meeting

Roll Call

Hafiz Tunis Jr. (HT), Bob Gwin (RG), Michelle Billups (MB), Matt Silva (MS), Danyelle Blackwell (DB), Brian K. Burke (BB), Sheikh Siddique (SS), Donald P. Bonnet (DPB), Thomas P. Wagner (TW), Laura A. Wentz (LW)

Lisa Faraglia (LF), excused

Present at the Meeting

Mayor Barbarann Keffer
CAO Vincent A Rongione, Esq.
Alexis Cicchitti, Chief Municipal Clerk
Mike Galante, Township Engineer
David Haman, Treasurer
Solicitor Sean Kilkenny
Solicitor Courtney Richardson

Rules for Meeting Decorum

“Upper Darby Township Council and Residents will maintain professional respect for each other. Council encourages free speech, however, civility is required which would prohibit threats, profanity, 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”

Public Forum (On video)

Asara Ahanna stated that she is here for observation only.
*Resident did not provide her address.

Terry Bradley of 1213 Morgan Avenue expressed her displeasure with the Township’s stance on hazardous trees. Solicitor Kilkenny stated that he previously expressed his position on this matter during a Council Meeting. Therefore, he has nothing else to report on this issue.

Lee Jordan of 90 Pilgrim Lane suggested that future Council Meetings should be open to the public for residents to attend in person. Ms. Jordan also stated that the school district is willing to share one of their venues to hold a these meetings.

Colleen Kennedy of 8723 West Chester Pike had inquiries about the Law Enforcement Treatment Initiative. Ms. Kennedy requested copies of documents and communications pertaining to this Initiative. She further asked if this information would be implemented on the website for public viewing.

CAO Rongione responded that these documents are generated from the Attorney General's Office. He would be willing to share this information.

Ms. Kennedy then asked how it would be funded and if strings are attached to this funding. The CAO stated that it is State Level Funding from grants. Therefore, he does not believe there are any strings attached.

Lastly, Ms. Kennedy inquired about their interest in de-prioritizing non-violent drug arrests. The CAO responded that Mayor Keffer and Council have already decriminalized small amounts of marijuana. The CAO further explained that this is a signal of where the enforcement priorities are heading. The CAO concluded that this Initiative is designed to be a bridge from the law enforcement context into the mental health context.

Public Forum (Email Comments)

Gerald Harrison of 29 S. Kirklyn Avenue requested the status of the acquisition, as well as the placement and the maintenance of the trashcans. CAO responded that the Township is still waiting for funds from the Capital Bonds to cover the cost of the acquisition.

James Durante of 5335 Brittany Drive is opposed to cutting off the public comments due to the time restraints.

Don Doyle of 136 Hilldale Road is opposed to the Thompson Tract Project.

Donald Procopio of 514 Montana Avenue is opposed to Thompson Tract Variance.

Michael Jordan of 90 Pilgrim Lane has concerns of the non-conforming use of the property located at the corner of Township Line Road and Sylvia Road. CAO Rongione responded that he looked into this issue, and the Department of Licenses & Inspection have already filed citations.

Lonnie Johnson of 326 Huntley Road has requested clarity concerning the sewer lateral inspections requirement with the sale of a property. Mayor Keffer responded that this inspection is conducted at *every* point of sale, regardless of the buyer or the seller of the property.

Approval of the Minutes for March 2021

Approval of the Minutes from the Committee Meeting of March 3, 2021
RG/MB Ten in favor. The March 3, 2021 Committee Minutes were approved.

Approval of the Minutes from the Council Meeting of March 17, 2021
SS/RG Ten in favor. The March 17, 2021 Council Minutes were approved.

The Honorable Mayor Barbarann Keffer

Good evening everyone,

Yesterday's conviction of former Minneapolis police officer Derek Chauvin in the murder of George Floyd is a tremendous relief for many people, and my administration acknowledges that there is still much work to be

done to address the issues of systemic racism and bias that plague our society. Justice is a process and not a single moment or outcome, and we must continue the hard work of correcting these inequities for years to come. However, **let there be no doubt that this verdict is a watershed moment and a clear affirmation that George Floyd's life mattered.**

We also recognize and appreciate the hard work and dedication of our public safety personnel here in Upper Darby leading up to the verdict announcement. Enduring change and real equality are our goals, and it is more important now than ever that we come together as residents of Upper Darby to look out for and protect each other.

Communication is the foundation creating an engaged community and I think it is fair to say that these have been some tough times for all of us. On top of the complications and adjustments of our COVID-life, we are all still grappling with the struggles of daily life as well as the larger social problems that things such as the pandemic and the Chauvin verdict shine a spotlight on.

In times like these or in any times at all, there is no harm in being vulnerable and expressing how you are feeling, especially in the trying times that we are living through today. If you feel like you need a different outlet or perspective, please contact the Delaware County Telehealth Helpline at 855-464-9342. The helpline is dedicated to providing emotional support to anyone in Delaware County, 24 hours a day, 7 days a week. The line is staffed by Certified Peer Specialists and Mental Health Professionals. All calls are confidential and can be made anonymously.

Switching gears...

On a positive note, directly related to Upper Darby, I am very happy to announce that we have received a \$425,000 commitment from the Commonwealth Financing Authority to do work to enhance the area around Market and Powell to create greater walkability and an improved streetscape. I want to thank Senator Kearney for all of his support for this application and for our community.

The Upper Darby Environmental Advisory Committee and the Friends of Upper Darby Trails will hold a Learn and Hike event this Saturday, April 24, in honor of Earth Day. There will be three separate hikes throughout the day: one along the Recreation Area Trail beginning at 9 a.m., one at the Underground Railroad Trail Spur beginning at 1 p.m., and one at Naylors Run Park Trail beginning at 6 p.m. More details can be found on the Environmental Advisory's Facebook page.

On Friday, April 30, we are partnering with the Upper Darby Shade Tree Commission, the Upper Darby Township Library staff, the Tree Tenders of Upper Darby and the 4th District Community Group for this year's Arbor Day Celebration. We will be planting several new trees in the recently cleared space on the grounds between Sellers Library and Sellers Park, starting at 10:30 a.m. The Tree Tenders of Upper Darby and the Upper Darby 4th District Community Group will also be on hand with free yard and houseplants, and free plant kits for children.

As a reminder, our new weekly yard waste collection service is now ongoing until Friday, November 19. Yard waste will be collected weekly on residents' regularly scheduled recycling pick up day. Yard waste is defined as leaves, garden residues, shrubbery and tree trimmings, and similar material. Please do not use plastic bags to

collect your yard waste. Instead, place it in biodegradable paper bags, which are available at local hardware stores, or place the yard waste loosely in trashcans without bags.

I would like to say a few things about the ZHB application for the proposed development of the Thompson Tract. First, the Thompson Tract is not “open space”; it is privately owned land that is currently zoned for development. Except for a single home on the property, it is private undeveloped land. I hear the concerns of neighboring residents - I had the same concerns almost 12 years ago when the township attempted to rezone the Thompson Tract and the Mozino Tract, across from the Drexeline Shopping Center, for high-density housing. It is important to remember that the Thompson Tract is private land and that anybody is allowed to submit an application to the ZHB. **To be even clearer, the only reason that a zoning application is necessary in this case, or any case, is because my administration denied the initial plan application.**

The ZHB is a quasi-judicial, independent body and it is the job of the ZHB to hear each and every application and make decisions based on its merits. As Mayor, I do not tell the ZHB how to vote. The ZHB is there to provide checks and balances so that all applicants are assured a fair and balanced process.

It is great to see this high level of participation from Upper Darby residents and to get their input on applications such as this one. That is what local government is about and that is why the ZHB, and all of our other boards and commissions, like the Civil Service Commission and the Historic Commission, are so important in guiding us to the future.

I am happy to report that the number of COVID-19 vaccines available in Delaware County has been steadily increasing. If you have not yet received the vaccine, please call 484-276-2100 or visit www.delcopa.gov/vax to register for an appointment. Unfortunately, there has also been an increase in the number of positive cases in our area over the past few weeks. It is vitally important that everyone is vaccinated as soon as possible, and please continue to wear masks in public and practice social distancing. For my part, my younger daughter and I will be getting our first vaccines on Monday and my husband and older daughter will be getting their second doses within the next two weeks. If you want to schedule an appointment and are having difficulty please contact my office at mayor@upperdarby.org or call 610.734.7625. If you are helping someone get an appointment, please do not hesitate to reach out to us. We are here to help.

Thank you and have a great evening.

Appointments

Resolution No. 22-21, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, confirming and appointing members to the Shade Tree Commission of 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. 22-21

Motion to approve Resolution No. 22-21: RG/MS Moved and seconded.

LW questioned the language within this Resolution where the word *Citizen* is being used instead of *Resident*. Solicitor Richardson responded that these two words are interchangeable. Solicitor Kilkenny further stated that they could look over the enabling Ordinance if a conflict exists with this wording and amend it accordingly.

Ten in favor, one excused (LF). Resolution No. 22-21 was approved.

Treasurer's Report: David Haman, Treasurer

***See attached**

**Motion to approve Treasurer's Report: MB/SS: Moved and seconded. Ten in favor, one excused (LF)
The Treasurer's Report was approved.**

President of Council, Laura A. Wentz

LW thanked all volunteers for the cleanups throughout the Township. LW also thanked Mayor Keffer for including the Fourth District Community Group and tree tenders for Arbor Day.

COMMITTEE REPORTS

Municipal Services, Licensing and Public Works Committee

Co-Chairs: Sheikh M. Siddique & Hafiz Tunis Jr.,

Members: Thomas P. Wagner Brian K. Burke

Resolution No. 16-21, a Resolution approving an agreement between Upper Darby Township and the Pennsylvania Department of Transportation for the Township to provide data and an operations plan for critical corridors pursuant to 75 PA. C.S. § 6122

Solicitor Richardson gave a brief on Resolution No. 16-21

**Motion to approve Resolution No. 16-21: RG/SS: Moved and seconded. Ten in favor, one excused (LF)
Resolution No. 16-21 was approved.**

Law and Government & Rules and Procedures Committee

Co-Chairs: Michelle Billups & Matt Silva

Members: Sheikh M. Siddique, Danyelle Blackwell

Resolution No. 17-21, a Resolution of Upper Darby Township, Delaware County, Pennsylvania, supporting the enactment of legislation that would temporarily suspend foreclosures and evictions during the COVID-19 pandemic and requesting the Pennsylvania Legislature and Federal government to take immediate action to address the same

Solicitor Kilkenny gave a brief on Resolution No. 17-21

Motion to approve Resolution No. 17-21: HT/SS: Moved and seconded. Eight in favor, two opposed (DPB, TW), one excused (LF). Resolution No. 17-21 was approved.

Public Safety Committee

Co-Chairs: Danyelle Blackwell & Brian K. Burke

Members: Hafiz Tunis Jr., Matt Silva

Public Hearing for Ordinance No. 3095, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, establishing and implementing a program to charge user fees for the deployment of public safety services rendered by the Fire Department of Upper Darby Township for delivery of fire and rescue services,

personnel, supplies and equipment to the scene of motor vehicle accidents and other incidents on the highways; repealing all inconsistent Ordinances or parts thereof; providing a severability clause and an effective date

Solicitor Richardson gave a brief on Ordinance No. 3095

Council President Wentz convened a Public Hearing. There were no speakers. Therefore, the Public Hearing was closed.

Motion to adopt Ordinance No. 3095: MS/BB: Moved and seconded. A roll call vote was taken. Ten in favor, one excused (LF). Ordinance No. 3095 was approved.

Planning, Zoning and Building Code Committee

Co-Chairs: Robert S. Gwin Jr. & Michelle Billups

Members: Donald P. Bonnett, Hafiz Tunis Jr.

Resolution No. 23-21, a Resolution of Upper Darby Township conditionally accepting ownership of the existing sanitary sewer line located on the properties of Delaware County Community College and the Archdiocese of Philadelphia

Solicitor Richardson gave a brief on Resolution No. 23-21

Motion to approve: SS/RG: Moved and seconded.

RG asked for further clarification of the indemnification agreement. Mr. Galante responded that the Township would maintain ownership of the line. However, DCCC and the Archdiocese would be responsible for the maintenance of the line.

DPB asked for confirmation that all maintenance to the main sewer line is the responsibility of the Archdiocese. Mr. Galante confirmed. He further explained that DCCC and the Archdiocese must provide the Township with a secure and stable sewer line prior to possessing ownership.

Ten in favor, one excused (LF). Resolution No. 23-21 was approved

Public Hearing for Ordinance No. 3092, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, amending the Upper Darby Zoning Ordinance to revise definitions and provisions governing family, group living quarters and sober living homes; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave a brief on Ordinance No. 3092

Council President Wentz convened a Public Hearing

Speakers:

Lee Jordan of 90 Pilgrim Lane asked about the significance of adding the term *Sober Living Quarters* to this Ordinance. Solicitor Kilkenny responded that it is best practice to include both the terms *group home* and *sober living home*, especially when you are distinguishing between two different uses of a property.

Ms. Jordan inquired about the residency policy. She is concerned about a high turnover of residents coming and going. Solicitor Kilkenny responded that there are minimum time requirements. This is regulated in the State

Regulations that license the Sober Living Homes. Furthermore, the Director of L&I, Mr. McSween has the authority under the purview of zoning, to regulate violations that negatively affect the neighborhood.

Ms. Jordan asked that the Solicitor explain his reasoning for labeling this a *litigious* area. Solicitor Kilkenny responded that the Township must find a balance between State and Federal Laws that protects those with disabilities along with the residents of Upper Darby without violating any other laws.

Lastly, Ms. Jordan asked about the proximity between one Group Living Quarters and another Group Living Quarters. Solicitor Kilkenny responded that the location is within 500 feet of each other.

Kyle Johnson, 942 Stanbridge Road, questioned the meaning of the term "*essential character*" as it is listed on page four of the Ordinance: "*The Living Quarters will not alter the neighborhood or district in which it is located.*" Solicitor Kilkenny stated that the Zoning Board Solicitor should define the interpretation.

LW reminded the public that they may *call* or *sign in* to comment about the remaining Public Hearings.

The Public Hearing was closed.

Motion to adopt Ordinance No. 3092: MS/HT: Moved and seconded.

DPB asked if there are Federal Regulations governing Sober Living Quarters. Solicitor Kilkenny responded that there are State Regulations but the Federal Case Law is providing them the same protection as a Group Home. DPB asked for confirmation from the Solicitor that the Township is not required to locate these type of living quarters in each residential district. Solicitor Kilkenny responded that the requirement is we must provide them with some residential *component*. In conclusion, DPB opposes the approval to allow Sober Living Quarters to exist in *all* residential districts.

BB expressed his concern that these types of Homes would not be contributing to our tax base. He feels it would be unfair to the residents.

HT stated that Group Homes should not be limited to the Sixth and Seventh Districts.

TW requested that we include a reasonable requirement that the operator of the Group/Sober Living Quarters provide proof of financial ability to sustain it on a long-term basis.

RG asked that we include a bonding requirement if they fail to maintain the property in a manner consistent with the neighborhood. Solicitor Kilkenny responded that could be a reasonable condition placed upon the Zoning Hearing Board for the condition of approval. The Solicitor will look into the possibility.

MB asked if anyone knew how many Sober Living Quarters exist within the Township. CAO Rongione said he would look into this.

MS asked that the Solicitor confirm the reference to *Districts* that we are referring to *Zoning* Districts, not *Council* Districts. Solicitor Kilkenny confirmed.

SS asked if the residents have the right to oppose having a Group Home or Sober Living Quarters in their neighborhood. LW responded that they would have this opportunity by presenting their case in front of the Zoning Hearing Board.

Motion to call the question: MS/HT: Moved and seconded. Ten in favor, one excused (LF)

A roll call vote was taken. Seven in favor, three opposed (DPB, BB, TW) and one excused (LF) Ordinance No. 3092 was adopted.

Public Hearing for Ordinance No. 3096, an Ordinance of the Township of Upper Darby, 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

Solicitor Kilkenny gave a brief on Ordinance No. 3096

Council President Wentz convened a Public Hearing. There were no speakers. Therefore, the Public Hearing was closed.

Motion to adopt Ordinance No. 3096: MB/RG: Moved and seconded. A roll call vote was taken. Eight in favor, two opposed (DPB, TW) and one excused (LF). Ordinance No. 3096 was adopted.

Finance and Appropriations Committee

Co-Chairs: Robert S. Gwin Jr. & Matt Silva

Members: Danyelle Blackwell, Brian Burke

Public Hearing for Ordinance No. 3098, an Ordinance of Upper Darby Township, Delaware County, amending and clarifying the Township officers and officials authorized to carry out Ordinance 3083 and Ordinance 3084; repealing all prior Ordinances or parts thereof inconsistent herewith

Solicitor Richardson gave a brief on Ordinance No. 3098

Council President Wentz convened a Public Hearing. There were no speakers. Therefore, the Public Hearing was closed.

Motion to adopt Ordinance No. 3098: RG/SS: Moved and seconded. A roll call vote was taken. Ten in favor, one excused (LF). Ordinance No. 3098 was adopted.

Solicitor

Solicitor Kilkenny stated that the firm has been working on the various Ordinances and Resolutions that were presented this evening. He also gave an update on St. Eugene's development. He stated that they are waiting for the Monsignor to respond to our environmental consultant in regards to the Phase I Environmental.

Old Business

SS acknowledged the observance of Ramadan. He also acknowledged that the vaccination site at the Mosque was quite successful. Lastly, he thanked the CAO, Mayor Keffer and other elected officials for the Powell Lane and Market Streets Project.

RG requested copies of the traffic calming report for the Fourth District. He would like to share the results with St. Lawrence Parish.

New Business

MB stated that she is involved with the Re-Entry Program (Formerly Incarcerated Individuals) and they have completed their Mission Statement and Vision Statement. Currently, they are working on their Strategic Plan and By-Laws. Therefore, they are seeking executive leadership to form sub-committees. She also announced that the Garrettford Fire House is hosting a vaccine site with Nurses United on April 25, 2021.

MS announced that the next Spring Cleanup takes place on May 8, 2021 at the Oakview Trolley Station at Creek and Station Roads.

LW asked for the date of the Upcoming Job Fair. DB stated that it would be held on May 25, 2021. Any employers interested may contact the Events Committee via email: udcouncileventscommittee@gmail.com.

Motion to adjourn: SS/RG: Moved and seconded. All in favor. Meeting adjourned at 10:27 p.m.

Respectfully submitted,

Alexis Cicchitti

Alexis Cicchitti
Chief Municipal Clerk

The video of this meeting can be viewed in its entirety on youtube.com/upperdarby.org

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 22-21

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, CONFIRMING AND APPOINTING MEMBERS TO THE SHADE TREE COMMISSION OF UPPER DARBY TOWNSHIP: REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Shade Tree Commission of Upper Darby Township (“Shade Tree Commission”) was established by Ordinance 2498 in 1976; and

WHEREAS, the Ordinance provides that the Mayor appoints three citizens of the Township to the Shade Tree Commission to serve staggered terms; and

WHEREAS, Council desires to ensure that all members of the Shade Tree Commission are officially appointed and that their terms are specified in order to provide clarity and proper record-keeping protocol; and

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:

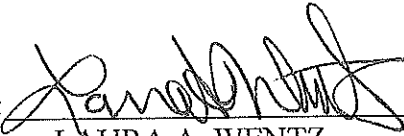
Dolores Lombardi, Chair	Term expires September 16, 2023
Michael Atwell	Term expires April 21, 2025
Evan Hunt	Term expires April 21, 2026

REPEALER. All Resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.

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.

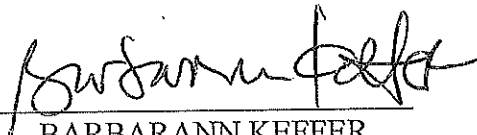
EFFECTIVE IMMEDIATELY. This Resolution shall become effective immediately following its legal enactment and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.

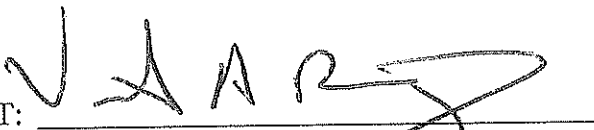
ADOPTED and RESOLVED this 21st day of April 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 22-21 is hereby approved this 21st day of April, 2021

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 16-21

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN UPPER DARBY
TOWNSHIP AND THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
FOR THE TOWNSHIP TO PROVIDE DATA AND AN OPERATIONS PLAN FOR
CRITICAL CORRIDORS PURSUANT TO 75 PA. C.S. § 6122**

WHEREAS, Upper Darby Township (the "Township") has the authority to enact traffic laws under Pennsylvania law, specifically pursuant to 75 Pa.C.S. 102;

WHEREAS, the Township is required to obtain Pennsylvania Department of Transportation ("PennDOT") approval prior to erecting any traffic signal pursuant to 75 Pa. C.S. 6122(a)(2);

WHEREAS, the Township is also responsible for the installation, revision, maintenance, operation and removal of traffic signals on highways under their jurisdiction;

WHEREAS, PennDOT and the Township share a common interest in facilitating the safe and efficient management of traffic flow on a daily basis as well as during incidents;

WHEREAS, the Township is required to enter into an agreement with PennDOT to properly maintain and time traffic signals for critical corridors and as a condition of eligibility for financial assistance out of the Motor License Fund to replace, synchronize, time, operate, and maintain traffic signals. The Township also may enter into an agreement with PennDOT to properly maintain and time traffic signals for designated corridors;

THEREFORE, BE IT RESOLVED, by the authority the Township Council of Upper Darby Township, Delaware County, and it is hereby resolved by the authority of the same, that the Chief Administrative Officer of the Township, or his designee, shall be authorized to submit the Commonwealth and Municipal Traffic Signal Maintenance Agreement, either in writing or via electronic signature, to the PennDOT and to sign this Agreement on behalf of the Township.

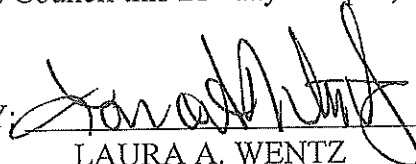
ADOPTED and RESOLVED by the Upper Darby Township Council this 21st day of April, 2021.

ATTEST:



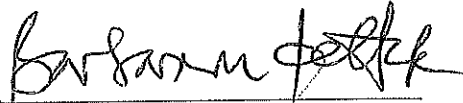
MICHELLE BILLUPS
Secretary of Council

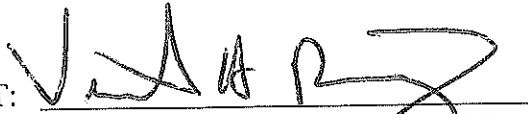
BY:



LAURA A. WENTZ
President of Council

Resolution No. 16-21 is hereby approved this 21st day of April, 2021

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 17-21

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, SUPPORTING THE ENACTMENT OF LEGISLATION THAT WOULD TEMPORARILY SUSPEND FORECLOSURES AND EVICTIONS DURING COVID-19 PANDEMIC AND REQUESTING THE PENNSYLVANIA LEGISLATURE AND FEDERAL GOVERNMENT TO TAKE IMMEDIATE ACTION TO ADDRESS THE SAME

WHEREAS, March 11, 2020, Dr. Tedros Adhanom Ghebreyesus, the Director-General of the World Health Organization (WHO) declared COVID-19 a global pandemic. Dr. Ghebreyesus proclaimed that COVID-19 was not “just a public health crisis,” it was a “crisis that will touch every sector;”

WHEREAS, despite extensive mitigation efforts and vaccination deployment, COVID-19 continues to spread and affect all aspects of life causing an enormous financial and economic impact on individuals and families which will be felt for years to come;

WHEREAS, on multiple occasions over the past year, Governor Wolf, the Pennsylvania Supreme Court, and various federal agencies including the U.S. Center for Disease Control (“CDC”) have issued orders or directives imposing a temporary halt or moratorium on certain evictions and foreclosures; and

WHEREAS, on September 4, 2020, the CDC published its first temporary eviction moratorium on certain residential evictions (the “Order”) ending on December 31, 2020. The Order was statutorily extended by the Consolidated Appropriations Act until January 31, 2021;

WHEREAS, on January 20, 2021, CDC Director Rochelle P. Walensky, MD, MPH, extended the Order until March 30, 2021 on the basis that the COVID-19 pandemic has: (1) presented a historic threat to our nation’s health; and (2) triggered a housing affordability crisis that disproportionately affects some communities like Upper Darby Township that has, for example, approximately 14,700 registered rental units; and

WHEREAS, on March 29, 2021, Director Walensky further extended the Order, with modifications through June 30, 2021 “based on current and projected epidemiological context of SARS-CoV-2 transmission throughout the United States.” Director Walensky acknowledged that although the “daily incidence of COVID-19 decreased and plateaued between January and March 25, 2021, widespread transmission continues at high levels, making the Order still necessary, especially given that previous plateaus have led to secondary and tertiary phases of acceleration”; and

WHEREAS, in accordance with 42 U.S.C. 264(e), the Order does not preclude State and local authorities from imposing additional requirements that provide greater public-health

protection and are more restrictive than the requirements in this Order.

WHEREAS, an estimated 240,000 Pennsylvanians are at risk of eviction, with the public costs of homelessness due to these potential evictions in the Commonwealth reaching \$2.8B; and

WHEREAS, during the 2019-2020 Regular Session of the Pennsylvania Legislature, Senator Vincent Hughes introduced legislation, S.B. 1132, that would temporarily suspend foreclosures and evictions for 60 days following the end of certain administrative orders relating to COVID-19; and

WHEREAS, on March 2, 2021, Pennsylvania Senate Democrats, including Senator Hughes and others, introduced SB 290, legislation similar to S.B. 1132, that would pause or halt evictions for nonpayment of rent as a result of COVID-19 until 60 days after the expiration of the Governor's COVID-19 disaster declaration and also pause or halt foreclosures until 60 days after the expiration of the Governor's COVID-19 disaster declaration.

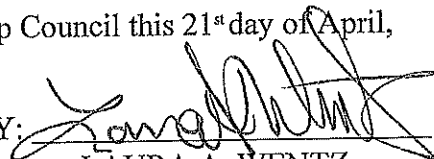
NOW, THEREFORE, be it, and it is hereby **RESOLVED** by Upper Darby Township Council:

- (1) Township Council formally urges the Pennsylvania Legislature, Governor Wolf, and, to the extent legal and appropriate, the Pennsylvania Courts, to take action to protect renters and homeowners for at least the duration of the COVID-19 pandemic and pass SB 290;
- (2) Township Council formally urges the U.S. Congress and President Biden to also take action to protect renters and homeowners for at least the duration of the COVID-19 pandemic and authorize or direct the CDC Director to extend the existing CDC moratorium for the duration of the COVID-19 pandemic; and
- (3) That Copies of this Resolution be sent to all elected federal, state and local officials representing any portion of the Township and its residents.

ADOPTED and **RESOLVED** by the Upper Darby Township Council this 21st day of April, 2021

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

BY:


LAURA A. WENTZ
President of Council

Resolution No. 17-21 is hereby approved this 21st day of April, 2021

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3095

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY PENNSYLVANIA, ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE USER FEES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE FIRE DEPARTMENT OF UPPER DARBY TOWNSHIP FOR DELIVERY OF FIRE AND RESCUE SERVICES, PERSONNEL, SUPPLIES AND EQUIPMENT TO THE SCENE OF MOTOR VEHICLE ACCIDENTS AND OTHER INCIDENTS ON THE HIGHWAYS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Upper Darby Township Council ("Council") recognizes the need to bill for fire, rescue and hazmat services conducted within the Township to aid in the provision of emergency services; and

WHEREAS, the Emergency Services response activity to incidents continues to increase, the compliance with the requirements of equipment and training concerning environmental protection and Homeland Security are costly and create additional demands on all aspects of Fire and Rescue Services operations; and

WHEREAS, raising real property taxes to meet the increase in service demands would not be fair to property owners, when a majority of the Motor Vehicle Accidents (MVA) involve individuals not owning property or paying taxes in the jurisdiction; and the ability of Fire and Rescue Services to effectively respond decreases the liability of insurance companies by saving lives and minimizing vehicle damage; and

WHEREAS, the Upper Darby Township Council ("Council") desires to implement a fair and equitable procedure by which to collect said MVA fees and shall establish a billing system in accordance with applicable laws, regulations and guidelines;

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:

SECTION 1: FEES

Upper Darby Township Fire and Rescue Services shall initiate user fees for the delivery of Fire and Rescue Services, personnel, supplies and equipment to the scene of motor vehicle accidents and other incidents on the highways. The rate of user fees shall be that which is usual, customary

and reasonable (UCR), which may include any services, personnel, supplies and equipment and with baselines established by this Ordinance in Section 2. The Fee Schedule may be amended from time to time by the Township by Resolution.

SECTION 2: FEE SCHEDULE

A. User fees for the delivery of Fire Apparatus

Engine:	\$350.00 Per Hour
Aerial/Ladder:	\$400. 00 Per Hour
Rescue:	\$300.00 Per Hour
Squad/Utility/Support:	\$150.00 Per Hour

B. User fees for the delivery of Equipment/Service

SCBA	\$50.00 Each
Hose (per 50')	\$25.00
Gas/Co Detector	\$50.00 Per Use
Extinguisher (any class)	\$50.00 Per Use
Personnel Hours	\$30.00 Hour Per Member
Hand Tools	\$50.00 Per Use
Hydraulic Rescue Tools	\$200.00 Each
Scene Lighting	\$75.00 Per Hour
Oil Absorbent Sheets	\$10.00 Each
Portable Pumps	\$75.00 Per Hour
Power Tools	\$50.00 Each
Road Closing/Traffic Control	\$100.00 Per Hour
Salvage Covers	\$35.00 Each
Debris Cleanup/Removal	\$250.00
Flares	\$8.00 Each
Ventilation Fans	\$50.00 Each
IR Camera	\$100.00 Each
Foam	\$60.00 Per Gallon
Cribbing:	
• Passenger	\$100.00 Each
• Class B	\$200.00 Each
• Trucks - Class A	\$500.00 Each
Stabilization Struts	\$50.00 Per Use
Latex Gloves	\$2.00 Per Pair
Ladders	\$35.00 Per Use
Medical Extrication (w/ Hydraulics)	\$1,500.00 Per Patient
Generator	\$50.00 Per Hour
Hand lights	\$5.00 Per Use
Fire Line Tape	\$.25 per foot

SECTION 3: PAYMENT

The user fee shall be filed with the motor vehicle insurance carrier, representing an added-on cost of the claim for damages of the vehicles, property and/or injuries. In the event services are required relating to utilities causing safety problems to highway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to said utility, whose equipment related problems cause an emergency services response. The claim's costs shall be filed with the insurance carrier of the owner of a vehicle, property or other responsible party.

SECTION 4: ALLOCATION

All amounts collected as a result of this Ordinance shall be allocated to the General Fund.

SECTION 5: LIMITATION ON REIMBURSEMENT

In the event that an insurance carrier refuses to pay or a driver does not have insurance, the Township will not seek reimbursement from the driver or any other individual involved in the MVA accident or incident.

SECTION 6: SEVERABILITY

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Upper Darby Township Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.


SECTION 7: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 8: EFFECTIVE DATE.

This Ordinance and the amendment contained herein shall be effective immediately.

ENACTED and ORDAINED this 21st day of April, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: Michelle Billups
MICHELLE BILLUPS
Secretary of Council

Approved this 21st day of April, 2021

BY: Barbarann Keffer
BARBARANN KEFFER
Mayor

ATTEST: V. A. Rongione
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 23-21

**A RESOLUTION OF UPPER DARBY TOWNSHIP CONDITIONALLY ACCEPTING
OWNERSHIP OF THE EXISTING SANITARY SEWER LINE LOCATED ON THE
PROPERTIES OF DELAWARE COUNTY COMMUNITY COLLEGE AND
THE ARCHDIOCESE OF PHILADELPHIA**

WHEREAS, the Archdiocese of Philadelphia is the current legal owner of a certain 35.171 acre property located at 403 North Lansdowne Avenue, Upper Darby Township, located at the corner of Garrett Road and Lansdowne Avenue in the Township's R-1 Zoning District, indexed at parcel number 16090099110, currently consisting of the Monsignor Bonner and Archbishop Prendergast Catholic High School.

WHEREAS, pursuant to Upper Darby Township Resolution 39-20, Delaware County Community College received approval from the Township to subdivide the Archdiocese of Philadelphia's property into two (2) lots, with one lot to consist of the Archbishop Prendergast High School Building and several outbuildings, and the second lot to consist of the Monsignor Bonner High School Building, athletic fields, and the Friary Building. Delaware County Community College was also approved to perform extensive interior renovations to the Prendergast Building and to construct a new annex wing to the Prendergast Building and an Early Learning Center, structured parking deck, new at-grade parking spaces, and associated stormwater management, erosion and sedimentation controls, lighting, and landscaping improvements

WHEREAS, upon subdivision of the Archdiocese of Philadelphia's property, the existing sanitary sewer line, consisting of the sewer line and associated manholes (collectively, "Sanitary Sewer Line") will serve two separate, adjacent properties under separate ownership.

WHEREAS, the Township is responsible for the collection and conveyance systems that provide public sewer service to various properties in Upper Darby Township, including the properties of the Archdiocese of Philadelphia and Delaware County Community College.

WHEREAS, the Township desires to foster positive land development project that benefit its residents like that proposed by Delaware County Community College.

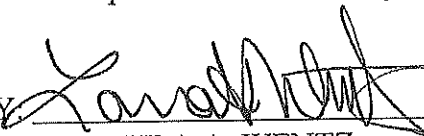
WHEREAS, as a condition of the subdivision and development of the proposed project, the Pennsylvania Department of Environmental Protection desires that the Township take ownership of the Sanitary Sewer Line to avoid joint, private ownership of the Sanitary Sewer Line by the Archdiocese of Philadelphia and Delaware County Community College.

WHEREAS, the Township is willing to accept ownership of the Sanitary Sewer Line from such landowners subject to the terms and conditions of an operation, maintenance and indemnification agreement approved by the Township Solicitor.

WHEREAS, the Archdiocese of Philadelphia and Delaware County Community College have agreed to operate, maintain and repair, or cause the operation, maintenance and repair of the Sanitary Sewer Line on its property in accordance with the terms of this Agreement and any applicable regulations of the Pennsylvania Department of Environmental Protection and the Township, and to indemnify the Township to the extent necessary.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of Upper Darby Township, Delaware County, Pennsylvania, that the Township hereby agrees to accept ownership of the Sanitary Sewer Line pursuant to the terms and conditions of a Bill of Sale and Operation and Operation and Maintenance Agreement approved by the Township Solicitor.

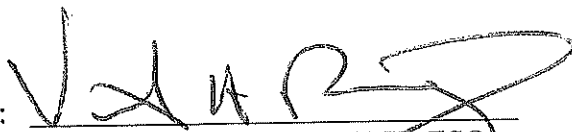
ADOPTED and **RESOLVED** by the Upper Darby Township Council this 21st day of April, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 23-21 is hereby approved this 21st day of April, 2021

BY: 
BARBARANN KEFFER,
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3092

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE UPPER DARBY ZONING ORDINANCE TO REVISE DEFINITIONS AND PROVISIONS GOVERNING FAMILY, GROUP LIVING QUARTERS AND SOBER LIVING HOMES; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Upper Darby Township Council has enacted the Upper Darby Zoning Ordinance which contains, *inter alia*, provisions defining “Family”, “Group Home”, and “Group Living Quarters”; and

WHEREAS, Council has reviewed the definitions of these terms and has determined that they must be updated to remain in compliance with all applicable Federal and State laws and case law interpreting the meaning of these terms; and

WHEREAS, Council wishes to define “Sober Living Home” as a distinct use in Upper Darby Township, and to provide reasonable regulations for the operation of a Sober Living Home in the best interests of the health, safety, and welfare of the residents of Upper Darby Township and the residents of Sober Living Homes; and

WHEREAS, Council has met the procedural requirements of 53 P.S. § 10101, *et seq.* under the Pennsylvania Municipalities Planning Code for the adoption of the proposed zoning ordinance amendment, including holding a public hearing prior to enactment; and

WHEREAS, Council, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Upper Darby Township will be served by this amendment to the Upper Darby Township Zoning Ordinance;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Upper Darby Township Council and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1: The following terms in Section 1301-A of the Upper Darby Township Zoning Ordinance are hereby amended to read as follows:

62. FAMILY

Any number of individuals living in a single, nonprofit housekeeping unit and doing their cooking on the premises, when said individuals are related by blood,

marriage, or adoption, living together as a single, nonprofit housekeeping unit and doing their cooking on the premises. A "Group Home", as defined herein shall be considered a "family." This term specifically excludes individuals and groups occupying: a boarding or rooming house, a lodging house; a club; a group home, except as defined herein; a fraternity; a hotel; or a similar living environment.

73. GROUP LIVING QUARTERS

A residential facility used as living quarters by four or more unrelated individuals, each of whom is a person with a disability within the meaning of the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*, as amended, living together, longterm, as a single, non-transient housekeeping unit, with such non-resident staff as may be needed to assist the residents with their daily life activities. To be considered a single, non-transient housekeeping unit, all residents must have common use of and access to all living areas, eating areas, bathrooms, and food preparation and serving areas. A "Group Living Quarter" shall be considered a "family", as defined herein. The maximum number of residents for a "Group Living Facility" as defined herein shall not exceed the maximum number of occupants as set forth by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building.

125-A. SOBER LIVING HOME

A residential facility used by four or more individuals residing together voluntarily or by court requirement to recover from drug, alcohol, and/or substance abuse and that does not include the current illegal use of or addition to a controlled substance as defined in 21 U.S. Code §802. Such facility must also serve as a transitional environment between rehabilitation facilities and reintegration into their future lives. This definition shall include, but not be limited to, sober houses, recovery houses, or sober living environments. This term specifically excludes individuals and groups occupying: a boarding or rooming house, a lodging house; a club; a Group Living Facility, a fraternity; a hotel; or a similar living environment. The maximum number of residents in a Sober Living Home shall not exceed the maximum number of occupants as set forth by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building.

SECTION 2. Section 1005-B. of the Upper Darby Zoning Ordinance is amended to read as follows:

1005-B Special Exception Standards

1. Group Living Quarters are permitted in all residential districts as a use by special exception pursuant to Article IV of the Upper Darby Zoning Ordinance and the requirements and regulations herein. Prior to obtaining a permit and

special exception approval for a Group Living Quarters use, the applicant shall have the burden of going forward with evidence and proving the following:

A. The lot upon which the Group Living Quarters is situated shall meet the minimum area requirements established in the zoning district regulations for the zoning district in which the use is to be located. The Group Living Quarters shall not be located in an accessory building or unit. Additionally, and in order to integrate Group Living Quarters into a neighborhood and create a deinstitutionalized setting for the residents of Group Living Quarters, no Group Living Quarters may be located within 500 feet of another Group Living Quarters as measured from the property line.

B. Residents of a Group Living Quarters shall maintain a single household unit with shared use of living areas, eating areas, bathrooms, and food preparation and serving areas, and shall share mealtimes and housekeeping responsibilities.

C. Accommodations in a Group Living Quarters shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building. Applications for Group Living Quarters shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Applicants for Group Living Quarters shall indicate the type of care, counseling, or treatment to be provided at the site to the extent permitted by law. In each instance, medical care shall be incidental in nature and shall not be a major element of the care being provided at the facility.

E. Evidence shall be provided with the application for a Group Living Quarters indicating that all applicable federal, state and/or county certification and licensing requirements have been met for the particular type of care provided.

F. Sewage disposal and water supply facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.

G. Arrangements for the collection, storage, and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part the application for such a use.

H. Notwithstanding any provisions of the Upper Darby Township Building Code, the Group Living Quarters shall have the following installed throughout the building and any attached accessory building(s):

(1) a fire sprinkler system which complies with NFPA 13D "Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes," or the current corresponding section of the NFPA as may be amended from time to time; and

(2): A fire alarm system which complies with Chapter 11 of NFPA 72 "National Fire Alarm and Signaling Code," or the current corresponding section of the NFPA as may be amended from time to time.

I. The Group Living Quarters must comply with the Upper Darby Township Building Code and an applicant seeking Group Living Quarters use shall provide with its application evidence that the building(s) size and layout is in compliance with the applicable building codes for maximum number of individuals intended to be housed in the building(s). To satisfy this requirement, the Zoning Officer may request that an applicant provide a dimensioned floor plan indicating the size of each room, including sleeping rooms, and identifying the maximum number of residents who will occupy each sleeping room, to demonstrate that the Group Living Quarters will not be overcrowded.

J. Off-street parking must be adequate to accommodate the needs of the residents and staff. At a minimum, the Group Living Quarters must meet the minimum parking requirements for the district in which it is located.

K. The Group Living Quarters will not alter the essential character of the neighborhood or district in which it is located.

L. To the extent not already addressed above, the property, including all buildings located thereon, must be in compliance with all applicable federal, state and local laws, including but not limited to, the Pennsylvania Uniform Construction Code and the Upper Darby Property Maintenance Code.

M. The Group Living Quarters shall register with the Township, in writing, the following: its location, the individual(s) responsible for the facility, general type of treatment/care, maximum number of residents and sponsoring agency, and shall advise the Township in writing if any of the original information provided has changed within five (5) business days of said change.

N. Any other registration of Group Living Quarters residents with any state and/or county agency for emergency preparation purposes and to the extent permitted by law shall also be provided to the Township including any updates in accordance with the applicable state and/or county regulations.

SECTION 3. Article X of the Upper Darby Zoning Ordinance is amended to add a new Section 1014 "Sober Living Homes" as follows:

1014-A. Intent.

It is the specific intent of this Part to promote the safety, morals, and general welfare of the inhabitants of Upper Darby Township in their person and property by permitting Sober Living Homes in the Township, subject to the requirements of this Section 1014. Additionally, permitting Sober Living Homes by special exception in residential districts will increase the availability of housing and access to valuable services for Township residents with disabilities without altering the essential character of the neighborhood or district in which a Sober Living Home is located.

1014-B. Permitted by Special Exception; Requirements.

1. Sober Living Homes are permitted in all residential districts as a use by special exception pursuant to Article IV of the Upper Darby Zoning Ordinance and the requirements and regulations herein. Prior to obtaining a permit and a special exception approval for a sober living home use, the applicant shall provide evidence of the following:

A. The lot upon which the Sober living home or institutional residence is situated shall meet the minimum area requirements established in the zoning district regulations for the zoning district in which the use is to be located. The Sober Living Home shall not be located in an accessory building. Additionally, and in order to integrate a Sober Living Home into a neighborhood and create a deinstitutionalized setting for the residents of a Sober Living Home, no Sober Living Home may be located within 500 feet of another Sober Living Home as measured from the property line of each property.

B. Residents of a Sober Living Home shall maintain a single household unit with shared use of living areas, eating areas, bathrooms, and food preparation and serving areas, and shall share mealtimes and housekeeping responsibilities.

C. Accommodations in a Sober Living Home shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or building. Applications for a Sober Living Home shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

D. Registration with the Commonwealth and compliance with all regulations for licensure or certification as promulgated by the Department of Drug and Alcohol Programs in accordance with 71 P.S. §613.13, as amended, or such other Commonwealth agency or department as authorized by law. In the event that the Sober Living Home is not registered and is not required to be licensed or

certified by the Commonwealth, then the Sober Living Home shall provide either:
(1) documentation that it would comply if subject to licensure and certification, or
(2) documentation that the Sober Living Home is a member in good standing and in compliance with all rules and/or regulations of a recognized countywide, statewide, or nationwide Association of Recovery Homes or equivalent professional accrediting organization. Additionally, and annually thereafter, each operator must provide similar proof of Commonwealth registration and compliance or continued status as a member in good standing and in compliance with all the rules and/or regulations of a recognized county, state or national professional association.

E. Proof that the Sober Living Home has policies, procedures and regulations that substantially address the following:

(1) An Occupant's immediate eviction from or involuntary termination of residency in the Sober Living Home in order to protect the health, safety, and welfare of staff or other occupants;

(2) If an occupant's eviction from or involuntary termination of residency in the Sober Living Home is not required to protect the health, safety, and welfare of the staff or other occupants of the Sober Living Home, then, at least 48 hours prior, the operator thereof shall:

(i) notify the person designated as the occupant's emergency contact or contact of record that the occupant will no longer be a resident at the property;

(ii) contact the appropriate county or state agency to determine the services available to the occupant, including, but not limited to, alcohol and drug inpatient and outpatient treatment, and shelter or homeless services;

(iii) provide the information obtained from the applicable county or state agency to the occupant prior to his or her release on a readable form that is signed by the occupant as proof of his or her receipt of the available services;

(3) Prior to an occupant's eviction from or involuntary termination of residency in a Sober Living Home, the operator shall:

(i) make available to the occupant transportation to the address listed on the occupant's driver license, state issued identification card, or the permanent address identified in the occupant's application for referral to the Sober Living Home; and

(ii) in the event the occupant declines said transportation or otherwise has no permanent address, then the operator shall make available to the occupant transportation to another Sober Living Home or residential care facility that has agreed to accept the occupant.

(4) Rules and regulations that prohibit the use of any alcohol or any non-prescription drugs at the Sober Living Home or by any recovering addict either on or off site;

(5) Rules and regulations stating that the facility cannot dispense medications unless licensed to do so, and that the possession or use of prescription medications is prohibited except for the person to whom they are prescribed and in the amounts/dosages prescribed; and

(6) Rules and regulations that shall direct occupants to be considerate of neighbors, including refraining from engaging in excessively loud, profane, or obnoxious behavior that would unduly interfere with a neighbor's use and enjoyment of their dwelling unit in accordance with the Township's health and safety ordinances as contained in Chapter 10 of the Upper Darby Township Code and other ordinances of general applicability.

F. If permitted by law, supervisory, counseling, and medical services may be provided but only to those individuals residing in the Sober Living Home, and no outpatient services shall be provided to individuals who are not residents of the Sober Living Home. All occupants, other than a house manager, must be actively participating in legitimate recovery programs, including, but not limited to, Alcoholics Anonymous or Narcotics Anonymous, and the Sober Living Home must maintain current records of meeting attendance for all residents.

G. Sewage and water facilities shall be sufficient to handle the anticipated loading created by the proposed facility and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or the applicable public or community Sewer and Water Boards or Authorities.

H. Arrangements for the collection, storage and disposal of solid waste generated by the facility shall be made by the applicant and submitted to the Township for approval as part the application for such a use.

I. Notwithstanding any provisions of the Upper Darby Township Building Code to the contrary, a Sober Living Home shall have the following installed throughout the building and any attached accessory building(s):

- (1) A fire sprinkler system which complies with NFPA 13D

“Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,” or the current corresponding section of the NFPA as may be amended from time to time; and

(2) A fire alarm system which complies with Chapter 11 of NFPA 72 “National Fire Alarm and Signaling Code,” or the current corresponding section of the NFPA as may be amended from time to time.

J. A Sober living home must comply with the Upper Darby Township Building Code and an applicant seeking a Sober Living Home use shall provide with its application evidence that the building(s) size and layout is in compliance with the applicable building codes for maximum number of individuals intended to be housed in the building(s). To satisfy this requirement, the Zoning Officer may request that an applicant provide a dimensioned floor plan indicating the size of each room, including sleeping rooms, and identifying the maximum number of residents who will occupy each sleeping room, to demonstrate that the Sober Living Home will not be overcrowded.

K. Off-street parking must be adequate to accommodate the needs of the residents and staff of the Sober Living Home. At a minimum, a Sober Living Home must meet the minimum requirements for the district in which it is located.

L. A Sober Living Home will not alter the essential character of the neighborhood or district in which it is located.

M. To the extent not already addressed above, the property, including all buildings located thereon, must be in compliance with all applicable federal, state and local laws, including but not limited to, the Pennsylvania Uniform Construction Code, the International Fire Code and the International Fuel Gas Code as may be adopted and in effect by the Township, and as may be amended from time to time.

1014-C. Inspections.

The owner, operator, or agent of a Sober Living Home shall permit annual inspections thereof by the Township’s Code Enforcement Officer. If the owner, operator, or agent does not permit such inspection by the Code Enforcement Officer, the Township may seek any appropriate legal or equitable relief to compel access to such property for such inspection.

1014-D. Registration with Township.

1. A Sober Living Home shall register with the Township, in writing, the following: its location, general type of treatment/care, maximum number of residents and sponsoring agency.

2. Any other registration of Sober Living Home residents with any state and/or county agency for emergency preparation purposes and to the extent permitted by law shall also be provided to the Township including any updates in accordance with the applicable state and/or county regulations.

1014-E. Proof of Staff Licensure, Certifications.

1. If required by state or federal law, all caretakers, administrators, and staff of a Sober Living Home must be duly licensed and/or certified by the Department of Public Welfare, Department of Health, and/or other federal, state or county agency, as may be required for the particular type of care provided and the nature of the employee's responsibilities. Additionally, and to the extent required by state or federal law, every employee of the Sober Living Home must have valid criminal background clearances, licensure, and/or certification with the issuing agency or agencies while employed by the Sober Living Home.
2. If licenses, certification or clearances are required by state or federal law, then the owner, operator, or agent of a Sober Living Home shall provide the Township with a register of all employees and furnish proof of all required licenses, certifications, and criminal background clearances for each employee prior to commencing operation in the Township. Thereafter, an updated register and proof of licensure, certifications, and criminal background clearances shall be provided on at least an annual basis.
3. If licenses, certification, or clearances are required by state or federal law for every new person employed by a Sober Living Home, the name of the employee, along with proof of all required licenses, certifications, and criminal background clearances, shall be submitted to the Township prior to the commencement of the employment.

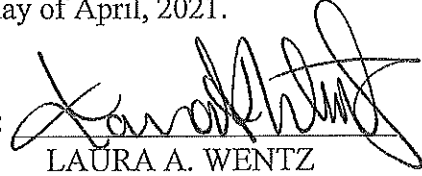
SECTION 4. REPEALER. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 5. 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 or on the provisions of the Upper Darby Zoning Ordinance or the Upper Darby Code.

SECTION 6. 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 21st day of April, 2021.

BY:



LAURA A. WENTZ
President of Council

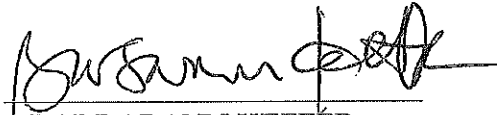
ATTEST:



MICHELLE BILLUPS
Secretary of Council

Approved this 21st day of April, 2021

BY:



BARBARANN KEFFER
Mayor

ATTEST:



VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3096

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 International Property Maintenance Code with amendments.

NOW, THEREFORE, be it, **ORDAINED** by the Upper Darby Township Council as follows:

- I. Upper Darby Township adopts the 2015 International Property Maintenance Code with local Amendments, including the addition of Section 705 which regulates Fire Safety Inspections, Chapter 9 which regulates Rental Dwelling Licenses, and Chapter 10 which regulates the Sale of Properties. The International Property Maintenance Code can be found online at:

<https://codes.iccsafe.org/content/IPMC2015>. When there is a conflict between the 2015 International Property Maintenance Code and this Ordinance and previous Upper Darby Township Ordinances regulating property maintenance in the Township the provisions of this Ordinance shall control. To prevent conflict between the 2015 International Property Maintenance Code and previous Township Ordinances regulating property maintenance, Ordinances Nos. 2621, 2736, 2845, 2891, 2905, 2919, 2939, 2951, 2992, 3015, and 3072 are repealed in their entirety.

II. Upper Darby Township amends the following sections of the International Property Maintenance Code:

A. Section 102.3 Application of other codes.

Amended by striking “International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code” and inserting “currently adopted series of construction codes and any other relevant Township regulations or ordinances.”

B. Section 102.5 Workmanship.

Amended by adding at the end the following: “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.”

C. Section 103.1 General.

Amended by striking the entire Section and inserting:

“a. Per Ordinance 3066, the Division of Property Maintenance is a division of the Department of Licenses and Inspection and the executive official in charge is the Director of Licenses & Inspection.

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.”

D. Section 103.3 Deputies.

Amended by striking the entire Section and inserting, "Township Administration shall have the authority to appoint deputies in accordance with the Administrative Code of the Township of Upper Darby and any relevant collective bargaining agreements."

E. Section 103.5 Fees.

Amended by striking, "the following schedule" and inserting "the most recent Upper Darby Fee Schedule."

F. Section 106.3 Prosecution of violation.

Amended by striking the entire Section and inserting, "Any person who fails 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. If the notice of violation is not complied with, the Director of Licenses and Inspections, or their designee, shall institute the appropriate proceeding to restrain, correct or abate the violation. Any action taken by the Township shall be charged against the real estate upon which the structure is located and there shall be a lien upon such real estate."

G. Section 106.4 Violation penalties.

Amended by striking the entire Section and inserting, "A person who violates, or fails to comply with, any provision or requirement of this code shall be prosecuted within the limits provided by the Commonwealth of Pennsylvania and fines and penalties set forth by Township Council, as amended. Upon receiving notice of violation, each day that a violation continues shall be deemed a separate offense."

H. Section 106.5 Abatement of violation.

Amended by striking, "legal officer of the jurisdiction" and inserting, "Township Solicitor."

I. Section 107.3 Method of Service.

Amended by striking the entire Section and inserting, "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."

J. Section 108.1.5 Dangerous structure or premises.

Amended by striking “becomes a harbor for vagrants, criminals, or immoral persons.”

K. Section 111.1 Application for appeal.

Amended by striking the entire section and inserting, “Any person directly affected by a decision of the Code Official or a notice or order issued under this code has twenty (20) days to appeal the decision, notice or order in writing using the appeal process provided in Section 5 of Upper Darby Township Ordinance 2936. All appeals shall be made in accordance with the regulations as set forth by the Delaware County Uniform Construction Code Appeal Board and any other applicable laws of the Commonwealth of Pennsylvania.”

L. Sections 111.2- 111.8 are deleted in their entirety.

M. Section 112 Stop Work Order is deleted in its entirety.

N. Section 201.3 Terms defined in other codes.

Amended by striking “International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70 ” and inserting “any currently adopted code or Upper Darby Township Ordinance, such terms shall be defined as provided in those codes or ordinances.”

O. Section 202 General Definitions is amended by inserting,

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

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

APPROVED AGENCY. An established and recognized agency that is regularly engaged in conducting tests or furnishing inspection services, where such agency has been approved by the Code Official.

CODE OFFICIAL. The Director of the Department of Licenses and Inspection, 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.

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.

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.

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

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.

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.

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.

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.”

P. Section 302.3 Sidewalks and Driveways is amended to include:

Section 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-six (36) 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.

Section 302.3.2 Snow Disposal.

Snow or ice removed from sidewalks or other areas 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.

Q. Section 302.4 Weeds is amended by striking “[JURISDICTION TO INSERT HEIGHT IN INCHES]” and inserting, “10 inches (254 mm).”

R. Section 302.4 Weeds is amended to include:

Section 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.

S. Section 302.8 Motor vehicles is amended by inserting:

302.8.1 Incorporating by reference Chapter 532, Impoundment and Towing of Vehicle of the Upper Darby Code.

T. Section 304.1.1 Unsafe conditions is amended by striking, “the International Building Code or the International Existing Building Code” and inserting “the currently adopted existing building code.”

U. Section 304.3 Address identification is amended by striking the entire Section and inserting, “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 inches in height and in good condition shall be permitted to remain.”

V. Section 304.14 Insect screens is amended by striking, “from [DATE] to [DATE]” and inserting “from April 15th to October 15th.”

W. Section 305.1.1 Unsafe conditions is amended by striking “the International Building Code or the International Existing Building Code as required for existing buildings” and inserting, “currently adopted building code or the currently adopted existing building code as required for existing buildings.”

X. Section 306.1.1 Unsafe conditions is amended by striking “the International Building Code or the International Existing Building Code as required for existing buildings” and inserting, “the currently adopted building code or the currently adopted existing building code as required for existing buildings.”

Y. Section 308.2.2 Refrigerators is amended by striking, “shall not be discarded, abandoned or stored on premises without first removing the doors” and inserting, “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.”

Z. Section 308.3.1 Garbage facilities is amended by striking, “one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or” and inserting, “an adequate amount of.” This Section is also amended by striking, “container” and inserting “containers.”

AA. Section 401.3 Alternative devices is amended by striking, “International Building Code” and inserting, “currently adopted series of construction codes.”

BB. Section 404.5 Overcrowding is amended by striking the entire Section and inserting, “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.”

CC. Section 502.2 Rooming houses is amended by striking, “each four rooming units” and inserting, “for each rooming unit.”

DD. Section 502.5 Public toilet facilities is amended by striking, “International Plumbing Code” and inserting, “currently adopted plumbing code.”

EE. Section 503.4 Floor surface is amended by striking, “In other than dwelling units.”

FF. Section 505.1 General is amended by striking, “or to an approved private water system.” This section is also amended by striking, “International Plumbing Code” and inserting, “currently adopted plumbing code.”

GG. Section 506.3 Grease interceptors is amended by inserting, “Section 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.”

HH. Section 507.1 General is amended by adding at the end the following: “Sump pumps shall not drain into sanitary sewer lines.”

II. Section 602.2 Residential occupancies is amended by striking, “68°F (20°C)” and inserting, “65°F (18°C).” This Section is also amended by striking, “Appendix D of the International Plumbing Code” and inserting, “current plumbing code.”

JJ. Section 602.3 Heat supply is amended by striking, “[DATE] to [DATE]” and inserting, “October 15th to April 15th.” This Section is also amended by striking “68°F (20°C)” and inserting, “65°F (18°C).”

KK. Section 602.4 Occupiable workspaces is amended by striking “[DATE] to [DATE]” and inserting, “October 15th to April 15th.” This Section is also amended by striking “68°F (20°C)” and inserting, “65°F (18°C).”

LL. Section 603.1 Mechanical appliances is amended by adding at the end the following, “Gas or oil-fired house heaters shall be cleaned and maintained annually.”

MM. Section 604.2 Service is amended to include:

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.

NN. Section 605.2 Receptacle is amended to strike “grounding-type receptacle or a receptacle with a ground fault circuit interrupter.” This Section is also amended to insert at the end the following, “Each structure shall have at least one exterior receptacle.”

OO. Section 605.2 Receptacle is amended to include:

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.

PP. Section 605.3 Luminaires is amended to strike “one electric luminaire” and insert, “switch-controlled lighting outlet.”

QQ. Section 605.4 Wiring is amended by adding at the end the following: “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.”

RR. Section 702.1 General is amended by striking, “Means of egress shall comply with the International Fire Code.”

SS. Section 702.2 Aisles is amended by striking the entire Section and inserting, "The required width of aisles shall be unobstructed."

TT. Section 702.3 Locked doors is amended by striking "International Building Code" and inserting, "currently adopted building code."

UU. Section 704.1 General is amended by striking, "in accordance with the International Fire Code."

VV. Section 704.2.1 Where required is amended by striking, "Exceptions: 1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided. 2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation. 3. Where smoke detectors connected to a fire alarm system have been installed as a substitute

for smoke alarms” and inserting, “Exception: Compliance with this Section is not required where smoke detectors connect to a fire alarm system as a substitute for smoke alarms.”

WW. Section 704.2.3 Power source is amended by striking “solely battery operated in existing buildings where no construction is taking place” and inserting, “solely 10-year lithium battery operated in existing buildings where no construction is taking place.” This Section is also amended by striking “solely battery operated in existing areas of buildings undergoing alterations or repairs” and inserting, “solely 10-year lithium battery operated in existing areas of buildings undergoing alterations or repairs.”

XX. Section 704.2.4 Smoke detection system is amended by striking, “Section 907 of the International Fire Code” and inserting, “currently adopted building codes.” This Section is also amended by striking “Section 907.5.2 of the International Fire Code” and inserting, “currently adopted building codes.” This Section is further amended by striking “Section 907.6.5 of the International Fire Code” and inserting, “currently adopted building codes.”

YY. Section 704 Fire Protection Systems is amended to include:

Section 704.3 Carbon Monoxide Alarms.

704.3.1 Dwelling Units

Carbon monoxide alarms shall be installed in dwellings outside of bedrooms, in any dwelling unit within which fuel-fired appliances are installed, or that have attached garages.

704.3.2 Group E Occupancies

Carbon monoxide alarms or combination smoke/co alarms shall be installed in any classrooms within which fuel-fired appliances are installed, communicate with spaces that contain such equipment, or are served by a fuel-fired forced air furnace.

Exception: Buildings that have an existing CO detection system are not required to provide additional alarms.

III. Chapter 7: Fire Safety Requirements is amended by inserting after Section 704 the following:

SECTION 705
FIRE SAFETY INSPECTIONS

Section 705 General

The Fire Chief, or any of their designees, shall make inspections of each commercial property in the Township of Upper Darby. The Fire Chief, or their 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 Chief.

Section 705.1 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 their designees. The construction date of the building will be taken into consideration when determining safety standards.

Section 705.1.1 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 their designees, 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 705.2 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 705.3 Recordkeeping.

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

IV. 2015 International Property Maintenance Code is amended by inserting:

CHAPTER 9 RENTAL DWELLING LICENSE

Section 901 Inspection of Rental Dwelling Units Prior to Occupancy

901.1 Inspection of rental dwelling units required.

- a. In accordance with the license requirements set forth in Section 902.0, every person, firm, corporation or any other 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. The appropriate L&I officials are hereby authorized and directed to process all applications for 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 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 ordinance.

SECTION 902 Licensing of Dwelling Units.

902.1 License Required.

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.

902.2 Issuance of license.

The Licenses & Inspection 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.

902.3 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 L&I Department. The L&I Department shall develop such forms and make them available to the public.

902.4 Inspections.

No operating license shall be issued or renewed unless the applicant owner or operator agrees, in their application, to such inspections as the L&I 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.

902.5 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 from time to time.

902.6 Information required.

No operating license shall be issued or renewed unless such applicant provides in writing their name, address, phone number, and e-mail and the name, address, phone number, and e-mail of their 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.

902.7. 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 their, 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.

902.8 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.

902.9 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 dwelling, the license shall be made readily available and 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 L&I Department for a new license

902.10 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 L&I Department shall upon issuance of a license as required in Section 902, advise the licensee of the necessity for such a record and the manner in which such record shall be kept.

902.11 Notice of violation.

Whenever, upon inspection of the licensed multiple dwelling or rooming house, or of the records required to be kept by Section 902.10, 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.

902.12 Reinspection; license suspension.

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

902.13 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.

902.14 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, the Code Official shall reinstate the license. A request for reinspection shall not extend the period allowed for remediation unless the L&I Department grants such a request.

- V. 2015 International Property Maintenance Code is amended by inserting:

CHAPTER 10
SALE OF PROPERTY

1001.1 Resale Certificate Required.

Any individual, corporation, or other entity who owns real property within Upper Darby Township and desires to sell said property shall first obtain a Resale Certificate from the Department of Licenses & Inspection and provide that Resale Certificate to the buyer of the property.

1001.2 Exemptions.

The following residential transactions are exempt from obtaining a Resale Certificate:

1. Pursuant to court order, including, but not limited to, transfers ordered by a probate court in the administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain and condemnation and transfers resulting from a decree for specific performance.
2. To a mortgagee by a mortgagor or successor in interest who is in default; to a beneficiary of a deed of trust by a trustee or successor in interest who is in default; by any foreclosure sale after default in an obligation secured by a mortgage; by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale; or by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or who has acquired the real property by a deed in lieu of foreclosure.
3. From one co-owner to one or more other co-owners.
4. Made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
5. Between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to the decree.
6. By a corporation, partnership or other association to its shareholders, partners or other equity owners in connection with the liquidation of the corporation, partnership or other association.
7. Of a property to be converted by the buyer into a use other than residential use or to be demolished.
8. Of unimproved real property.

1002 Resale Certificate Information.

1002.1 Required Information.

The L&I Department shall, when appropriate pursuant to Section 1004 hereof, issue a Resale Certificate which shall contain the following certification:

1. A description of the zoning district classification of the real property intended to be sold;

2. A statement that the existing uses of the real property intended to be sold, as described by the Seller, fully complies with the provisions of the Upper Darby Township Zoning Ordinance;
3. A statement that on the property intended to be sold there are no uncorrected violations of record of the Upper Darby Township building, property maintenance, zoning, curb and sidewalk or other applicable codes.

1002.3 Inspections.

1002.3.1 Residential Properties (Less than three dwelling units).

All residential properties being sold will have the following inspections performed:

1. A full exterior and interior inspection of the property will be performed to determine compliance with applicable sections of this Code.
2. Determine that the property has no open complaints, open permits, or outstanding liens or fees owed to the Township
3. A visual sewer lateral inspection and report as per Ordinance 3070 is required to be performed by an approved agency.

1002.3.2 Commercial Properties (Includes residential with more than three dwelling units).

All commercial properties being sold will have the following inspections performed:

1. A full exterior and interior inspection of the property will be performed to determine compliance with applicable sections of this code.
2. Determine that the property has no open complaints, open permits, or outstanding liens or fees owed to the Township
3. A visual sewer lateral inspection and report as per Ordinance 3070 is required to be performed by an approved agency.

1003 Violations.

All property violations discovered as per 1002.3.1 and 1002.3.2 hereof must be corrected before the Resale Certificate can be issued. If the Seller of the property cannot correct all violations that are found on the property, a Conditional Resale Certificate can still be issued under the following conditions:

1. If the municipal inspection reveals at least one non-substantial violation, a Conditional Resale Certificate/temporary use and occupancy certificate shall be issued.
2. If the inspection reveals at least one substantial violation, the L& I Department shall specifically note those items on the inspection report and shall issue a temporary access certificate.
3. All corrections must be made within twelve (12) months from the date of the issuance of the Conditional Resale Certificate/temporary use and occupancy certificate. An extension may be granted by the Director of the Licenses and Inspection Department subject to the Director's discretion. If corrections are not made within the designated time period, the Township will take the appropriate legal action to force the new owner to make said corrections.

1004 Fees

Fees will be as determined by the currently adopted Township Fee Schedule, which shall be amended by resolution of Township Council from time to time.

1005 Application, Notification, and Issuance.

Section 1005.1 Time Period.

An application for a Resale Certificate shall be submitted to the L& I Department at least two (2) weeks prior to the date of settlement of the real property.

1005.2 Required Information.

The Resale Certificate application shall include all information required by the application currently published on the Township website or available in person at the municipal building. An application may be rejected, if any information is missing on the required form.

1005.3 Notification.

All communication will be via electronic mail. Failure to provide an accurate, legible, working e-mail address shall waive the applicant, seller, and/or buyer's rights to be notified of any violations.

1005.4 Issuance.

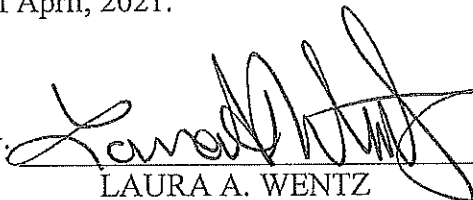
The completed Resale Certificate or Conditional Resale Certificate shall be e-mailed to all parties that have provided an e-mail address on the application.

1006 Fines.

Fines for violations of this Code will be set by Resolution of Township Council, which shall be amended from time to time.

- VI. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.
- VII. 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.
- VIII. This Ordinance shall become effective immediately following its legal enactment.

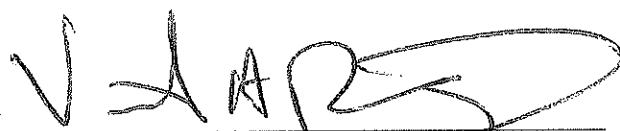
ENACTED and ORDAINED this 21st day of April, 2021.

BY: 
LAURA A. WENTZ
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Approved this 21st day of April, 2021

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
VINCENT A. RONGIONE, ESQ.
Chief Administrative Officer

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3098

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, AMENDING AND CLARIFYING THE TOWNSHIP OFFICERS AND OFFICIALS AUTHORIZED TO CARRY OUT ORDINANCE 3083 AND ORDINANCE 3084; REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF INCONSISTENT HEREWITH.

WHEREAS, Upper Darby Township, Delaware County, Pennsylvania (the "Township") is a political subdivision of the Commonwealth of Pennsylvania and is a "local government unit" under terms of the Pennsylvania Local Government Unit Debt Act, as codified by the Act of December 19, 1996 (P.L. 1158, No. 177) (the "Debt Act"); and

WHEREAS, the Upper Darby Township Council (the "Council") of the Township previously enacted legislation, Ordinance No. 2020-3083, authorizing the incurrence of non-electoral indebtedness and the issuance of its General Obligation Bonds, Series A of 2021 in a principal amount of up to \$16,300,000 (the "Series 2021A Bond Ordinance"); and

WHEREAS, the Township Council also enacted legislation, Ordinance No. 2020-3084, authorizing the incurrence of non-electoral indebtedness and the issuance of its General Obligation Bonds, Series of 2021 in a principal amount of up to \$10,000,000 (the "Series 2021 Bond Ordinance" and, collectively with the Series 2021A Bond Ordinance, the "Bond Ordinances"); and

WHEREAS, Council desires to amend certain provisions of the Bond Ordinances to add additional authorized signatories to the closing documents required by the Bond Ordinances.

NOW, THEREFORE, Council, does hereby **ORDAIN** and **ENACT** the following:

Section 1. The Mayor of the Township or Chief Administrative Officer of the Township, with the attestation of the Chief Municipal Clerk, and in their absence, the President or Vice President of Council along with the Secretary or any Assistant Secretary of Council, or any other appropriate officer of the Township as designated by the Bond Ordinances, as the case may be, are hereby authorized to execute any agreements, instruments or documents and to do or cause to be done any and all acts and things deemed necessary or appropriate for the carrying out of the purposes of the Bond Ordinances and to comply with the Debt Act.


Section 2. The purpose of this Ordinance is to amend and supplement the Bond Ordinances, which ordinances shall remain in full force and effect, as amended and supplemented hereby. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

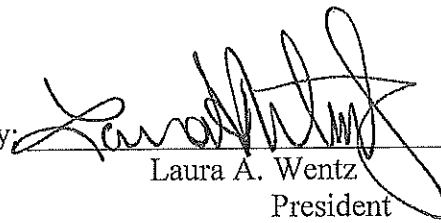
Section 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 4. This Ordinance shall become effective in accordance with applicable law.

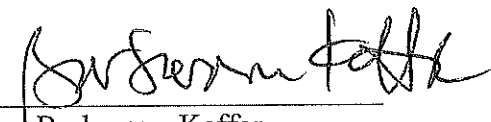
ORDAINED and **ENACTED** this 21st day of April, 2021.

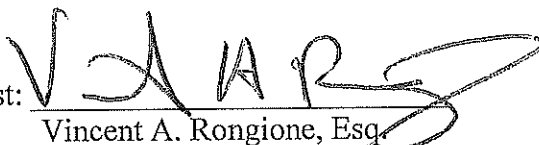
UPPER DARBY TOWNSHIP

Attest: 
Michelle Billups
Secretary

By: 
Laura A. Wentz
President

APPROVED THIS 21st DAY OF APRIL, 2021

By: 
Barbarann Keffer
Mayor

Attest: 
Vincent A. Rongione, Esq.
Chief Administrative Officer

Treasurer's Report to Upper Darby Township Council

Presented April 21, 2021

For Month-Ended March 31, 2021

This report summarizes the Township's financial condition as of March 31, 2021. It reviews revenues and expenses for the month, ending cash balances, with a performance comparison to March 31, 2020.

Our current Operating budget includes 4 governmental funds, the General Fund, Sewer Fund, Highway Fund, and Sinking Fund.

On March 31, 2021, our Operating cash balance was \$36,581,538, including \$5,000,000 from the TRAN (bridge loan). Our cash position increased \$30,996,092 over February 28th and \$29,243,391 year-to-date.

March revenues totaled \$40,878,812 against expenses of \$7,872,218, resulting in a \$33,006,594 surplus for the month. The most significant factor in this net surplus was the collection of \$36,773,333 of property taxes.

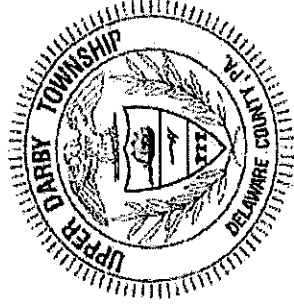
I note that we budget for \$55,855,000 of total property taxes for the year, so we have collected 72% of tax revenue for 2021.

Comparing the Year-to-Date results with last year, 2021 revenues exceed 2020 revenues by \$8,850,115, while YTD 2021 expenses are \$1,279,704 below 2020 expenses for the same time-period.

In summary, we have collected 57% of our expected revenue and expended 20% of our Operating budget. We are tracking better than we budgeted and better compared to a year ago, hence, the state of our finances is good.

Additional Note:

- We received an A+ rating from Standard and Poors ahead of our expected bond issue



Upper Darby Township Treasurer's Report

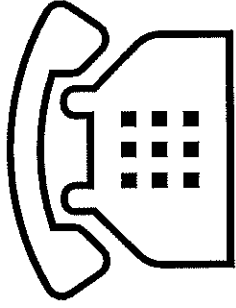
April 2021

Dave Haman
Treasurer

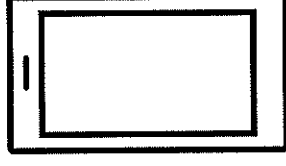
Managing Upper Darby's Budget

New Financial Management System on the Horizon

From 20th Century

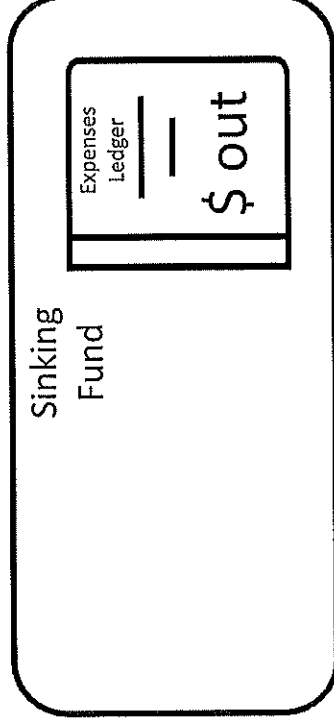
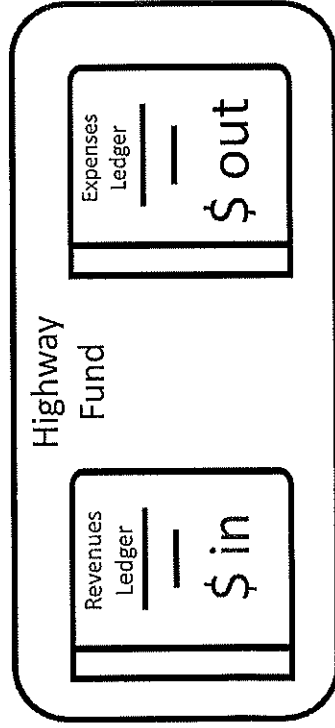
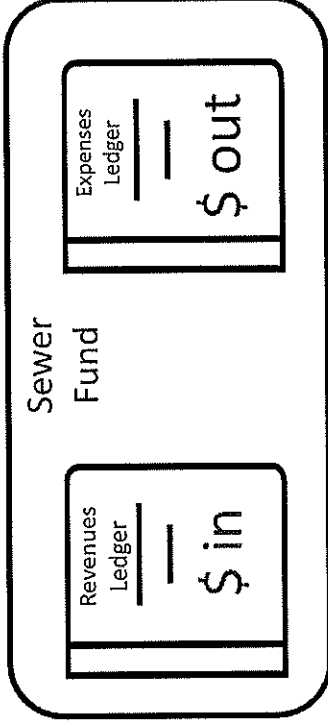
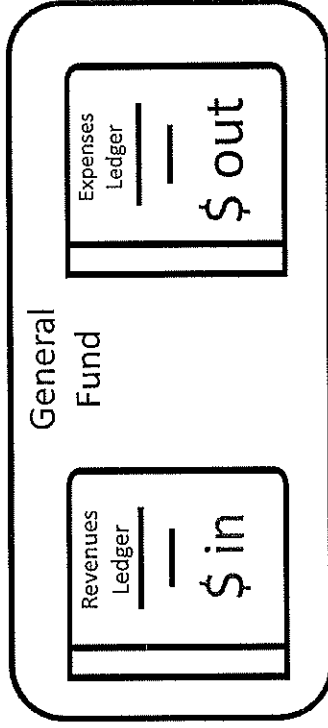


To 21st Century



Managing Upper Darby's Budget

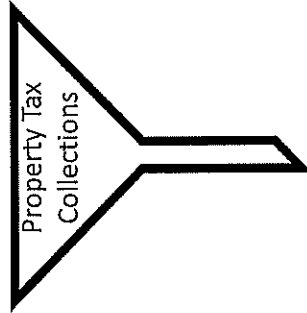
Help us better understand how we're managing our budget



Current Method – “Cash Basis”

\$

Difficult to track the cash in and cash out against the budget
 How much money do we expect to have at the end of the year?



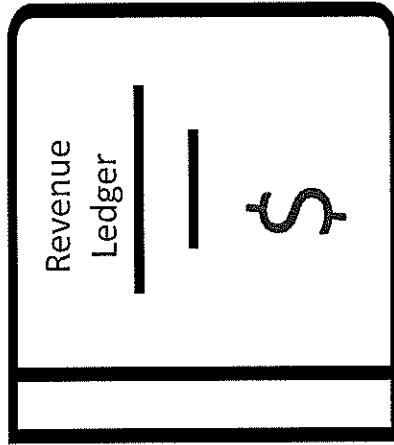
\$3,600



Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300

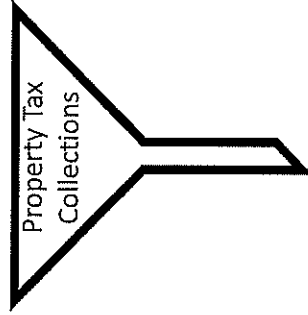


\$36,773,333
 March 2021



New Method – “Accrual Basis”

\$



Records Revenue When It is “Earned”

\$3,600



Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300
\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300	\$300

