

**CHAPTER 25. TOWNSHIP OF UPPER DARBY
HOME RULE CHARTER**

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Source

The provisions of this Chapter 25 adopted May 21, 1974, effective January 1, 1976, unless otherwise noted.

ARTICLE I. NAME AND BOUNDARIES

Sec.

25.1-101. Name.

25.1-102. Boundaries.

§ 25.1-101. Name.

Upper Darby Township shall continue to be a municipal corporation under the name of "Upper Darby Township". As used in this Charter, the word "Township" shall mean the Home Rule Charter Township of Upper Darby in Delaware County, Pennsylvania.

§ 25.1-102. Boundaries.

The boundaries of the Township shall be the actual boundaries of the Township on the effective date of the Charter and as may be lawfully changed thereafter.

ARTICLE II. POWERS OF THE TOWNSHIP

Sec.

25.2-201. Township Powers.

25.2-202. Construction.

25.2-203. Intergovernmental Relations.

§ 25.2-201. Township Powers.

The Township shall have and may exercise any power and function not denied by the Constitution of Pennsylvania, the General Assembly of the Commonwealth of Pennsylvania, or this Charter.

§ 25.2-202. Construction.

The powers and functions of the Township shall be liberally construed in favor of the Township. Any specific mention of powers in this Charter shall not be construed as limiting in any the general powers of the Township as stated in this Article.

Where required by the context in which words in this Charter are used, the singular shall include the plural, and the plural, the singular; words used in the masculine gender shall include the feminine and neuter; words used in the past and present tenses shall include the future.

§ 25.2-203. Intergovernmental Relations.

The Township may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the United States of America or any agency thereof and/or the Commonwealth of Pennsylvania and any political sub-division or agency thereof.

ARTICLE III. TOWNSHIP COUNCIL

Sec.

- 25.3-301. Name.
- 25.3-302. Powers of Council.
- 25.3-303. Composition.
- 25.3-304. Qualifications for Members of Council.
- 25.3-305. Terms for Members of Council.
- 25.3-306. Prohibitions.
- 25.3-307. Vacancies: Forfeiture of Office; Filling of Vacancies.
- 25.3-308. Judge of Qualifications.
- 25.3-309. Compensation of Council Members.
- 25.3-310. Organization of Township Council.
- 25.3-311. Procedures.
- 25.3-312. Records and reports.
- 25.3-313. Council Districts.
- 25.3-314. Investigations.
- 25.3-315. Independent Audit.

Cross References

This article cited in 323 Pa. Code § 25.11-1103 (relating to transition to an eleven (11) member council election schedule and transition period).

§ 25.3-301. Name.

The legislative branch of the government of Upper Darby Township shall consist of an elective governing body which shall be known as the “Upper Darby Township Council”. As used in this Charter, the word “Council” shall apply to the legislative body of Upper Darby.

§ 25.3-302. Powers of Council.

A. All legislative powers of the Township shall be exclusively vested in and exercised by the Council except as otherwise provided by law or by this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Township by law.

B. Council shall have the powers to make and adopt ordinances and resolutions consistent with the Constitution and laws of this Commonwealth and with this Charter, and to prescribe fines and penalties for the violation thereof.

§ 25.3-303. Composition.

Except as provided in Article XI, Council shall be composed of eleven (11) members. Seven (7) members shall be elected from districts. Four (4) members shall be elected at-large. District Council members shall be nominated and elected by the qualified voters of their respective districts; Council members-at-large shall be nominated and elected by the qualified voters of the Township-at-large.

§ 25.3-304. Qualifications for Members of Council.

Council members shall be citizens of the United States and qualified electors of their district, or of the Township if they are Council members-at-large. District Council members shall have been residents of their respective districts for at least one (1) year preceding the date on which they shall assume office and shall remain residents of their districts throughout their term of office. Council members-at-large shall have been residents of the Township for at least one (1) year preceding the date on which they shall assume office and shall remain residents of the Township throughout their term of office.

§ 25.3-305. Terms for Members of Council.

A. Except as provided in Article XI, Council members shall be elected to serve staggered four (4) year terms. Three (3) district Council members and two (2) Council members-at-large shall be elected at the same municipal election at which the Mayor is elected. The remaining Council members (including four (4) from districts and two (2) at-large) shall be elected at the next municipal election. Election of Council members shall continue to alternate in this manner.

B. Members appointed to fill a vacancy shall serve until the expiration of the original Council member’s term.

Cross References

This section cited in 323 Pa. Code § 25.11-1103 (relating to transition to an eleven (11) member council section schedule and transition period).

§ 25.3-306. Prohibitions.

A. No Council member, during his term, shall hold any other compensated position in the government of Upper Darby Township.

B. Council shall in all matters act as a body, and it is contrary to the spirit of this Charter for any member of Council to publicly or privately interfere with the administration of the Township.

§ 25.3-307. Vacancies: Forfeiture of Office; Filling of Vacancies.

A. *Vacancies.* The office of a Council member shall become vacant upon death, resignation, removal from office in any manner authorized by this Charter or by law, or forfeiture of office. The office of a Council member who is President of Council shall not become vacant during the time such Council member assumes the office of Mayor pursuant to § 25.4-405, until and unless such Council member notifies Council that he intends to serve out the unexpired term of the Mayor or the expiration of the time limit set forth in § 25.4-405D (relating to notification if the President of Council decides not to serve).

B. *Forfeiture of Office.* A Council member shall forfeit his office if he:

1. Lacks at any time during his term of office any qualifications for the office prescribed by this Charter or by law;
2. Willfully violates any express, substantive prohibition of this Charter;
3. Is convicted of a crime involving moral turpitude; or
4. Fails to attend more than four (4) consecutive Council meetings without being excused by the President of Council.

C. *Filling of Vacancies.* A vacancy in Council shall be filled by the remaining members of Council who shall by a majority vote of all its remaining members appoint a qualified person for the remainder of the unexpired term. If Council shall refuse, fail or neglect, or be unable for any reason whatsoever to fill a vacancy within forty-five (45) days after the vacancy occurs, whether declared by Council or not, then the Court of Common Pleas shall, upon petition of Council, of any individual member of Council, or of twenty-five (25) qualified electors of the Township, fill the vacancy in such office by the appointment of a qualified elector of the Township. Any person appointed to fill a vacancy shall possess all the qualifications of members of Council as set forth in this Charter.

Source

The provisions of this § 25.3-307 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106804) and (106805).

§ 25.3-308. Judge of Qualifications.

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the Township at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

§ 25.3-309. Compensation of Council Members.

A. Each Council member shall receive an annual salary of five thousand dollars (\$5,000.) or such other sum as the Council may from time to time ordain; provided, however, that no ordinance increasing such salary shall become effective until the date of commencement of the terms of Council members elected at the next municipal election and provided that such election follows the adoption of such ordinance by at least six (6) months and that said salary increase shall not exceed a rate of five per cent (5%) compounded per annum for each year since the last salary was adopted.

B. In addition to the compensation provided to Council members pursuant to § 25.3-309A Council members shall be entitled to receive the same health care insurance, life insurance and pension benefits as are made available from time to time to the Chief Administrative Officer pursuant to § 25.5-503.

C. Except as provided in §§ 25.3-309A and 25.3-309B, Council members shall not receive from the Township other compensation, direct or indirect, except for reimbursement of actual out-of-pocket expenses incurred in the performance of their duties. Such reimbursement shall be pursuant to procedures established by resolution of Council.

Source

The provisions of this § 25.3-309 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106805).

§ 25.3-310. Organization of Township Council.

A. The Township Council shall organize at 7:30 p.m. on the first (1st) Monday of January of each year following the municipal election by electing one of their number as President and one of their number as Vice President. If the first Monday is a legal holiday, the meeting shall be held the first day following.

B. The President of Council, or in his absence, the Vice President, shall preside at Council meetings. In the absence of both the President and Vice President, the members of Council shall elect, by majority vote of the members comprising the quorum then present, a chairman pro tem, who shall hold office during that meeting of Council, unless such office shall be terminated by the entrance of the

President or Vice President. The President and Vice President shall on all questions have and may exercise the vote to which each is entitled as a Council member.

C. The Council may organize in any manner it deems useful to the exercise of its responsibilities and powers provided that such organization is not inconsistent with this Charter or law.

Source

The provisions of this § 25.3-310 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106806).

§ 25.3-311. Procedures.

A. *Meetings.* Council shall meet regularly at least twice in each month at such times and places as Council may prescribe by rule. Meetings shall be held with such notice as prescribed in the Pennsylvania Sunshine Act or successor statute.

B. *Public Meetings.*

1. Public meetings shall be held regularly at least once in each month at such times and places as Council may prescribe by rule.

2. Up to the first one-half (1/2) hour of all public meetings shall be devoted to a public forum where concerned persons may address the Council. Persons who wish to address the Council at such public forum shall be given the opportunity to sign their names to a sign-in sheet which Council shall make available immediately preceding its public meeting. Persons who wish to address the Council shall be recognized in the order in which they have signed their names to the sign-in sheet. Council may, by majority vote, extend the time of the public forum.

3. At all public meetings, Council may recess for the purpose of discussing an executive session limited to its own membership any matter which may be discussed at an executive session held in compliance with the provisions of the Sunshine Act or successor statute.

C. *Special And Emergency Meetings.*

1. Special meetings shall be held on the call of the Mayor and/or the President of Council and/or a majority of the members of Council. Whenever practicable, Council members shall receive notification of special meetings at least twenty-four (24) hours in advance. Public notice of each special meeting shall be given of the place, date and time such meeting is to be convened in accordance with the Sunshine Act, as amended from time to time.

2. Emergency meetings may be held without public notice on the call of the Mayor and/or the President of Council, and/or a majority of members of Council for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

D. *Quorum.* Council shall conduct no business except in the presence of a quorum which shall be constituted by a majority of the members of Council then in office.

E. *Rules of Procedure.* Council shall, by ordinance, adopt rules of procedure for its meetings which shall be designed to assure orderly procedure and full and equal participation in the deliberations of Council by all its members.

F. *Official Actions.* Official actions by Council shall be taken only at a public meeting by the adoption of an ordinance, a resolution, or a motion.

1. Voting on ordinances shall be by roll call vote. Voting on resolutions and motions shall be by roll call vote only at the request of any Council member. The vote of each Council member who actually votes on any official action must be publicly cast and, in the case of roll call votes, recorded.

2. Except as provided in subsection 3, the approval of a simple majority of those present and entitled to vote shall be required to adopt ordinances, resolutions and motions. If a tie vote occurs, the Mayor shall cast a vote to break such tie.

3. The affirmative vote of six (6) Council members shall be necessary to approve ordinances proposing amendments to this Charter and ordinances amending the Township's Administrative Code adopted pursuant to this Charter.

G. The Mayor shall have the right to be present at and to participate in all meetings of Council. He shall not have the right to vote except as otherwise herein provided. The Chief Administrative Officer shall have the right to be present at all meetings of Council.

H. *Journal.* Council shall provide for the keeping of a journal of its proceedings, which shall include, but need not be limited to, written minutes and other records required to be maintained by the Township pursuant to the Sunshine Act or successor statute. This journal shall be a public record.

I. *Electronic Recordings.* Council shall provide for electronic recordings of all public meetings. These recordings shall be preserved for a period of at least two (2) years, open to the public for inspection during reasonable hours, and kept at the office of the Township.

J. *Agendas.* The agendas of public meetings shall be made available to the public by noon of the day preceding the public meeting.

Source

The provisions of this § 25.3-311 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106806) and (106807).

§ 25.3-312. Records and reports.

The written record of the minutes and proceedings of the Council, all ordinances and resolutions as approved, and all reports received by Council shall be open and available for public inspection during reasonable hours at the Town-

ship's office, except, however, that reports which may tend to defame or prejudice the character or reputation of any person may be excluded by Council from public inspection. The provisions of this Section do not apply to records and reports relating to matters which may be discussed at an executive session of the Council. No citizen of the Township or other interested person shall be denied reasonable access to public records of the Township. Copies of minutes, ordinances, resolutions and other official reports and actions of the Council shall be available to the public without charge or at a reasonable fee established from time to time by the Council by resolution.

Source

The provisions of this § 25.3-312 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106807).

§ 25.3-313. Council Districts.

A. Councilmanic districts shall be formed of compact, contiguous territory with boundary lines following the center line of streets or natural or man-made barriers or dividing lines which shall contain as nearly as possible the same number of residents as determined by the 1970 official census with no more than a ten percent (10%) variance from the mean in any such district.

B. At least once in each decade in conjunction with the census of the Federal Government, Council shall review Council districts to see that they meet the criteria set forth in this Charter and in law. If districts do not meet these criteria, Council shall adopt, by ordinance, new boundary lines for Council districts.

§ 25.3-314. Investigations.

The Council may, by majority vote, make investigations into the affairs of the Township and the conduct of any Township department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

§ 25.3-315. Independent Audit.

The Council shall provide for an independent annual audit of all Township accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Township government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year.

ARTICLE IV. THE MAYOR

Sec.

25.4-401. Qualifications and Term of Office.

25.4-402. Prohibitions.

25.4-403. Powers and Responsibilities of the Mayor.

25.4-404. Veto Powers of the Mayor.

25.4-405. Vacancy in the Office of Mayor.

25.4-406. Compensation of Mayor.

§ 25.4-401. Qualifications and Term of Office.

The executive power of the government of the Township of Upper Darby shall be vested in a Mayor, who shall be a qualified elector of the Township and shall have resided in the Township for a period of at least one (1) year preceding the date on which he will assume office. The Mayor shall be nominated and elected by qualified electors of the Township-at-large, in accordance with the laws of the Commonwealth of Pennsylvania, to serve for a term of four (4) years in the manner hereinafter provided. The Mayor shall continue to reside within the Township during his term of office. No person shall be elected to the office of Mayor for more than three (3) successive terms.

Cross References

This section cited in 323 Pa. Code § 25.11-1103 (relating to transition to an eleven (11) member council election schedule and transition period).

§ 25.4-402. Prohibitions.

The Mayor shall not hold any other compensated position in the government of the Township of Upper Darby.

§ 25.4-403. Powers and Responsibilities of the Mayor.

The Mayor, in addition to any other powers and responsibilities provided in this Charter, shall:

A. Supervise and control, either directly or through subordinate employees, all the administrative departments and divisions of the Township.

B. Execute and enforce all laws, ordinances, and resolutions and see that they are faithfully obeyed.

C. Appoint, with the approval of six (6) members of Council, a Chief Administrative Officer.

D. Have the right to be present at and to participate in all Council meetings and to recommend to Council such ordinances and resolutions as he deems necessary and desirable, provided, however, that he may not vote in Council meetings except in the case of a tie, as otherwise provided herein.

E. Submit to the Council an annual report describing the state of affairs of the Township.

F. Prepare and submit to the Council the annual budget and capital program of the Township.

G. Report to the public, at least once a year, on the state of affairs of the Township.

H. Execute, or cause to be executed on the Township's behalf, all deeds, contracts, and other instruments to which the Township is a party.

I. Have the power to approve or veto legislation as set forth in § 25.4-404 of this Article.

J. Appoint, with the approval of six (6) members of Council, all members of authorities, boards, and commissions except as otherwise provided in law.

K. Have the power to appoint and to dissolve from time to time voluntary committees of citizens to assist and advise him on issues and matters pertaining to his office.

L. Represent the Township in deliberations with other governmental bodies and shall have the authority to negotiate inter-governmental cooperative agreements which shall be subject to the final ratification of Council.

1. The Mayor may appoint an appropriate delegate to perform the functions listed within this paragraph.

M. Have all necessary and incidental powers to perform and exercise any of the duties and functions of his office as set forth in this Charter or lawfully delegated to him.

§ 25.4-404. Veto Powers of the Mayor.

Every ordinance and resolution passed by Council shall be sent to and received by the Mayor within three (3) days from its adoption. The Mayor may approve such legislation by signing it within a period of ten (10) days after its passage by Council. The Mayor may disapprove (veto) such legislation by not signing it; but in such cases, he shall return it to Council within ten (10) days after its adoption with a written statement of his objections. If the Mayor shall neither sign nor veto such legislation within the above specified time period, then it shall take effect in the same manner as if he had signed it on the last day of said ten (10) day period. Following the veto by the Mayor, Council may reconsider the legislation; and it shall take effect if it is approved by seven (7) members of Council notwithstanding the veto of the Mayor.

Cross References

This section cited in 323 Pa. Code § 25.4-403 (relating to powers and responsibilities of the mayor).

§ 25.4-405. Vacancy in the Office of Mayor.

A. *Temporary Absence.* During any period when the Mayor shall be absent, temporarily incapacitated, or unable for any cause to perform his duties, these

duties shall be assumed by the President of Council, who shall become acting Mayor, and in the absence of the President of Council, by whomever Council shall appoint.

B. *Vacancy.* The office of Mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by this Charter or by law, or forfeiture of his office.

C. *Forfeiture of Office.* The Mayor shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office as prescribed by this Charter or by law;
2. Willfully violates any express, substantive prohibition of this Charter;
3. Is convicted of a crime involving moral turpitude.

D. *Filling of Vacancy.* If the office of Mayor shall become vacant, the President of Council shall become Mayor and shall serve out the unexpired term of the Mayor. If the President of Council should be unable or unwilling to serve as Mayor, and so informs the Council in writing within forty-five days of the occurrence of the vacancy in the office of Mayor, the Council shall choose, by majority vote of the members then serving (including the vote of the President of Council then serving as Mayor), another of its members to serve out the unexpired term of the Mayor and the President of Council then serving as Mayor shall resume his office as a member and as President of Council. If the President of Council does not so inform the Council within such forty-five day period, the President of Council shall remain as Mayor until the earlier of the end of the unexpired term of the Mayor, his death, resignation, removal from office in any manner authorized by this Charter or by law, or forfeiture of office. Except as provided with respect to the forty-five (45) day notice period provided above, if the President or other member of Council becomes Mayor for longer than the foregoing forty-five (45) day period, his office as Council member shall become vacant.

Source

The provisions of this § 25.4-405 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106810) and (106811).

Cross References

This section cited in 323 Pa. Code § 25.3-307 (relating to vacancies: forfeiture of office; filling of vacancies).

§ 25.4-406. Compensation of Mayor.

A. The Mayor's salary shall be ten thousand dollars (\$10,000.) per annum. Such salary shall be increased by Council only when the salaries of Council members are increased. In this case, the Mayor's salary shall automatically increase by the same percentage by which Council members' salaries have been increased. Salary increases for the Mayor shall become effective on the same date as those of Council members.

B. In addition to the salary provided to the Mayor pursuant to § 25.4-406A, the Mayor shall be entitled to receive the same health care insurance, life insurance and pension benefits as are made available from time to time to the Chief Administrative Officer pursuant to § 25.5-503.

C. Except as provided in § 25.4-406A and 25.4-406B, the Mayor shall not receive from the Township other compensation, direct or indirect, except for reimbursement of actual out-of-pocket expenses incurred in the performance of his duties. Such reimbursement shall be pursuant to procedures established by resolution of Council.

Source

The provisions of this § 25.4-406 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106811).

ARTICLE V. CHIEF ADMINISTRATIVE OFFICER

Sec.

25.5-501. Appointment and Dismissal.

25.5-502. Qualifications.

25.5-503. Compensation.

25.5-504. Powers and Duties of the Chief Administrative Officer.

§ 25.5-501. Appointment and Dismissal.

A. *Appointment.* The Chief Administrative Officer shall be appointed by the Mayor with the approval of six (6) members of Council. If Council fails to confirm or reject such appointment within thirty (30) days after it is submitted to Council, such appointment shall become final.

B. *Dismissal.* The Mayor shall have the authority to discharge the Chief Administrative Officer subject to the approval of a majority of Council members then in office.

C. *Forfeiture of Office.* The Chief Administrative Officer shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office as prescribed by this Charter or by law;
2. Willfully violates any express, substantive prohibition of this Charter;
3. Is convicted of a crime involving moral turpitude.

Source

The provisions of this § 25.5-501 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106811).

§ 25.5-502. Qualifications.

The Chief Administrative Officer shall be appointed solely on the basis of executive and administrative qualifications, with a background so as to prepare the appointee to assume the responsibility for administering Township operations.

§ 25.5-503. Compensation.

Compensation for the Chief Administrative Officer shall be determined by Council.

Cross References

This section cited in 323 Pa. Code § 25.3-309 (relating to compensation of council members); and 323 Pa. Code § 25.4-406 (relating to compensation of mayor).

§ 25.5-504. Powers and Duties of the Chief Administrative Officer.

A. Under the direction of the Mayor, the Chief Administrative Officer shall have primary authority for the following activities:

1. Maintain the accounting system and accounting records;
2. Maintain budgetary records and assure that all expenditures are in accordance with the budget;
3. Purchase supplies and equipment;
4. Maintain personnel files and records and maintain a description of all jobs and paycales.

B. The Chief Administrative Officer shall serve as deputy to the Mayor and shall supervise and direct such departments, agencies, and activities (in addition to those enumerated in subsection (A)(1) above) as shall be delegated to him by the Mayor.

C. The Chief Administrative Officer (or another official designated by the Administrative Code, under the direction of the Chief Administrative Officer) shall take charge of all Township moneys from all sources and promptly deposit the same in a bank, banking institution, or trust company in the name of the Township, and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the Mayor, members of Council, and Auditors appointed by Council.

D. The Chief Administrative Officer (or another official as designated by the Administrative Code, under the direction of the Chief Administrative Officer) shall be tax collector and shall collect all taxes levied by the Township. The Chief Administrative Officer shall not collect taxes on behalf of any agency, other than the Township, which has the authority to impose taxes. The Chief Administrative Officer shall, in addition to the powers and duties enumerated herein, have all the powers and perform all the duties, and be subject to all the obligations and responsibilities as are now, by law, vested in, conferred upon, or imposed upon a collector of taxes levied by the Township.

Source

The provisions of this § 25.5-504 amended April 26, 1988, effective January 1, 1990. Immediately preceding text appears at serial page (106812).

ARTICLE VI. TOWNSHIP TREASURER

Sec.

- 25.6-601. Qualifications and Term of Office.
- 25.6-602. Powers and Duties of the Treasurer.
- 25.6-603. Vacancy.
- 25.6-604. Compensation.
- 25.6-605. Forfeiture of Office.

§ 25.6-601. Qualifications and Term of Office.

The Township Treasurer shall be nominated and elected by qualified electors of the Township-at-large. He shall serve for a four (4) year term commencing in January, 1977. The Treasurer shall be a resident of the Township and shall continue to reside within the Township during his term of office.

§ 25.6-602. Powers and Duties of the Treasurer.

The Treasurer shall disburse Township moneys in accordance with procedures established by Council in the Administrative Code. No such order shall be paid unless there is a sufficient appropriation.

Source

The provisions of this § 25.6-602 amended April 26, 1988, effective January 1, 1990. Immediately preceding text appears at serial page (106813).

§ 25.6-603. Vacancy.

Vacancies in the office of Treasurer shall be filled by Council for the remainder of the unexpired term.

§ 25.6-604. Compensation.

Council, by resolution, shall determine the salary and benefits, if any, of the Treasurer.

Source

The provisions of this § 25.6-604 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial page (106813).

§ 25.6-605. Forfeiture of Office.

The Treasurer shall forfeit his office if he:

1. Lacks at any time during his term of office any qualification for the office as prescribed by this Charter or by law;
2. Willfully violates any express, substantive prohibition of this Charter;
3. Is convicted of a crime involving moral turpitude;
4. Directly or indirectly collects taxes for any agency other than the Township which has the authority to impose taxes.

Source

The provisions of this § 25.6-605 adopted April 26, 1988, effective April 26, 1988.

ARTICLE VII. ORDINANCES

Sec.

- 25.7-701. Actions Requiring an Ordinance.
- 25.7-702. Ordinances in General.
- 25.7-703. Emergency Ordinances.
- 25.7-704. Codes of Technical Regulations.
- 25.7-705. Authentication and Recording; Codification; Printing.

§ 25.7-701. Actions Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Township Council shall be done by ordinance which:

1. Adopt or amend the administrative code;
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed; provided, however, that actions establishing traffic regulations shall not require an ordinance although a fine or penalty may be provided therein;
3. Levy taxes and appropriate funds for operating and capital expenditures. Increases in the Real Property Tax rate are limited to a maximum of three (3) mills or five per cent (5%) of the prior year's budget per annum unless approved through the action of public referendum.
4. Grant, renew, or extend a franchise;
5. Authorize the borrowing of money, except loans in anticipation of taxes;
6. Authorize the purchase or conveyance of fee simple title to real property; provided that the leasing of real property and the acquisition or conveyance of rights of way shall not require the enactment of an ordinance, but that such actions shall be approved by Council by resolution;
7. Amend or repeal any ordinance previously adopted;
8. Establish, alter, or amend any zoning ordinance, sub-division procedure, land development and land use regulations;
9. Create a Charter commission or proposals for Charter amendments;
10. Any power and function which the Township may exercise that does not require an ordinance under this section may be enacted by resolution upon approval of a majority of Council.

Source

The provisions of this § 25.7-701 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106813) and (106814).

§ 25.7-702. Ordinances in General.

A. *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. The enacting clause shall be "Upper Darby Township hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.

B. *Procedure.* A proposed ordinance may be introduced by any member of Council at any public meeting. Upon introduction of any proposed ordinance, a copy shall be distributed to each member of Council, to the Mayor, and to the Chief Administrative Officer; and a reasonable number of copies shall be filed in such other public places as Council may from time to time designate. Council shall provide for the publication of the proposed ordinance or a summary thereof, together with a notice setting out the time and place for a public hearing thereon. The public hearing shall follow the publication by at least seven (7) days and may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard at the public forum preceding the public meeting. After the hearing, the Council may adopt the ordinance, with or without amendment, or reject it; but if it is amended, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. When an ordinance is passed by Council, it shall be sent within three (3) days to the Mayor for his approval or disapproval with a statement of the action Council has taken thereon. If said ordinance is vetoed by the Mayor, it may be reconsidered by Council at the next public meeting and shall take effect if approved by at least seven (7) members of Council.

C. *Effective Date.* Except as otherwise provided in this Charter,

1. Ordinances passed by Council and approved by the Mayor shall become effective immediately after the Mayor has signed such ordinance or at any later date specified therein;

2. Ordinances passed by Council but neither approved nor vetoed by the Mayor shall become effective fifteen (15) days after the last day on which the Mayor can approve or veto such ordinance or at any later date specified therein;

3. Ordinances passed by Council notwithstanding the Mayor's veto shall become effective fifteen (15) days after Council's adoption of such ordinance or at any later date specified therein.

D. *"Publish" Defined.* As used in this section, the term "publish" means to print at least one (1) time in one or more newspapers of general circulation in the

Township: (1) the ordinance or a summary thereof, and (2) the places where copies of the ordinance have been filed and the times when they are available for public inspection.

Source

The provisions of this § 25.7-702 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106814) and (106815).

Cross References

This section cited in 323 Pa. Code § 25.7-704 (relating to codes of technical regulations).

§ 25.7-703. Emergency Ordinances.

To meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one (1) or more emergency ordinances; but such ordinances may not levy taxes; grant, renew, or extend a franchise; or authorize the borrowing of money except as otherwise provided by this Charter or by law. A proposed emergency ordinance shall be introduced in the form prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced and shall become effective with or without the approval of the Mayor, but the affirmative vote of at least seven (7) Council members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but this shall not prevent the re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

§ 25.7-704. Codes of Technical Regulations.

The Council may adopt any code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

1. The requirement of § 25.7-702 of this Article for distribution and filing of copies of the ordinance shall not be construed to include copies of the code of technical regulations. Such code of technical regulations shall be on file in the office of the Township for inspection by any interested person.
2. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded.

§ 25.7-705. Authentication and Recording; Codification; Printing.

A. *Authentication and Recording.* Ordinances and resolutions shall be authenticated by the Mayor and attested by the Chief Administrative Officer and recorded in full in properly indexed books.

B. *Codification.* Within three (3) years after adoption of this Charter and at least every ten (10) years thereafter, the Council shall provide for the preparation of a general codification of all Township ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the Council by ordinance and shall be published promptly, together with this Charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Pennsylvania, and such codes of technical regulations as the Council may specify. This compilation shall be known and officially cited as the Upper Darby Township Code. Copies of the code shall be furnished to Township officers, placed in libraries and public offices for public reference, and made available for purchase by the public at a reasonable price.

C. *Printing.* Council shall make such arrangements as it deems desirable with respect to the printing and distribution of ordinances, resolutions, and Charter amendments.

ARTICLE VIII. ADMINISTRATIVE STRUCTURE

Sec.

25.8-801. General Provisions.

25.8-802. Administrative Code.

25.8-803. Personnel.

§ 25.8-801. General Provisions.

Council may establish departments, offices, or agencies deemed necessary for the conduct of Township affairs and may prescribe their functions provided that these are not inconsistent with this Charter or with law.

§ 25.8-802. Administrative Code.

Council shall within one (1) year's time adopt, by ordinance, an administrative code defining the administrative structure of the Township. This administrative code shall describe all Township departments, offices, agencies, boards, and commissions which Council has established and their functions and shall also provide for a code of ethics which shall include a conflict of interest clause. The administrative code may authorize the Chief Administrative Officer to promulgate regulations dealing with the internal organization of departments. The administrative code and any regulations promulgated pursuant thereto shall be consistent with this Charter.

§ 25.8-803. Personnel.

A. *Appointment of Heads of Departments, Offices, and Agencies.* The head of each department, office, and agency shall be appointed by the Mayor with the approval of six (6) members of Council. Such officer shall serve under the supervision and control of the Mayor and shall be discharged by the Mayor with the approval of Council.

B. *Appointment of Subordinates.* Each department head may appoint, suspend, or remove subordinate Township employees, provided that such decisions have received the final approval of the Mayor and that the Mayor has received a written recommendation from the Chief Administrative Officer.

C. *Merit Principle.* All appointments and promotions of Township officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence, regardless of sex, race, religion, or national origin.

D. *Personnel Director.* The Chief Administrative Officer may appoint a personnel director to prepare and administer personnel rules and procedures.

E. *Personnel Rules.* Within one (1) year's time, the Mayor shall cause to be prepared a list of personnel rules which shall be submitted to the Council for adoption by ordinance, with or without amendment, as a part of the administrative code. These rules shall provide for:

1. The classification of all Township positions, based on the duties, authority, and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
2. A pay plan for all Township positions;
3. Methods for determining the merit and fitness of candidates for appointment or promotion;
4. The policies and procedures regulating reduction in force and removal of employees;
5. The hours of work, attendance regulations, and provisions for sick and vacation leave;
6. The policies and procedures governing persons holding provisional appointments;
7. The policies and procedures governing relationships with employee organizations;
8. Policies regarding in-service training programs;
9. Grievance procedures, including procedures for the hearing of grievances;
10. Other practices and procedures necessary to the administration of the Township personnel system, including a mandatory retirement age for Township personnel.

F. *Legal Officer.* There shall be a legal officer of the Township, appointed by the Mayor with the approval of six (6) members of Council, who shall serve as

chief legal advisor to the Council, the Mayor, the Chief Administrative Officer, and all Township departments, offices, and agencies and shall represent the Township in all legal proceedings and shall perform any other duties prescribed by this Charter or by law. Any elected or appointed Township official or employee, department or agency requesting and receiving legal advice in writing from the legal officer regarding the official functions of such official, employee, department or agency, shall be bound to follow such advice and, when followed, the recipient shall not in any way be liable for so doing. Salary, benefits and other compensation for the legal officer shall be determined by Council.

Source

The provisions of this § 25.8-803 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106818) and (106819).

ARTICLE IX. FINANCIAL PROCEDURES

Sec.

- 25.9-901. Fiscal year.
- 25.9-902. Submission of Budget and Budget Message.
- 25.9-903. Budget Message.
- 25.9-904. Budget.
- 25.9-905. Capital Program.
- 25.9-906. Council Action on Budget.
- 25.9-907. Council Action on Capital Program.
- 25.9-908. Public Records.
- 25.9-909. Amendments after Adoption.
- 25.9-910. Lapse of Appropriations.
- 25.9-911. Administration of Budget.

§ 25.9-901. Fiscal Year.

The fiscal year of the Township shall begin on the first (1st) day of January and end on the last day of December or at such other time as Council may ordain.

§ 25.9-902. Submission of Budget and Budget Message.

The Mayor shall submit to Council a budget for the ensuing fiscal year and a budget message. Submission of these items shall take place at least sixty (60) days prior to the start of this fiscal year or at such earlier time as Council shall establish in the Administrative Code.

§ 25.9-903. Budget Message.

The Mayor's message shall explain the budget both in fiscal terms and in the terms of work programs. It shall outline proposed financial policies of the Township for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expendi-

tures, and revenues together with the reasons for such changes, summarize the Township's debt position and include such other material as the Mayor deems desirable.

§ 25.9-904. Budget.

The budget shall provide a complete financial plan of all Township funds and activities for the ensuing fiscal year and, except as required by law or by this Charter, shall be in such form as the Mayor deems desirable or as the Council may require. In organizing the budget, the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents, shall show in detail all estimated income, indicating the proposed real property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year and actual income and expenditures of the preceding year. It shall indicate in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs, and the method of financing such expenditures;
2. Proposed capital expenditures during the ensuing fiscal year detailed by offices, departments, and agencies when practicable and the proposed method of financing each such capital expenditure; and
3. Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the Township and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

§ 25.9-905. Capital Program.

A. *Submission to Council.* The Mayor shall prepare annually and submit to the Council a five-year (5) capital program at such time as Council shall establish in the Administrative Code, but at no time shall the capital program be submitted later than thirty (30) days prior to the time the budget is submitted.

B. *Contents.* The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

§ 25.9-906. Council Action on Budget.

A. *Notice and Hearing.* The Council shall publish in one or more newspapers of general circulation in the Township the general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public; and
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

B. *Amendment before Adoption.* After the public hearing, the council may adopt the budget by resolution with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

C. *Adoption, Appropriation, Tax Levy.* On or before the last day of the fiscal year currently ending, the Council shall:

1. Adopt the budget by resolution;
2. Pass an appropriation ordinance; and
3. Pass an ordinance levying taxes.

If council fails to take these actions by this date, then the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Appropriations shall be made in lump sum to departments and agencies in the following categories: personal services; material, supplies, and equipment; debt service. Council may adopt a program budget, in which case appropriations will be made to programs.

D. *Real Property Tax Levy Limitation.* Real Property Tax rate increases are limited to a maximum of three (3) mills or five percent (5%) of the prior year's budget per annum unless approved through the action of public referendum; however, in addition to the foregoing, an annual tax sufficient to pay interest and principal on any indebtedness incurred pursuant to the Local Government Unit Debt Act, or any prior or subsequent act governing the incurrence of indebtedness of the Township, is permitted.

Source

The provisions of this § 25.9-906 amended April 26, 1988, effective April 26, 1988. Immediately preceding text appears at serial pages (106821) and (106822).

§ 25.9-907. Council Action on Capital Program.

A. *Notice and Hearing.* The Council shall publish in one or more newspapers of general circulation in the Township the general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public; and
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.

B. *Adoption.* The Council by resolution shall adopt the capital program, with or without amendment, after the public hearing and within such time as Council has established.

§ 25.9-908. Public Records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the Township.

§ 25.9-909. Amendments after Adoption.

A. *Supplemental Appropriations.* If during the fiscal year the Chief Administrative Officer certifies that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. *Emergency Appropriations.* To meet a public emergency affecting life, health, property, or the public peace, Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the Chief Administrative Officer that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council, through the Mayor, without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit; and for that purpose, it may by ordinance reduce one or more appropriations.

D. *Transfer of Appropriations.* At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance programs within a department, office, or agency and, upon written request by the Mayor,

the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

E. *Limitations; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

§ 25.9-910. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

§ 25.9-911. Administration of Budget.

No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made and unless the Chief Administrative Officer or his designee first certifies that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due or payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he shall also be liable to the Township for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

ARTICLE X. RECALL

- Sec.
25.10-1001. General.
25.10-1002. Recall Procedure.
25.10-1003. Notice to Incumbent.
25.10-1004. Recall Elections.
25.10-1005. Disqualification for Office.
25.10-1006. Limitations.

§ 25.10-1001. General.

Any person holding an elective office of the Township government, whether by election, succession, or appointment to fill a vacancy, shall be subject to removal from office at a recall election in the manner provided in this Charter.

§ 25.10-1002. Recall Procedure.

A recall of an incumbent of an elective office shall be initiated upon petition signed by thirty per cent (30%) of the registered electors of the Township-at-large, or of the district if the incumbent is a district Council member. Every recall petition shall name the office and officer against whom it is directed.

Each elector signing a recall petition shall add to his signature his occupation, residence, election district, and the date of signing. Signatures on a recall petition may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are registered electors of the Municipality, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered for filing to the County Board of Elections. No signature shall be counted as valid which is dated more than sixty (60) days prior to the date the petition is tendered for filing. Upon tender to the Board of Elections, the petition shall be available for examination by any interested person. Within fifteen (15) days after the tender of the petition, the Board of Elections shall have the authority to pass upon the validity of the petition and upon the validity and number of signatures required thereon. The decision of the Board of Elections shall be subject to immediate review on appeal to the Court of Common Pleas.

§ 25.10-1003. Notice to Incumbent.

As soon as the County Board of Elections has received a recall petition for filing and determined its validity and sufficiency, the chairperson of the Board shall notify the incumbent named in the petition that the petition has been filed. Upon receipt of such notice, the incumbent may resign from his office and thereupon the recall proceedings shall terminate.

§ 25.10-1004. Recall Elections.

If the incumbent against whom a recall petition is directed does not resign from his office within ten (10) days after notice of the filing of such petition shall have been given to him, the County Board of Elections shall arrange a recall election. If a regular or special election is to be held not less than thirty (30) days nor more than ninety (90) days after the ten (10) days have expired, the recall question shall be placed before the electors at such an election. Otherwise, a special recall election shall be fixed by such Board for a date not earlier than thirty (30) days

nor later than ninety (90) days after the ten (10) days have expired. The incumbent against whom a recall petition is directed may resign any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each elector in a recall election:

“Shall (name of officer) be recalled and removed from the office of (name of office)?”

The above question shall appear as to every officer whose recall is to be voted upon and provision shall be made for the elector to vote “Yes” or “No” to the question.

If a majority of the registered electors who vote on the question at a recall election shall vote “Yes”, the incumbent shall be deemed recalled and removed from office; but if a majority of such registered electors shall vote “No”, he shall remain in office.

Should the result of such election be affirmative, the date of the removal and vacancy in the office shall be seven (7) days subsequent to the date when the results of election are certified by the County Board of Elections, unless such date is further postponed by order of the court.

District Council members shall be subject to recall only by registered electors of their respective district.

§ 25.10-1005. Disqualification for Office.

No person who has been removed from an elective office by a recall election or who has resigned from such an elective office after a recall petition directed to him has been filed shall be eligible for election or appointment to any office of the (Township) Government within two (2) years after his removal or resignation.

§ 25.10-1006. Limitations.

No recall petition shall be filed against any incumbent of an elective office within the first (1st) year or the last nine (9) months of the term of his office or within nine (9) months after an unsuccessful recall election against them but no officer who has been re-elected for a successive term shall be subject to recall also during the first (1st) year of such term.

ARTICLE XI. TRANSITION AND SCHEDULE

Sec.

25.11-1101. Adoption.

25.11-1102. Effective Date.

25.11-1103. Transition to an Eleven (11) Member Council Election
Schedule and Transition Period.

25.11-1104. Temporary Ordinances.

25.11-1105. Continuity.

Cross References

This article cited in 323 Pa. Code § 25.3-303 (relating to composition); and 323 Pa. Code § 25.3-305 (relating to terms for members of council).

§ 25.11-1101. Adoption.

This Charter shall be submitted to a vote of the electors of Upper Darby Township at the primary election held in May, 1974.

§ 25.11-1102. Effective Date.

If this Charter is adopted, then it shall be in full effect for all purposes except those enumerated in this Article by the first (1st) Council meeting held in January, 1976.

§ 25.11-1103. Transition to an Eleven (11) Member Council Election Schedule and Transition Period.

A. *Election of November, 1975.* In this election the Mayor, four (4) Council members-at-large and seven (7) district Council members (one (1) from each of the newly established seven (7) districts) shall be elected. The Mayor shall serve for a four (4) year term as provided in § 25.4-401 of this Charter. Three (3) district Council members (from even-numbered districts: 2, 4, 6) shall also be elected for four (4) year terms. Four (4) district Council Members (from odd-numbered districts: 1, 3, 5, 7) shall be elected to two (2) year terms only. Of the four (4) Council members-at-large elected at this election, the two (2) persons receiving the highest number of votes shall serve for four (4) year terms; the two (2) persons receiving the next highest number of votes shall serve for two (2) year terms only.

B. *Election of November, 1977.* In this election, four (4) district Council members (from districts 1, 3, 5, 7) and two (2) Council members-at-large shall be elected. All Council members elected at this election shall serve for four (4) year terms and hereafter all Council members shall be elected for four (4) year terms as provided in § 25.3-305 of this Charter.

C. *Election of November, 1979 and Future Elections.* The Mayor, three (3) district Council members (from districts 2, 4, 6) and two (2) Council members-at-large shall be elected in November, 1979. The alternating pattern established in the elections of 1977 and 1979 shall continue thereafter.

D. *Commissioners.*

1. *Continuance and Redesignation.* At the time this Charter takes effect, the seven (7) Commissioners elected in November, 1973, shall continue to serve out the remaining two (2) years of their term. Each such commissioner shall, at the time this Charter takes effect, be designated a "Council member-at-large" and shall have all the powers and responsibilities of a Council member as provided in Article III.

2. *Vacancy.* If any of the seven (7) commissioners vacates his office after the date on which this Charter takes effect, such office shall remain vacant.

3. *Election of November, 1975.* Any of the seven (7) commissioners elected in November, 1973, may run for and be elected to any of the positions being filled in the election of November, 1975; provided, however, that if he is elected to this position then he must vacate his office (as Commissioner or under this Charter, Council member-at-large) and this office shall remain vacant.

E. *Majority Decisions during the Transition Period.* For the first two (2) years this Charter is in effect, Council shall be composed of at least eleven (11) and at the most eighteen (18) members. All decisions requiring the approval of a majority of the actual number of Council members at that time. All decisions requiring, by this Charter, the approval of six (6) Council members shall, for this period only, require the approval of a majority of the actual number of Council members. All decisions requiring the approval of seven (7) members of Council shall, for this period only, require the approval of a majority of the actual number of Council members plus an additional Council member.

§ 25.11-1104. Temporary Ordinances.

At its first (1st) meeting or at any meeting held within sixty (60) days thereafter, the Council may adopt temporary ordinances to deal with cases where there is an urgent need for prompt action in connection with the transition of government and in which the delay incident to the appropriate ordinance procedure would probably cause serious hardship or impairment of effective government. A temporary ordinance shall be plainly labeled as such and shall be introduced in the form and manner generally prescribed for ordinances. A temporary ordinance may be considered without prior notice and may be adopted, with or without amendment, or rejected at the meeting at which it is introduced. A temporary ordinance shall become effective upon adoption or at a later specified date; however, every temporary ordinance, including amendments made after adoption, shall stand repealed as of the ninety-first (91st) day following the date of adoption and it shall not be re-adopted, renewed, or otherwise continued except by adoption through the regular procedure established by this Charter.

§ 25.11-1105. Continuity.

A. All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter.

B. All Township ordinances, resolutions, rules and regulations which are in force at the time this Charter is adopted and which are not inconsistent with the provisions of this Charter shall continue in force until amended or repealed.

C. All Township departments, bureaus, administrative units, offices, agencies, authorities, boards, and commissions shall continue until modified by the provisions of this Charter.

ARTICLE XII. GENERAL PROVISIONS

Sec.

25.12-1201. Amendments.

25.12-1202. Election Procedures.

25.12-1203. Severability.

§ 25.12-1201. Amendments.

Amendments to this Charter shall be in conformity with the provisions of Act 62 of 1972, and as amended from time to time.

§ 25.12-1202. Election Procedures.

The procedure for the nomination and election of all Township officials shall be in accordance with the applicable provisions of the Pennsylvania Election Code.

§ 25.12-1203. Severability.

If any provision of this Charter shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the particular provision involved.

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