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**July 21, 2021**

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**Minutes  
Council Meeting  
July 21, 2021**

\*\*\*The video of this meeting can be viewed in its entirety on [youtube.com/upperdarby.org](https://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), Lisa Faraglia (LF), Thomas P. Wagner (TW), Laura A. Wentz (LW)

Donald P. Bonnet (DPB), excused

**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”**

**Approval of the Minutes for the Committee Meeting of June 2, 2021: DB/RG  
10 in favor, 1 excused (DPB)  
The Minutes are approved.**

**Approval of the Minutes for the Council Meeting of June 23, 2021: SS/HT  
10 in favor, 1 excused (DPB)  
The Minutes are approved.**

**Public Forum**

Terry Bradley, 1213 Morgan Avenue: ongoing issue with hazardous trees  
TW believes that this is a serious issue and suggested that the Administration hire a private, independent arborist to go out and look at the trees and make a determination as to whether or not the trees are safe or unsafe and move forward from there.  
CAO Rongione that no fewer than three arborists have been sent out. The Township has already sent out an arborist. Additionally, a neighbor hired an arborist, Mrs. Bradley hired an arborist, and none of the arborists has agreed with Mrs. Bradley’s assessment that the trees are diseased.  
CAO Rongione further stated that the Township has done its best to provide professional guidance to attempt to mediate this ongoing neighborhood dispute. He also stated that countless hours of time have been spent trying to assuage Mrs. Bradley’s fears, which equates to thousands and thousands of taxpayers’ dollars. CAO Rongione stated that this is not a personal or political matter and that the Township has done its level best to evaluate the situation and provide professional guidance and, in fact, extended itself to attempt to mediate the neighborly dispute.

Gerald Harrison, 29 S. Kirklyn Avenue, inquired about COVID numbers and up-to-date details in UD. CAO Rongione stated that he did not have updated numbers at this point but would get them and provide them to Mr. Harrison

He also inquired about the \$25,000 allocation for trashcans, \$5000/yr. over 5 years.

CAO Rongione stated that the 5-year Capital Budget is planned but not yet completely approved but the first \$5000 has been approved.

Melissa Harris, 3827 Berkley Avenue: Neighbors are fearful and are asking for help to make landlords responsible and keep neighborhoods safe; concerns about nuisance property on block whose occupants allegedly shot a gun and then allegedly robbed the Wawa at Garrett and Burmont

LW stated that the Ordinance in question is the most updated Ordinance and that a meeting will be scheduled with the residents regarding the neighborhood issues

Richard Blye, 7041 Clover Lane, asked to address Council President Wentz only. He stated that signing in on paper in the lobby is wrong, as others can see personal information.

He further spoke of the POW/MIA flag not being flown in Upper Darby Township and added that the 3<sup>rd</sup> Friday in September is POW/MIA day. He left information regarding how to set up a POW/MIA table.

TW requested that Mr. Blye get a reply to his concerns as he believes that Mr. Blye has a legitimate point.

CAO Rongione stated that there is an established flag protocol for this flag and other flags that applies to certain federal buildings, federal installations, military cemeteries, military memorials, secretary of defense offices, secretary of state offices, etc. Originally, the defense authorization act of 1989 specified 6 days: Armed Forces Day, Memorial Day, Flag Day, Independence Day, POW/MIA Recognition Day and Veterans Day. It has subsequently been updated to fly daily at some federal buildings but there has never been any mandate for the flag to fly at any state or local government office. The flag protocol is a work in progress in UDT.

*\*\*Loud disruption from the audience prevented CAO Rongione from being heard*

Council President Wentz reiterated that calling out from the audience is not permitted.

In response to Councilwoman Billups' question, the CAO stated that civilians are free to fly the flag whenever or wherever they choose. It is required at certain federal locations on certain days and certain federal locations throughout the year as the Armed Services are a branch of the federal government; therefore, that is where the flag is appropriately required to be functioning.

LF asked if Council could request to fly a flag and vote on it. Solicitor Kilkenny stated that Council can make a Motion but the Administration is most likely not required to honor all requests.

CAO Rongione added that the Administration has no desire to be drawn into a larger culture war proxy fight over this flag and that everyone respects and honors the service of our military men and women, particularly those who made the ultimate sacrifice and/or who may be MIA. He further explained the history of the POW/MIA flag and added that there was recent negotiation with one of the collective bargaining units to include Veterans Day as a day off holiday.

*\*\*Loud disruption from the audience prevented CAO Rongione from being heard*

Council President Wentz reiterated again that calling out from the audience is not permitted.

CAO Rongione stated that the goal of this Administration is to unite Upper Darby, to have "One Upper Darby" for everyone, and not to be drawn into this kind of situation.

BB asked CAO Rongione if it is a possibility to fly the flags on the 6 days that CAO Rongione stated, along with the month of September. The CAO stated that a future conversation is a reasonable request.

Spero Pappas, 2423 Cedar Lane, asked if there was a vote or Proclamation to fly the Rainbow flag. LW stated that there was a Proclamation, and flags for Pride Month and Juneteenth were flown.

Mr. Pappas also spoke of the driveways behind their houses. He believes that they are not really private and that they are used by the trash trucks as well as other vehicles, and that the driveways need to be repaved and that the Township should be responsible. He further added that there is a sewer line that constantly floods and he does not know who is responsible for it.

Mr. Pappas also spoke of living in fear as there are constant shootings where the new Community Center is supposed to be built and he believes that the law is not enforced.

Mayor Keffer stated that the common driveways are private property but they are working on a plan to pave them and are looking for possible funding through CDBG Grants. The Mayor added that whenever there is a re-sale certification/U&O or a rental inspection, the driveways are supposed to be inspected and if they are in bad condition, should be repaired before the U&O or rental license is granted. She acknowledged that it is a big problem.

HT stated that a resident can always reach out to a Councilperson with concerns. He further stated that the UDPD is dedicated to protecting and serving all of the residents.

LW added that Supt. Bernhardt spoke at the previous meeting and residents could watch the meeting on YouTube.

Olivia Taylor, 204 Kent Road, frustrated about goats and tax dollars, 69<sup>th</sup> Street issues, homelessness  
Sheila Wright, 7238 Glenthorne Rd, Apt A, traffic light at Long Lane & Clinton Rd is not fixed. Concerns about torn up driveways and conditions in UD

Steve Lockard, 427 Spruce Ave, street line striping, Multimodal studies at various locations

CAO spoke of meeting with Twp. Engineer, Mike Galante regarding the Garrett Road Modernization Study. He also spoke of traffic calming measures.

Al DeGennaro, not a resident of UD, therefore could not speak at the Public Forum. He will contact the CAO regarding recycling bids.

### **The Honorable Mayor Barbarann Keffer**

#### **Mayor's Message July 21, 2021**

Good evening everyone, I have a couple of updates... On Saturday, I was honored to attend the graduation ceremony for five probationary firefighters from the Upper Darby Fire Department, who have completed the first-ever Joint Training Academy held by the Wilmington Fire Department. Congratulations to CDS and the UDFD on their newest members. I also joined members of the Upper Darby Arts & Education Foundation and Upper Darby School District on Saturday evening for the official announcement that Upper Darby Summer Stage has received four new donations totaling \$500,000, including major gifts from Upper Darby's own Tina Fey and Monica Horan Rosenthal. The Township and the School District have supported UD Summer Stage for 46 magical years, and we are looking forward to the next 46 and beyond. The COVID-19 strains that are now dominant in the United States are highly contagious and pose a significant health risk to people who are not yet vaccinated. It is in the best interest of everyone age 12 and older to get vaccinated as soon as possible. To find a location near you, please call 484-276-2100 or visit [www.delcopa.gov/vax](http://www.delcopa.gov/vax). Be sure to follow Upper Darby Government on social media so you don't miss them! You can find us on Facebook and LinkedIn at "upperdarby" and on Instagram and Twitter at "upperdarbypa".

Thank you and have a great evening.

### **Appointment**

**Resolution No. 34-21**, a Resolution of Upper Darby Township, Delaware County, appointing Dr. Damone Jones to the Civil Service Commission; repealing all inconsistent Resolutions or parts thereof; providing a severability clause; and providing an effective date

**Motion to approve: DB/HT. 10 in favor, 1 excused (DPB) Resolution No. 34-21 is adopted.**

### **President of Council, Laura A. Wentz**

LW congratulated Michael Osmon, UDFD on his retirement and congratulated all of the new firefighters

**Treasurer's Report:** David Haman, Treasurer

\*See attached

**Motion to approve Treasurer's Report: HT/RG 10 in favor, 1 excused (DPB). Motion is approved.**

### **COMMITTEE REPORTS**

#### **Law and Government & Rules and Procedures Committee**

Co-Chairs: Michelle Billups & Matt Silva

Members: Sheikh M. Siddique, Danyelle Blackwell

**Resolution No. 32-21**, a Resolution declaring Upper Darby Township's intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual and provide for the destruction of certain public records

**Motion to adopt: LF/HT**

**Moved and seconded. 10 in favor, 1 excused (DPB) Resolution No. 32-21 is adopted.**

**Public Hearing for Ordinance No. 3099**, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, amending the Code of Ordinances of Upper Darby Township by adopting the 2015 Edition of the International Fire Code; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Richardson gave a brief on Ordinance No. 3099

Council President Wentz convened a Public Hearing

#### **Speakers:**

Spiro Pappas, 2423 Cedar Lane, upset about nuisance of fire pits

Fire Chief Sawyer stated that there are regulations in the proposed Ordinance and that Mr. Pappas should speak to his neighbor for a peaceful resolution. He was told to call 9-1-1 if neighbors were not following regulations.

Council President Wentz closed the Public Hearing.

**Motion to adopt Ordinance No. 3099: LF/DB**

**Moved and seconded. A roll call vote was taken. 10 in favor, 1 excused (DPB)**

**Ordinance No. 3099 is adopted**

**Public Safety Committee**

Co-Chairs: Danyelle Blackwell & Brian K. Burke

Members: Hafiz Tunis Jr., Matt Silva

**Public Hearing for Ordinance No. 3100**, an Ordinance of Upper Darby Township, Delaware County, Pennsylvania, adding Chapter 375 entitled “Fireworks,” regulating the possession and use of fireworks within the Township, prohibiting the use of fireworks on Township streets, sidewalks, parks, and other Township property; repealing all inconsistent Ordinances or parts thereof; providing a severability clause; and providing an effective date

Solicitor Kilkenny gave a brief on Ordinance No. 3100

Council President Wentz convened a Public Hearing

**Speakers:**

Spiro Pappas, 2423 Cedar Lane, appreciates Ordinance because fireworks are out of hand  
Marguerite Wilson, 824 Drexel Avenue, inquired how this would be enforced if people have scanners and know that the police will be coming. Solicitor Kilkenny stated that residents could take pictures and go to court  
??, 221 S. Madison Avenue, fireworks are disruptive to people and animals

Council President Wentz closed the Public Hearing.

**Motion to adopt Ordinance No. 3100: HT/BB**

**Moved and seconded. A roll call vote was taken. 10 in favor, 1 excused (DPB)**

**Ordinance No. 3100 is adopted**

**Finance and Appropriations Committee**

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

Members: Danyelle Blackwell, Brian Burke

**Resolution No. 33-21**, a Resolution of Upper Darby Township, Delaware County, Pennsylvania authorizing the application for the Multimodal Transportation Grant through the Pennsylvania Department of Community and Economic Development for the development of the Cardington Newtown Trail

Solicitor Richardson gave a brief on Resolution No. 33-21

CAO Rongione gave more details about the development of the Trail and stated that it is an important part of the Mayor’s vision

**Motion to adopt: MB/DB**

**Moved and seconded. 10 in favor, 1 excused (DPB) Resolution No. 33-21 is adopted**

**Solicitor**

Solicitor Kilkenny stated that his law firm has been authorized to file a series of assessment appeals on behalf of Upper Darby Township following the county-wide assessment last year. The Solicitor explained the process and that after conferring with the Mayor, his firm would recommend appeals.

**Old Business**

None

### New Business

SS thanked the Mayor for her help with the vaccination clinic. The UD Islamic Center, in connection with the County, is having a vaccination clinic for one month starting on July 18, 2021 from 10-12 and it ends on August 8, 2021 from 10-12. He stated that he would forward a flyer to Council President Wentz.

### Adjournment

**Motion to adjourn: SS/HT The meeting was adjourned at 9:10 pm.**

\*\*\*The video of this meeting can be viewed in its entirety on [youtube.com/upperdarby.org](https://youtube.com/upperdarby.org)\*\*\*



**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
RESOLUTION NO. 34-21**

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,  
APPOINTING DR. DAMONE JONES TO THE CIVIL SERVICE COMMISSION;  
REPEALING ALL INCONSISTENT RESOLUTIONS OR PARTS THEREOF;  
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Section 403 of the Home Rule Charter of Upper Darby Township (“Home Rule Charter”) provides that the Mayor appoints and removes, with the approval of Council, all members of authorities, boards, and commissions; 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:

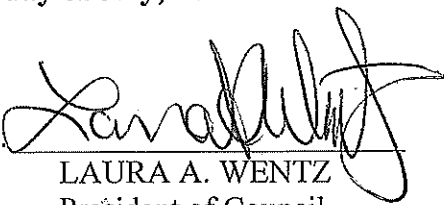
Dr. Damone Jones is hereby appointed to the Civil Service Commission for an indefinite term to serve at the pleasure of the Mayor with approval by Council.

**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 21<sup>st</sup> day of July, 2021**

BY   
LAURA A. WENTZ  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

Resolution No. 34-21 is hereby approved this 21<sup>st</sup> day of July, 2021

BY:   
BARBARANN KEFFER  
Mayor

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



**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 32-21**

**A RESOLUTION DECLARING UPPER DARBY TOWNSHIP'S INTENT TO FOLLOW  
THE SCHEDULES AND PROCEDURES FOR DISPOSITION OF RECORDS AS SET  
FORTH IN THE MUNICIPAL RECORDS MANUAL AND PROVIDE FOR THE  
DESTRUCTION OF CERTAIN PUBLIC RECORDS**

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**WHEREAS**, recognition of the need for a workable local records management program in Pennsylvania led to the passage of the Municipal Records Act of 1968, and the creation of the Commonwealth's Local Government Records Committee;

**WHEREAS**, the Committee's responsibility is to develop records retention and disposition schedules for each municipal office;

**WHEREAS**, Municipal officers are authorized by the Municipal Records Act, 53 Pa.C.S. §1381 *et. seq.*, to dispose of records in accordance with schedules and guidelines that have been approved by the Committee;

**WHEREAS**, the Committee established a retention and disposition schedule for records of Pennsylvania municipal governments in the Municipal Records Manual created on December 16, 2008 (as amended July 23, 2009, March 28, 2019);

**WHEREAS**, the goal of the establishment of records disposition procedures for the use of the Township will help ensure the preservation of records of permanent value and encourage the destruction of nonessential records when appropriate; and

**WHEREAS**, Upper Darby Township (the "Township") intends to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual; and

**WHEREAS**, the Township desires to dispose of records according to statutory requirements; and

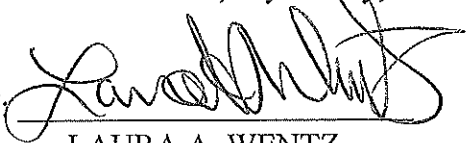
**WHEREAS**, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of Upper Darby Township, Delaware County, Pennsylvania, in accordance with the above-cited Municipal Records manual, hereby authorizes the disposition of the following public records:

1. Animal control complaint and enforcement records prior to 2015.

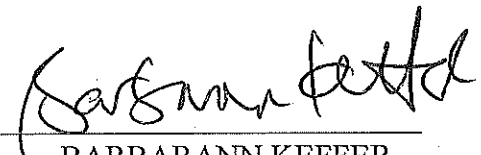
2. Property maintenance complaint and enforcement records prior to 2015.
3. Health complaint, enforcement, inspection and license records prior to 2015.
4. Resident request and complaint digital records prior to 2015.
5. Routine e-mail correspondence of former employees with no remaining administrative value.


**ADOPTED** and **RESOLVED** by the Upper Darby Township Council this 21<sup>st</sup>, day of July, 2021.

BY:   
LAURA A. WENTZ  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

Resolution No. 32-21 is hereby approved this 21<sup>st</sup> day of July, 2021

BY:   
BARBARANN KEFFER,  
Mayor

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

**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 3099**

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**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF UPPER DARBY TOWNSHIP BY ADOPTING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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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 manner; and

WHEREAS, Section 53 P.S. § 58106-A of the Pennsylvania First-Class Township Code authorizes Council to enact a Fire Protection Ordinance; and

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

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

**SECTION I: Administration**

**§ 7-101 Adoption of International Fire Code.**

The 2015 edition of the International Fire Code, as published by the International Code Council, or such later edition as the Board of Commissioners may adopt and approve from time to time by resolution, is hereby adopted and incorporated herein by reference as the Fire Code of this Township.

**§ 7-102 Amendments of the Fire Code.**

The following sections are hereby revised:

- A. Section 101.1. Insert: Upper Darby Township.
- B. Section 109.4 Insert: Summary Offense, \$1,000. Striking, “or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment”
- C. Section 111.4 Insert: \$300 and \$1,000.

D. Section 308.1.4 of the 2015 International Fire Code is amended to remove Exceptions 1, 2 and 3.

E. Section 307.4.3 Portable outdoor fireplaces is stricken and replaced with

Portable outdoor fireplaces will be permitted only when in conformance with the following requirements or the manufacturer's instructions in any instance where those instructions are more restrictive:

1. Portable outdoor fireplaces shall be completely enclosed (solid material or heavy duty screening or both) with or without a stack or chimney, but those burning combustible materials shall have a screen at the top to prevent large embers that may cause a fire from escaping into the atmosphere. All materials shall be in good repair and safe condition.
2. Portable outdoor fireplaces designed to burn combustible materials shall use an appropriate type of fuel such as non-pressure-treated wood, charcoal or fireplace logs. Propane units shall use only propane. No waste material or any material that is likely to cause excessive smoke or noxious odors shall be used. The amount of fuel in use shall not exceed the safe capacity of the device.
3. Portable outdoor fireplaces shall be at least 15 feet from a structure, including decks and balconies, or combustible material. Their placement shall be stable and reasonably level so as to make tipping unlikely. They shall not be used on a deck, within any tent, or on or under any roof.
4. Portable outdoor fireplaces shall be constantly attended until the fire is extinguished.

F. Section 1103.5.2 is amended to remove the last sentence and replace it with "The automatic sprinkler system shall be installed no later than October 1, 2022."

G. Section 1104.16.5.1 is deleted in its entirety and replaced with the following:

Fire escape stairways and balconies shall be examined for structural adequacy and safety in accordance with Section 1104.16.5 by a professional designated by the Fire Chief every three (3) years, or earlier as required by the Fire Chief. An inspection report shall be submitted to the fire code official after such examination.

H. Section 507.5.3 is deleted in its entirety and replaced with the following:

Section 507.5.3. Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested, and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): inspection annually and after each operation; flow test and maintenance annually. A copy of the written inspection report shall be forwarded to the Upper Darby Township Fire Chief.
2. Fire service main piping: inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: inspection and maintenance after each use.
4. All privately owned and maintained fire hydrants shall have the body and caps painted yellow with a green top.

**§ 7-102.1 Establishment of geographic limits.**

The geographic limits referred to in certain sections of the 2015 International Fire Code are hereby established as follows:

- A. Section 5704.2.9.6.1: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within Upper Darby Township.
- B. Section 5706.2.4.4: The storage of Class I and II liquids in above-ground tanks is prohibited within the Upper Darby Township.
- C. Section 5806.2: The storage of flammable cryogenic fluids in stationary containers is prohibited within the Upper Darby Township.
- D. Section 6104.2: The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas within the Upper Darby Township.

**SECTION II: Inspections**

**§7-301. Inspection guidelines.**

- A. The Chief Administrative Officer is authorized to start an annual inspection program of each Commercial/Business Property in the Township in order to safeguard the health and safety of the occupants, thereof and in order to determine and enforce compliance with the codes, laws, and regulations applicable to such units and the structures containing such units. The inspector is authorized to enter for the purpose of such inspection all Commercial/Businesses properties, and it is the duty of Commercial Business property owners to provide access to such properties upon request for said inspection. The construction date of the building will be taken into consideration when determining safety standards.
- B. Commercial/Business property is defined as any commercial or business property that meets the definitions as outlined in the International Building Code as an Assembly, Business, Educational, Factory and Industrial, High Hazard, Institutional, Mercantile, Residential, Storage or Utility and Miscellaneous type.

C. Residential properties meeting the description in paragraph B above, will only have its common areas inspected. Common areas of residential properties include, but are not limited to hallways, stairways, and meeting rooms. The inspection will not include individual apartments, dormitories, or living quarters unless requested by the property owner.

**§ 7-302. Notification; notice of violation; reinspection.**

- A. The Upper Darby Township shall notify the property or business owner of its intent to inspect the property or business at least five (5) days prior to the inspection. Such notification shall be in the form of written communication or by phone.
- B. After the inspection, the Inspector shall submit any violations in writing to the property or business owner or agent. The owner or agent must correct any violations within a time frame set by the Inspector. Re-inspections shall be conducted every thirty (30) days until the violations have been corrected. If the violation is deemed as a life-safety hazard, then the Fire Chief or their agent may notify the property or business owner or agent that the violation must be corrected immediately, or the property will be closed until the violation is corrected.

**§ 7-303. Fees.**

The fees for inspection are set by the Township's fee schedule and may be modified by resolution of Township Council.

**SECTION III: Alarm Systems**

**§ 13-211. Title.**

This article shall be known as the "Fire Alarm Ordinance of Upper Darby Township."

**§ 13-212. Scope.**

This article shall regulate all matters concerning the design, installation, repair, testing, monitoring, maintenance and operation of all fire alarm systems and related devices; fixing fees and regulations pertaining to the licensing of fire alarm contractors; and prescribing penalties for violations hereof.

**§ 13-213. Purpose.**

The high incidence of false fire alarms and/or alarm malfunctions causes a significant misuse of the manpower and resources of the Upper Darby Township Fire Department by causing the dispatch of units to the scene of a false alarm or alarm malfunction which renders them out of service and unavailable to respond to legitimate emergency situations. This article shall be construed to secure its expressed intent which is to insure public safety, health, and welfare by controlling the design of, testing of, repair of, installation of, and maintenance requirements of fire alarm systems installed and operating within Upper Darby Township; thereby, reducing the service demands on the Upper Darby Police Department and improving the safety to the public.

**§ 13-214. Applicability.**

The provisions of this article shall apply to all matters affecting or relating to fire alarm systems



and fire alarm contractors and shall apply equally to new and existing buildings and conditions. This includes all required and nonrequired fire alarm systems.

**§ 13-215. Matters not provided for.**

The Upper Darby Township Council hereby provides for determination of matters not provided for herein by authorizing certain actions by the Administration.

- A. Administrative orders may be issued by the Director of Licenses and Inspection to clarify ordinance questions and to establish departmental policy where no specific criteria exists, or where administrative guidance is needed to establish a methodology to resolve recurring problems.
- B. Standard design bulletins will be issued where Code criteria leave a specific aspect of the design installation to the judgment of the Director of Licenses and Inspection or another party designated by the Administration. They will set specific design criteria where necessary.

**§ 13-216. Continuation of unlawful use or practice.**

The continuation of use of a fire alarm system or the designing, installation, testing, repair and maintenance of fire alarm systems by any person(s), firm, or corporation contrary to the provisions of this article shall be deemed a violation and subject to the fees and penalties prescribed in this article. Each day that an unlawful use or practice continues shall be deemed to be a separate offense.

**§ 13-217. Conflicting provisions.**

When the provisions herein are more restrictive than other regulations, this article shall control, but in any case, the most rigid requirements of any other applicable code or regulation shall apply whenever a conflict exists.

**§ 13-218. Standards incorporated by reference.**

The standards referenced in this article and those listed in the appendixes of any building or fire codes as adopted or amended by Upper Darby Township shall be considered to be part of the requirements of this article. Where differences occur between provisions of this article and other standards, the provisions of this article shall apply.

**§ 13-219. Certification of systems.**

All newly installed required fire alarm systems shall be certificated by UL or FM as required in the National Fire Alarm Code, also known as "National Fire Protection Association (NFPA) 72," referenced herein.

**§ 13-220. Definitions; word usage.**

- A. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings in this section.
- B. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural

the singular.

- C. Terms defined in other codes. Where terms are not defined in this article and are defined in the building, fire, mechanical and electrical codes or bound to other applicable codes, such terms shall have the meanings ascribed to them as in those codes as adopted by Upper Darby Township. Definitions found in NFPA standards for fire protection and electrical installations shall apply in this article, when not otherwise specifically defined.
- D. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- E. Specific definitions. As used in this article, the following terms shall have the meanings indicated:

#### AGENT

Any person who shall have charge, care, or control of any building as representative of the owner, including an executor, executrix, coordinator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall comply with the provisions of this code to the same extent as if that person were the owner.

#### ALARM

Any audible or visible signal indicating existence of a fire or emergency that requires response on the part of the UPPER DARBY FIRE DEPARTMENT. Included in this are the alarm devices by which fire and emergency signals are received.

#### FALSE ALARM (UNWANTED ALARM)

An alarm malfunction or malicious fire alarm as defined herein.

#### ALARM MALFUNCTION

The activation of any alarm which results in the response of the Upper Darby Fire Department caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance or any other response for which the Upper Darby Fire Department personnel are unable to gain access to the premises for any reason, or are unable to determine the apparent cause of the alarm activation.

#### MALICIOUS FIRE ALARM

The activation of any alarm which results in the response of the Upper Darby Fire Department caused by the negligence or intentional misuse of the system by the owner or his employees, servants or agents; or any other activation not caused by heat, smoke or fire, exclusive of an alarm malfunction. An alarm is not considered a malicious fire alarm if the alarm is activated due to causes beyond the control of the owner.

#### ALARM NOTIFICATION APPLIANCE

A fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, or visible outputs or any combination thereof.

#### ALARM VERIFICATION FEATURE

A feature of automatic fire detection and alarm systems to reduce unwanted alarms wherein smoke detectors report alarm conditions for a minimum period of time, or confirm alarm conditions within a given time period, after being automatically reset, in order to be accepted as a valid alarm initiation signal.

#### APPROVED

Approved by the Director of Licenses and Inspection or his subordinates or designees (code officials).

#### AUTOMATIC

A device or system providing an emergency function without the necessity for human intervention and activated as a result of a predetermined temperature rise, rate of temperature rise, or combustion particles.

#### CARBON MONOXIDE DETECTOR

An approved, listed device which is intended to detect invisible particles of carbon monoxide. This device is not classified as a fire alarm initiating device. If carbon monoxide detectors are supervised by a central station, then such alarm shall transmit as a distinct carbon monoxide alarm.

#### CENTRAL STATION

A supervising station that is listed, such as Underwriters Laboratories (UL) or Factory Mutual (FM) for central station service and is approved by the Director of Licenses and Inspection.

#### CENTRAL STATION SERVICE

A system or group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station (such as UL or FM) having competent and experienced operators who, upon receipt of a signal, take such action as required by NFPA 72 currently in effect or as subsequently amended. Related activities at the protected property such as equipment installation, inspection, maintenance, and runner service are also the responsibility of the central station or a fire alarm contractor. Central station service is controlled and operated by a person, firm, or corporation whose business is the furnishing of such contracted services or whose properties are the protected premises.

#### CERTIFICATED SYSTEM

A fire alarm system certified by UL or FM. A system installed under such a program is identified by the issuance of a certificate by UL or FM and is designated as a certificated system.

#### CODE OFFICIALS

The subordinates or designees of the Director of Licenses and Inspection.

#### DIRECTOR OF LICENSES AND INSPECTION

The Upper Darby Township official charged with the duty of administration and enforcement of codes as adopted by Upper Darby Township.

#### FIRE ALARM AFFIDAVIT

A form for completion by the Fire Chief or their designee when responding to an alarm. Where an alarm malfunction occurs, the fire alarm affidavit of service/repair shall also be completed by a licensed fire alarm company and by the owner/occupant.

#### FIRE ALARM BOX, MANUAL

A manually operated device used to initiate an alarm signal.

#### FIRE ALARM SIGNAL

A signal initiated by a fire alarm initiating device such as a manual fire alarm box, automatic fire detector, sprinkler water flow switch or other device whose activation is indicative of the presence of a fire or fire signal.

#### FIRE ALARM SYSTEM

A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of the fire alarm or supervisory signal initiating devices and to initiate the appropriate response to those signals.

#### HEAT DETECTOR

A fire detector that detects either abnormally high temperature or rate of rise, or both.

#### INITIATING DEVICE

A system component that originates transmission of a change of state condition, such as in the smoke detector, manual fire alarm box, or supervisory switch.

#### LISTED

Equipment, materials, products or services included in a list published by an organization acceptable to a code official or the Fire code official and concerned with the evaluation of products or services that maintains periodic inspection of products of listed equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specific purpose.

#### KNOX BOX

A secure, tamperproof device with a lock operable only by the Fire Department master key; and containing entry keys and other keys that may be required for access in an emergency.

#### UPPER DARBY FIRE DEPARTMENT FIRE RESCUE

A combination career and volunteer fire rescue system, which provides the primary fire and rescue services within Upper Darby Township.

#### NONREQUIRED FIRE ALARM SYSTEM

Any fire alarm system not required by this article or by building or fire codes in effect in Upper Darby Township.

#### REQUIRED FIRE ALARM SYSTEM

A fire alarm system required by this article and any building or fire codes in effect in Upper Darby Township.

**SMOKE DETECTOR**

An approved, listed device that senses visible and invisible particles of combustion.

**SUPERVISORY SIGNAL**

A signal indicating the need of action in connection with the supervision of guard tours, the fire suppression systems or equipment, or the maintenance features of related systems.

**TROUBLE SIGNAL**

A signal initiated by the fire alarm system or device indicative of a fault in a monitored circuit or component.

**§ 13-221. New systems.**

Fire alarm systems for new buildings or other structures shall be installed as provided in the building, fire, and other applicable codes in effect in Upper Darby Township. Permits shall be applied for and obtained as provided in this article.

**§ 13-222. Existing systems.**

- A. Additions or alterations to or rehabilitation of structures. Enclosed additions or interior alterations to, change in use of, or major rehabilitation of any building shall require that existing fire alarm systems shall conform to the requirements for new fire alarm systems as described herein.
- B. Existing, nonconforming systems. Any fire alarm system installed prior to the adoption of this article should be upgraded or improved to provide a minimum level of protection as directed by a code official.
- C. Existing, nonrequired systems. All nonrequired fire alarm systems should provide a minimum level of protection as directed by the Fire Chief or designated code official. All nonrequired fire alarm systems shall be maintained and remain in service unless approval to discontinue the system(s) is received in writing from the Fire Chief or Director of Licenses and Inspection, or their designee. Any approved discontinued systems and related equipment shall be completely removed from the structure so as not to give a false indication that the building, area, or space is protected by a fire alarm system.

**§ 13-223. Repairs and maintenance.**

A. General.

- (1) All fire alarm systems, devices, and service equipment installed in or on any structure in Upper Darby Township shall be maintained in an operative condition at all times. It shall be unlawful for any person(s) to reduce or interfere with the operational effectiveness of a fire alarm system.
- (2) This requirement shall not prohibit a licensed fire alarm company technician from

temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations, extensions, or additions. Alterations, extensions, or additions to fire alarm systems require written approval from a code official. The Fire Chief or Director of Licenses and Inspection, or their designee, shall be notified in writing, including facsimile or e-mail, prior to when disconnection and interruption of protection caused by tests, repairs, alterations, extensions or additions are started and upon completion of such work and shall be advised of the extent of and reason for such work. The restoration of the protection shall be accomplished within four (4) hours in sleeping occupancies and within seventy-two (72) hours in all other occupancies.

B. Maintenance.

(1) It shall be the duty of the building owner(s) to install, test, repair and maintain the following systems in accordance with the applicable NFPA standard in effect: automatic fire detection devices (including smoke and heat detectors); fire alarm systems; automatic fire sprinkler systems, including fire pumps and standpipes; automatic fire suppression systems; central station monitoring, when such systems and/or devices are required by Upper Darby Township ordinances.

(2) It shall be the duty of a tenant or lessee to maintain all required fire alarm systems and/or related components noted above when so required as part of a written lease agreement or a written maintenance agreement.

C. Alarms out of service (O.O.S.). When the building alarm is out of service while the building is occupied, a fire watch is required to be posted every hour on each floor and one fire guard on the perimeter of the building. The fire watch activity must be logged in and is subject to inspection.

**§ 13-224. Duties and powers of the Fire Department and Department of Licenses and Inspection.**

A. General. The Fire Chief or Director of Licenses and Inspection, or their designee, shall enforce all of the provisions of this article and shall act on any question relative to the manner of design, installation, testing, repair, maintenance, materials, equipment, and devices, or any related issues pertaining to fire alarm systems, except as otherwise specifically provided for by statutory requirements or by this article.

B. Application and permits. The Fire Chief or Director of Licenses and Inspection, or their designee, shall receive applications, plans, specifications, monitoring/supervisory information, permit fees and shall issue permits for the installation of, additions, extensions, or alterations to fire alarm systems. The Fire Chief or Director of Licenses and Inspection, or their designee, shall inspect the premises for which such permits have been issued and enforce compliance with the provisions of this article.

C. Affidavits and notice of violations. The Fire Chief or Director of Licenses and Inspection, or their designee, in charge of any incident involving a fire alarm system shall be responsible for

executing the fire alarm affidavit form and forwarding a copy of all responses to automatic fire alarms to the Department of Licenses and Inspection. Code officials shall issue all necessary notices or orders to correct improper conditions with fire alarm systems to ensure compliance with all code requirements for the health, safety, and general welfare of the public.

- D. Inspections. The Fire Chief or Director of Licenses and Inspection, or their designee, shall make all required inspections of premises to enforce compliance with the provisions of this article. Inspections shall include, but are not limited to, a final acceptance test.
- E. Rule-making authority. The Fire Chief or Director of Licenses and Inspection, or their designee, shall have power as necessary in the interest of public health, safety, and general welfare to adopt and promulgate rules and regulations to interpret and implement the provisions of this article as authorized by the Upper Darby Township Council to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this article or in building and fire codes as adopted and amended by Upper Darby Township Council.
- F. Department records. The Fire Chief or Director of Licenses and Inspection, or their designee, shall keep official records of applications received, permits, approvals, and certificates issued, fees collected, reports of inspections, and notices and orders issued, including affidavits issued and received.
- G. Annual report. The Fire Chief or Director of Licenses and Inspection, or their designee, shall submit an annual report to the Administration, regarding automatic fire alarm responses and corrective actions taken by the Department of Licenses and Inspection regarding noncompliant systems.
- H. Multiple-tenant buildings central station service. New and existing multiple-tenant buildings, as determined by the Director of Licenses and Inspection, shall be monitored, and have inspections, testing, maintenance, and runner service provided by one central station service company, which is UL or FM listed.
- I. Exception. Buildings with an anchor store from which other stores are separated by a code-compliant fire wall or fire barrier may contract with a different central station service company.

#### **§ 13-225. Permit requirements.**

- A. When permit is required. It shall be unlawful to alter or add to existing fire alarm systems or to install a fire alarm system or related components of a fire alarm system for which provision is made or the installation of which is regulated by this article, without first filing the appropriate application, paying the applicable fee, and submitting the required design information with the Department of Licenses and Inspection in writing and obtaining the required permit. Repairs as defined by § 160-26 of this article, which do not involve any violation of this article, shall not require a permit.

- B. Form of application. The application for a permit shall be submitted in such form as the Director of Licenses and Inspection prescribes and shall be accompanied by the required fee as prescribed by a resolution of the Upper Darby Township Council.
- C. By whom application is made. Application for a permit shall be made by an owner or an authorized agent of a fire alarm contractor properly licensed by Upper Darby Township to install, extend, repair, and maintain fire alarm systems in Upper Darby Township.
- D. Plans and specifications.
  - (1) Residential. Plans and specifications are not required to be submitted for one- and two-family dwellings; however, after the application for a permit and fee are submitted, a preliminary inspection shall be scheduled with a code official and the permit applicant for the purpose of determining the locations of smoke detectors, notification appliances, and related equipment devices in the building prior to their installation.
  - (2) Commercial/industrial/nonresidential. The permit application, permit fee, and completed fire alarm submittal guide for commercial fire alarm systems (including multiple-family dwellings) shall be submitted. Two copies of plans and specifications shall be submitted. Plans shall be drawn to scale or clearly dimensioned, with sufficient clarity and detail to show the nature and character of work to be performed. When the quality of materials, equipment, or devices is essential for conformity to this article, specific information shall be given to establish such quality. This article shall not be cited, or the terms "legal" or "approved" or their equivalent be used as a substitute for specific information. A code official is permitted to waive the requirement for filing plans when repair work of a minor nature is involved.
- E. Action on application. A code official shall examine or cause to be examined all applications and plans for permits within a reasonable time after filing. If the application or plans and specifications do not conform to the requirements of all pertinent laws, the code official shall reject such application in writing, stating the reasons therefor. If the code official is satisfied that the proposed work conforms to the requirements of this article and all laws applicable thereto, the code official shall issue a fire alarm permit.
- F. Compliance with code. The fire alarm permit shall be a license to proceed with the work as approved by a code official and shall not be construed as authority to violate, cancel or set aside any of the provisions of this article except as specifically stipulated by modification approved in writing by the Director of Licenses and Inspection.

**§ 13-226. License requirements.**

- A. License required to install, test, inspect, repair, monitor and maintain fire alarm systems. All individuals, partnerships, corporations, or other entities engaged in the selling, leasing, maintaining, servicing, repairing, monitoring, altering, replacing, moving or installing any fire alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, extended, replaced, moved or installed any fire alarm system in or on any building or structure shall make



application on a designated form(s) and obtain a valid fire alarm contractor's license from the Department of Licenses and Inspection.

- (1) Exception 1. This does not include a person or firm who engages in the manufacture or sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed, nor designs the scheme for physical location and installation of the alarm system in a specific location. This exception only applies to one- and two-family dwellings.
- (2) Exception 2. Homeowners of one- or two-family dwellings who perform their own installation of a low-voltage fire alarm system which does not transmit to a central station, or 110 volt fire alarm systems within their dwelling unit, are exempt from the licensing requirements; however, residential fire alarm permits and inspections are required from Upper Darby Township.
- (3) Exception 3. Electrical contractors installing 110-volt smoke detection systems in residential dwellings are exempt from the licensing requirements; however, residential fire alarm permits and inspections are required from Upper Darby Township.

B. License fee. Any person making application for a fire alarm contractor license shall pay an annual fee determined by Township Council and included in the Upper Darby Township fee schedule. Fees shall be effective from January 1 through the following December 31. Licensing fees shall not be prorated throughout the year. Fees are not refundable should the license be revoked.

C. Qualifications of fire alarm contractors for central station service.

- (1) Any person(s) making application for a fire alarm contractor's license shall demonstrate to the Director of Licenses and Inspection:
  - (a) A knowledge of and proficiency in fire alarm systems, devices and code standards which govern the application, design, installation, testing, repair, maintenance, and operation of fire alarm systems; and
  - (b) Other than fire alarm contractors who install fire alarm systems exclusively in one-family and two-family dwelling occupancies, that they are a fire alarm contractor listed by an established and nationally recognized organization (such as UL or FM), which approves the qualifications of fire alarm service contractors for central station service.
- (2) Upon successful demonstration of all of the above and payment of applicable fees, a license shall be issued by the Director of Licenses and Inspection.
- (3) Exception. Fire alarm companies or individuals who install fire alarm systems exclusively in one- and two-family dwellings and which transmit fire alarm signals off site are not required to be listed for central station service. Such fire alarm systems shall be monitored by a UL or FM listed central station. An installing fire alarm company or individual shall complete and sign the Upper Darby Township affidavit stating that it or he installs systems

only in one- or two-family dwellings.

- D. Township right to suspend or revoke license. The Director of Licenses and Inspection shall have the right to suspend or revoke a fire alarm contractor's license for cause. Cause for revocation shall include but not be limited to selling and/or installing or maintaining fire alarm systems or devices without obtaining permits, approvals/inspections as required; installing unapproved materials or devices; repeated violations of Upper Darby Township codes and ordinances.
- E. Right to appeal. Any person(s) having a license suspended, revoked, or denied by the Director of Licenses and Inspection shall have the right to file an appeal to the Upper Darby Township Board of Appeals. Any appeal must be based on a claim that the Director of Licenses and Inspection did not use factual information to show cause for revoking or denying the fire alarm contractor's license. Any person who desires to file an appeal shall do so on a form supplied by the Department of Licenses and Inspection within 30 days of receipt of a notice of violation or of any decision by the Director of Licenses and Inspection or their designee.

**§ 13-227. Knox box requirements.**

- A. When required. All occupancies, other than single- or two-family dwellings, installing a fire alarm system, having an electronic or radio connection to a central station, shall install an approved Knox box for the premises being protected. Knox boxes shall be approved by the Director of Licenses and Inspection and/or the Upper Darby Township Fire Chief.
- B. Existing installations. Existing facilities with a fire alarm system shall install a Knox box.
- C. Where installed. The Knox box shall be installed as follows:
  - (1) At a location approved by the Director of Licenses and Inspection and/or the Upper Darby Township Fire Chief or their designee;
  - (2) At a height approximately six feet above grade; and
  - (3) To the right side of the main entrance door(s) facing the public roadway.
- D. Premises keys. Keys that provide immediate access to the premises and to fire-protection-related equipment shall be identified as to the door they operate and secured in the Knox box within two days of new Knox box installations. The Knox box must contain two sets of keys for every door. Keys shall be inspected periodically by the owner/occupant of the premises to ensure that keys operate all doors necessary for the Upper Darby Fire Department to access the building. The property owner or authorized agent shall be responsible for maintaining a two set of keys in the Knox box which are capable of unlocking entrance, exterior and interior doors in the building(s) and/or tenant space(s).

**§ 13-228. Owner/occupant responsibilities.**

- A. Fire alarm activation. The responsibility for a fire alarm activation shall be that of the owner/occupant for whom a fire alarm system is installed. A response to an alarm activation shall result when any member of the Upper Darby Fire Department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system(s), by any means whatsoever, and responds thereto by traveling to that premises. After responding to an alarm activation, the Fire Chief or their designee, shall notify the responsible party through Delaware County Communications regarding the activation of the alarm system, and such person shall thereupon travel to the premises to ascertain the status thereof. Failure of the responsible person(s) to appear at said premises within 30 minutes, after being notified to do so, shall constitute a violation, and may result in forcible entry by the Upper Darby Fire Department and Upper Darby Township Police Department personnel. The owner shall bear the cost of repair for any damage incurred during entry and any costs associated with securing the premises to prevent unauthorized entry. The Fire Chief or their designee shall serve the owner, authorized representative, or occupant a fire alarm activation report. In a no-response situation by the responsible party, the Fire Chief or their designee shall forward the report to the Director of Licenses and Inspection for action.
- B. Fire alarm activation report. In the event of a fire alarm activation the owner, authorized representative or occupant shall be served a fire alarm activation report by the Fire Chief, or their designee, describing the probable cause of the alarm. The owner, authorized agent or occupant shall sign and return the completed affidavit of service/repair within 15 business days of the said fire alarm activation which can verify to the satisfaction of the Director of Licenses and Inspection that the fire alarm system in question has actually been inspected by a licensed fire alarm service company and that a good faith attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was described as the cause of the fire alarm malfunction. Failure to return an affidavit of service/repair within the said fifteen-day period that is satisfactory to the Director of Licenses and Inspection shall constitute a violation.
- C. Service of fire alarm activation report and affidavit of service/repair. Service of written notice of fire alarm activation report and affidavit of service/repair shall be accomplished by delivering a copy in person to the responsible party or any agent of the owner or responsible party at the premises or by posting a copy in a conspicuous place at the main entrance door.

**§ 13-229. Enforcement; violations and penalties.**

- A. Notice of violation. Whenever a code official observes an apparent or actual violation of a provision of this article, the code official shall prepare a written notice of violation describing the condition which requires corrective action. The notice shall specify the violation and time limitations for the required repairs or improvements to be made to the fire alarm system. Failure to comply with the provisions of the notice of violation shall subject the violator to the penalties herein.
- B. Service of notice. The written notice of violation of this article shall be served upon the owner, the occupant, an agent of the owner or occupant or any other person responsible for the conditions under violation. Such notice of violation shall be served either by certified mail to

the last known post office address, delivered in person, or by delivering it to and leaving it in the possession of any person in charge of or responding to the premises on behalf of the responsible party. Posting a copy in a conspicuous place at the main entrance door shall be deemed the equivalent of personal delivery.

C. Legal action. Nothing herein shall prevent the Director of Licenses and Inspection from filing a civil complaint or a nontraffic citation against a party without issuing a notice of violation where circumstances require prompt action because of a threat to health, safety and welfare or where a fire alarm system is taken out of service or offline without notice to the applicable central station.

D. Tampering with systems. Any person(s) who tampers with or interferes with the effectiveness of any fire alarm system or related component shall be in violation of this article.

E. Penalty for violations.

(1) Any person(s), firm or corporation violating any of the provisions of this article or failing to comply with any order issued pursuant to any section thereof shall, upon being found guilty of a civil offense, be liable for a fine of not less than \$100 or not more than \$1,000. Each day that a violation continues shall be deemed to be a separate offense.

(2) A false alarm shall not be a violation of this article, but the owner shall be responsible for paying a response fee as set forth below. No response fee shall be assessed for the first two (2) false fire alarms at the same premises responded to by the Upper Darby Fire Department during each month. Thereafter, the fees shall be paid by the owner for each false fire alarm responded to by the Upper Darby Fire Department at the same premises during the calendar year according to the fee schedule set by the Upper Darby Township Council.

(3) Failure to pay any fee as prescribed herein shall constitute a violation.

F. Dispatch prior to verification. It shall be a violation of this article for any central station monitoring company or its employees to verify any fire alarm signal received prior to dispatching the Upper Darby Fire Department. This provision does not apply to one and two-family dwellings.

G. Alarm reset. Once an automatic fire alarm has initiated and caused the response by Upper Darby Fire Department, it shall be unlawful for any person(s) to reset the alarm panel until the authorization of the Fire Chief or their designee has been obtained.

H. Fines collected. All fines and fees collected under this article shall be deposited into the Upper Darby Township General Fund.

**§ 13-230. Unpaid fee charges.**

Should any fee assessed pursuant to this article remain unpaid in excess of ninety (90) days from the date the charge is billed, the owner shall also be responsible for any collection costs, including attorneys' fees, incurred by Upper Darby Township.

**SECTION 4: 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.

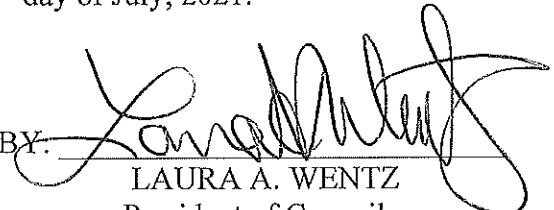
**SECTION 5: REPEALER.**

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 6: EFFECTIVE DATE.**

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

**ENACTED and ORDAINED** this 21<sup>st</sup> day of July, 2021.

BY:   
LAURA A. WENTZ  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**Approved this 21<sup>st</sup> day of July, 2021**

BY:   
BARBARANN KEFFER  
Mayor

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

**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 3100**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA, ADDING CHAPTER 375 ENTITLED "FIREWORKS," REGULATING THE POSSESSION AND USE OF FIREWORKS WITHIN THE TOWNSHIP, PROHIBITING THE USE OF FIREWORKS ON TOWNSHIP STREETS, SIDEWALKS, PARKS, AND OTHER TOWNSHIP PROPERTY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE**

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**WHEREAS**, the Pennsylvania Fireworks Law, Act 43 of 2017 (the "Fireworks Law"), allows individuals 18 years of age and older to purchase, possess and use consumer fireworks within the Commonwealth of Pennsylvania, subject to certain conditions; and

**WHEREAS**, the Fireworks Law prohibits a person from intentionally igniting or discharging consumer fireworks on public or private property without the express permission of the owner; and

**WHEREAS**, Upper Darby Township Council ("Council") expressly denies permission to people seeking to intentionally ignite or discharge consumer fireworks on Township streets, sidewalks, parks, and other Township-owned property; and seeks to adopt regulations governing the possession and use of fireworks within the Township; and

**WHEREAS**, Council enacts this Ordinance in the interest of the peace, health and welfare of the Township and its residents.

**NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED** by the Upper Darby Township Council, Delaware County as follows:

**SECTION I: AMENDMENT TO CODE**

The Code of Ordinances of Upper Darby Township is hereby amended by adding the following Chapter:

**Chapter 375: Fireworks**

**§ 375-1. Purpose.**

To regulate the possession and use of fireworks in accordance with Pennsylvania law and the health, safety, and welfare of Township residents.

**§ 375-2. Definitions.**

**“APA 87-1.”** The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

**CONSUMER FIREWORKS.**

- A. Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for “consumer fireworks” as defined in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted throughout this Commonwealth.
- B. The term does not include devices as “ground and hand-held sparkling devices,” “novelties” or “toy caps” in APA 87-1 or any successor standard, the sale, possession and use of which shall be permitted at all times throughout this Commonwealth.

**DISPLAY FIREWORKS.** Large fireworks to be used solely by professional pyrotechnicians and designed primarily to produce visible or audible effects by combustion, deflagration or detonation. The term includes, but is not limited to:

- A. Salutes that contain more than two grains or 130 milligrams of explosive materials;
- B. Aerial shells containing more than 60 grams of pyrotechnic compositions; and
- C. Other display pieces that exceed the limits of explosive materials for classification as Consumer Fireworks and are classified as fireworks UN0333, UN0334 or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table).

**NFPA 1124.** The National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, 2006 edition, or any subsequent edition.

**OCCUPIED STRUCTURE.** A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business whether or not a person is actually present.

**OUTDOOR STORAGE UNIT.** A Consumer Fireworks building, trailer, semitrailer, metal shipping container or magazine meeting the specifications of NFPA 1124.

**TEMPORARY STRUCTURE.** A structure, other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is dedicated to the storage and sale of Consumer Fireworks and related items. The term includes temporary retail sales stands, tents, canopies and membrane structures meeting the specifications of NFPA 1124. The term shall not include a facility that is not licensed to sell Consumer Fireworks under this article.

**§ 375-3. Consumer Fireworks.**

A. Conditions. A person who is at least 18 years of age and meets the requirements of this Chapter may purchase, possess and use Consumer Fireworks, subject to the prohibitions set forth in Section §52-3(B) below.

B. Prohibitions. A person may not intentionally ignite or discharge:

1. Consumer Fireworks on Township streets, sidewalks, parks, or other Township - owned property.
2. Consumer Fireworks on private property without the express permission of the owner.
3. Consumer Fireworks or sparkling devices within, or throw Consumer Fireworks or sparkling devices from, a motor vehicle or building.
4. Consumer Fireworks or sparkling devices into or at a motor vehicle or building or at another person.
5. Consumer Fireworks or sparkling devices while the person is under the influence of alcohol, a controlled substance or another drug.
6. Consumer Fireworks within 150 feet of an occupied structure.

C. Time Restriction. No Consumer Fireworks shall be ignited or discharged two hours or later after sunset, as determined by the National Weather Service.

D. Sale and Storage of Consumer Fireworks. The sale and storage of Consumer Fireworks is licensed and regulated by the Pennsylvania Department of Agriculture. Any person who intends to sell or store Consumer Fireworks within the Township shall provide proof of such licensure prior to such use being conducted within the Township, in addition to compliance with all other applicable Township ordinances and regulations.

**§ 375-4. Display Fireworks.**

A. No Display Fireworks shall be ignited within 300 feet of a facility licensed by the Department of Agriculture to sell Consumer Fireworks, pursuant to the Fireworks Law.



B. Permits. The Township Council or its designee shall issue a permit to a person 21 years of age or older, for the possession and use of Display Fireworks subject to the following requirements.

1. The permit shall cover an approved display, or any of the following uses:
  - a. For agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.
  - b. By railroads or other transportation agencies for signal purposes or illumination.
  - c. In quarrying or for blasting or other industrial use.
  - d. In the sale or use of blank cartridges for a show or theater.
  - e. For signal or ceremonial purposes in athletics or sports.
  - f. By military organizations or organizations composed of veterans of the armed forces of the United States.

2. Permit Applications. Applications for permits shall be made in writing at least 30 days in advance of the planned date of the use of Display Fireworks together with the permit fee. Permit fees shall be as established by resolution of the Township Council.

3. Conditions. Each display shall be:

- a. Handled by a competent operator; and
- b. Of a character and so located, discharged or fired as, in the opinion of the Police Chief, Fire Chief, Fire Marshal or other appropriate officer designated by the Township, after proper inspection, to not be hazardous to property or endanger any person.

4. License Requirements. Any business entity, which performs, provides or supervises Display Fireworks for profit shall provide proof of registration with the Pennsylvania Attorney General to the Township as part of the permitting process.

5. After permission is granted under this section, possession and use of Display Fireworks shall be lawful for that purpose only.

6. The permit shall be transferable.

C. Bond. The Township shall require a bond deemed adequate by it from the permittee in a sum not less than \$50,000 conditioned for the payment of all damages which may be caused to a

person or property by reason of the display and arising from an act of the permittee or an agent, an employee or a subcontractor of the permittee.

D. Requests for an Extension.

1. Authorization. If, because of unfavorable weather, the display for which a permit has been granted does not occur at the time authorized by the permit, the person to whom the permit was issued may within 24 hours apply for a request for extension to the Township.

2. Contents of Request. The request for extension shall state under oath that the display was not made, provide the reason that the display was not made and request a continuance of the permit for a date designated within the request, which shall be not later than one week after the date originally designated in the permit.

3. Determination. Upon receiving the request for extension, the Township, if it believes that the facts stated within the request are true, shall extend the provisions of the permit to the date designated within the request, which shall be not later than one week after the date originally designated in the permit.

4. Conditions. The extension of time shall be granted without the payment of an additional fee and without requiring a bond other than the bond given for the original permit, the provisions of which shall extend to and cover all damages which may be caused by reason of the display occurring at the extended date and in the same manner and to the same extent as if the display had occurred at the date originally designated in the permit.

**§ 375-5. Violations and Penalties.**

A. A person using Consumer Fireworks in violation of the provisions of this Chapter commits a summary offense and, upon conviction, shall be punished by a fine of not more than \$100, plus the costs of prosecution and actual attorney's fees.

B. A person selling Consumer Fireworks in violation of the provisions of this Chapter commits a misdemeanor of the second degree.

C. The Upper Darby Police Department, Pennsylvania State Police, or Sheriff's deputy shall take, remove or cause to be removed at the expense of the owner all stocks of Consumer Fireworks or Display Fireworks or combustibles offered or exposed for sale, stored or held in violation of this Chapter. The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks.

D. A person selling Display Fireworks in violation of the provisions of this act commits a felony of the third degree.

E. A person selling federally illegal explosives such as devices as described in 49 CFR 173.54 (relating to forbidden explosives) or those devices that have not been tested, approved and labeled

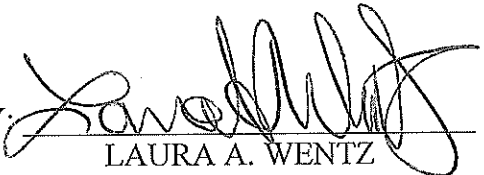
by the United States Department of Transportation, including, but not limited to, those devices commonly referred to as M-80, M-100, blockbuster, cherry bomb or quarter or half stick explosive devices, in violation of the provisions of this act commits a felony of the third degree.

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

**SECTION III: SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance and the Code of Ordinances of Upper Darby Township shall continue to be separately and fully effective.

**SECTION IV: EFFECTIVE DATE.** This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Upper Darby Township Council.


**ENACTED and ORDAINED** this 21<sup>st</sup> day of July, 2021.

BY:   
LAURA A. WENTZ  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**Approved this 21<sup>st</sup> day of July, 2021**

BY:   
BARBARANN KEFFER  
Mayor

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

**UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 33-21**

**A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY,  
PENNSYLVANIA AUTHORIZING THE APPLICATION FOR THE MULTIMODAL  
TRANSPORTATION GRANT THROUGH THE PENNSYLVANIA DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT FOR THE DEVELOPMENT OF  
THE CARDINGTON NEWTOWN TRAIL**

---

**WHEREAS**, Upper Darby Township has long recognized the importance of its unique and walkable neighborhoods; and

**WHEREAS**, in its 2018 Comprehensive Plan (“the Plan”), the Township identified the importance of increasing safe and walkable routes for pedestrians. Pursuant to the Plan, the need to reconnect its neighborhoods to the region through multimodal transportation is paramount; and

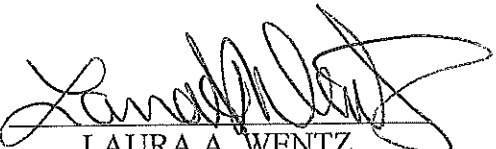
**WHEREAS**, in established built up townships like Upper Darby Township, traditional “hardware infrastructure improvements” are constrained by surrounding land uses. Roadway widening projects are often infeasible and, in many cases, may be undesirable. Widening roadways in established neighborhoods can create barriers to walkability and encourage traffic to travel at higher speeds. The need for trail systems breaks the barrier to allow safe and walkable routes for pedestrians; and

**WHEREAS**, Upper Darby Township, desires to apply for the Multimodal Transportation funding through the Pennsylvania Department of Community and Economic Development (“DCED”) for the development of the Cardington Newtown Trail; 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:

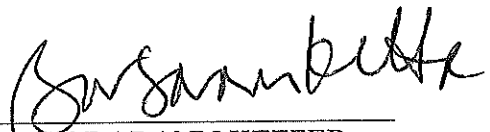
1. Upper Darby Township is hereby authorized to apply for the Multimodal Transportation Funding through the DCED.
2. Upper Darby Township is hereby authorized to utilize the funding, if received, in accordance with the Multimodal Transportation funding grant.

**ADOPTED and RESOLVED this 21<sup>st</sup> day of July, 2021**

BY:   
LAURA A. WENTZ  
President of Council

ATTEST:   
MICHELLE BILLUPS  
Secretary of Council

**Resolution No. 33-21 is hereby approved this 21<sup>st</sup> day of July, 2021**

BY:   
BARBARANN KEFFER  
Mayor

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

## Treasurer's Report to Upper Darby Township Council

Presented July 21, 2021

For Month-Ended June 30, 2021

This report summarizes the Township's financial condition as of June 30, 2021. It reviews revenues and expenses for the month, ending cash balances, with a performance comparison to June 30, 2020.

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

On June 30th, our Operating funds cash balance was \$36,455,697. Our cash position decreased \$2,504,868 from May 30th.

June revenues totaled \$5,487,148 against expenses of \$7,263,431, resulting in a \$1,776,283 deficit for the month. The timing of health insurance payments was the greatest contributor to the deficit.

June Real Property Tax collections were \$1,062,239 below the monthly forecast, but we remain \$1,563,370 ahead of forecasted year-to-date property tax collections. We expect the surplus to continue to decline each month until we collect 100% of the assessed taxes. Through June, we collected 95% of our property taxes and expected to collect \$2,788,846 through the remainder of the year.

Looking at the year-to-date finances, with the TRAN removed, the township maintains \$260,446 revenue over projected revenue combined with \$1,206,590 of spending above budget through the end of June. This yields a positive \$946,144 net cash flow.

Comparing the 2021 year-to-date results to 2020, 2021 total revenues exceed 2020 revenues by \$6,059,513 while YTD 2021 total expenses are \$4,222,672 above YTD 2020. This equates to a year-over-year comparative surplus of \$1,836,842.

Through half of the 2021, we have collected 86% of our expected total revenue for the year and expended 51% of our projected expenses.



# UPPER DARBY TOWNSHIP

## Presentation: Annual Budget Process

DAVID HAMAN, TREASURER

PRESENTED JULY 21, 2021

## PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

### Objectives of this Presentation

1. Explain the purpose of the township budget
2. Explain the annual budget process
3. Provide an estimated timeline for the 2021 budget process



# PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

## Why We Budget

### Fiscal Policy

- A budget is a spending plan
- It matches anticipated income with anticipated expenses
- A budget guides financial decision making

# PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

## Why We Budget

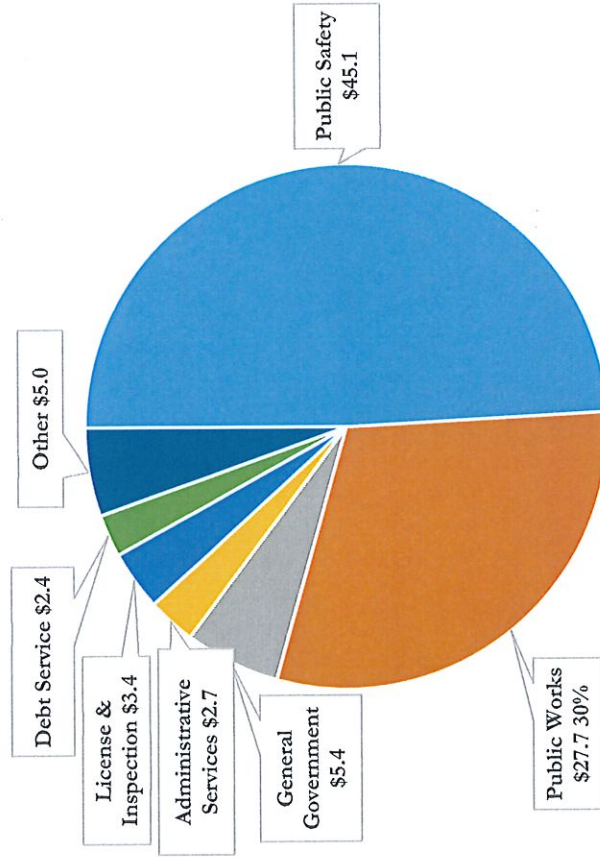
### Upper Darby Township Budgets

1. Operating Budget
  - Day-to-day financing of the government
  - Paid through collections of taxes & fees
2. Capital Budget
  - Purchases of “capital assets” – Firetrucks, Police Cars, etc.
  - Paid through issuance of bonds (debt) & grants

# 2021 PROPOSED BUDGET

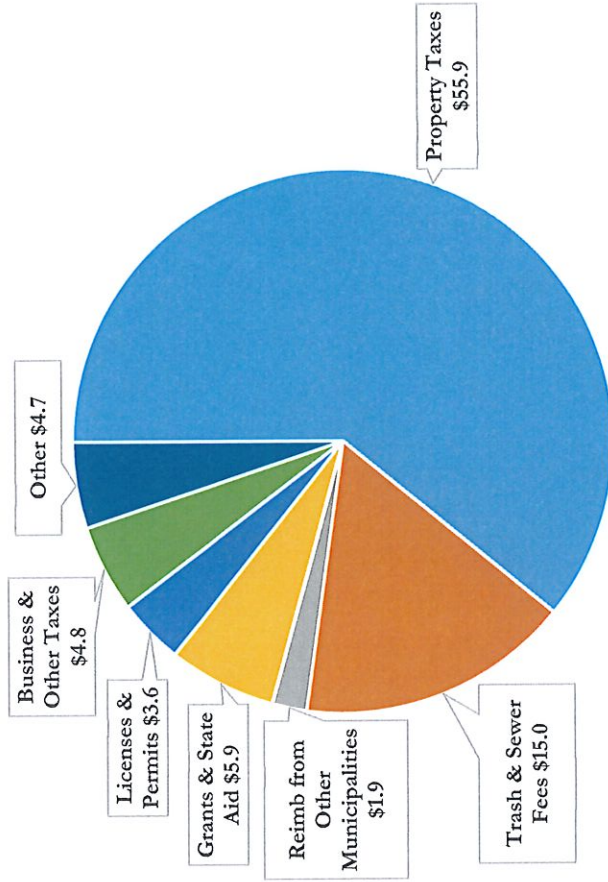
OCTOBER 14, 2020

## EXPENSES



\$91.7 million

## REVENUES



\$91.8 million

# PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

## How We Budget

### The Budgeting Process

- Administration Creates and Presents the Proposed Budget
  - Looks back at prior year(s)
  - Reflects outlook for coming year
  - Department heads provide input
  - Anticipated expense and revenue estimates reconciled
    - ❖ Property tax rates – required millage for Operating Budget
  - Administration presents proposed budget to Council

# PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

## How We Budget

### The Budgeting Process

- Council Debates and Approves the Budget
  - Finance Committee provides Council its review of the budget
  - Council presents the proposed budget to the public
    - Advertised and available for public inspection
  - Public provides comments
  - Council debates the proposed budget
  - Council may request Administration to make amendments
  - Council approves the budget by vote

# PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

## When We Budget

### 2022 Budget Timeline

- Administration commences budget process in Summer of 2021
- Administration presents proposed budget to Council in October
- Council approves 2022 budget in November
- Budget becomes effective on January 1, 2022

# PRESENTATION: UPPER DARBY TOWNSHIP BUDGET PROCESS

## When We Budget

### Council Meeting Schedule Through EOY 2021

Residents are encouraged to participate in the process!

	Committee Meeting	Council Meeting
AUGUST	4 <sup>th</sup>	18 <sup>th</sup>
SEPTEMBER	1 <sup>st</sup>	22 <sup>nd</sup>
OCTOBER	6 <sup>th</sup>	20 <sup>th</sup>
NOVEMBER	10 <sup>th</sup>	17 <sup>th</sup>
DECEMBER	1 <sup>st</sup>	8 <sup>th</sup> and 15 <sup>th</sup>

[www.upperdarby.org](http://www.upperdarby.org)

Dates Subject to Change

